

2696

Lower Merion School District

301 East Montgomery Ave.
Ardmore, PA 19003

RECEIVED

2009 OCT 20 AM 10:28

October 20, 2009

INDEPENDENT REGULATORY
REVIEW COMMISSION

Via E-Mail: irrc@irrc.state.pa.us

Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, PA 17101

Re: Keystone Exams/Proposed Regulation #2696

Dear Members of the Independent Regulatory Review Commission:

On behalf of the Board of School Directors of the Lower Merion School District ("LMSD"), we respectfully submit these comments opposing Proposed Regulation # 6-312 (IRRC Record No. 2696) (the "Proposed Regulations"). In March 2009, LMSD passed a resolution opposing the Proposed Regulations. This letter has been unanimously authorized on behalf of the entire school board of LMSD.

The Proposed Regulations are amongst the most damaging to public education in recent years. For that reason, and those below, we urge you to reject the Proposed Regulations. While there could be some good contained within the Proposed Regulations for some school districts across the state, for many, like LMSD, they will result in greatly increased costs and reduced achievement. We urge the IRRC to reject the Proposed Regulations, and we further urge the State Board of Education to abandon its "one size fits all" approach to graduation requirements and to consider restricting the application of the Proposed Regulations to those school districts that request their applicability, or which the PDE, using research-based metrics, determines do not have appropriate curriculum and/or graduation standards. With this approach, rather than the rancor the State Board has generated from dozens of districts across the State, the State Board will likely obtain buy-in from most if not all of those constituencies now opposing the Proposed Regulations.

We urge you to reject the Proposed Regulations for the following reasons:

1. *The Report Containing the Initial Recommendation for High Stakes Testing Did Not Appropriately Account for the Preparedness of Graduates of Successful School Districts* – It is important to understand the background of the Proposed Regulations. Their history is relatively finite, and began with a study commissioned by the Governor, which concluded with the issuance of the "Final Report of the Governor's Commission on College and Career Success" (December 22, 2006). The Final Report recommended among other things high stakes testing to solve the alleged problem of unprepared Pennsylvania high school graduates. Many of the conclusions of the study were unfounded, and were not research based. In its Conclusion, the Report states:

“Walk into any high school. Chances are you will see an education system that is a mirror image of what high school was like 30 years ago.” (See Final Report, page 22.) We believe that this conclusion is overly broad and inapplicable to many successful public high schools across the State, including LMSD’s two high schools. And we have always been concerned that the Commission lacked *any* member who held an executive leadership position from a high achieving, non-urban school district like LMSD. We believe that this lack of representation might have biased the Final Report towards large, urban school districts in its Recommendations and Conclusions, to the detriment of school districts like LMSD. (See list of Commission Members, Appendix B.) *While the Final Report was issued almost three years ago, it is the origin of the predecessor proposal to the Keystone Exams that are the core of the Proposed Regulations.*

2. *If Underprepared Graduates are at Issue Due to High Schools That Are the Result of “Education System[s] That [Are] a Mirror Image of What High School[s] [Were] Like 30 Years Ago”, the State Board Should Provide Curriculum, Financial Aid and Other Resources to Those Districts That Need Them, But Should Not Hamper the Delivery of Education or Student Achievement in Other Districts That Do Not –* We urge the IRRC not to allow the State Board to “throw the baby out with the bath water”, as the Proposed Regulations will do. Instituting the Proposed Regulations will have far flung, adverse results on school districts that are already high achieving and do not need them. Those impacts have been addressed in many other sets of comments and in forums around the State. They will result in a reduction in achievement because of the high stakes nature of the Keystone Exams. As many would say, “if it ain’t broke, don’t fix it.” These Proposed Regulations, while potentially beneficial to some, aim to fix “issues” in many school districts that do not need those fixes. That is not to say that LMSD or any other school district is without imperfections, but that the Proposed Regulations will do far more harm than good for us.

3. *The Compromises to the Original GCA Proposal Made by Chairman Torsella Resolved Most if Not All of the Issues Raised by Those School Districts Concerned With the GCA Proposal –* This is simply untrue. While the Proposed Regulations are far more palatable in some ways than the original proposal, they still obligate school districts that do not want them or need them to expend significant local resources to comply with them, and the specter of the high stakes tests survives and has grown more severe with the requirement that the final exam in Keystone Exam courses count for at least 1/3 of the student’s final grade. This requirement is unproductive, removes an inordinate amount of local control from school boards, and is significantly punitive. For a student who obtains a score at the lowest passing grade to pass a course, but one who obtains a score one point below to get a “zero” on the test score, is utterly ludicrous. The imposition of this requirement reeks of political, not educational, demands. School districts that elect to have their own exams “approved” for use under this regime have already expended significant local tax dollars and resources into the creation of their own exams, and will now have to expend additional dollars, in a post-Act 1 world, for absolutely zero added benefit. For those school districts that do not have the resources or expertise to develop appropriate curriculum or exams, we are supportive of State assistance. But we do not want this additional layer of interference

or expenditure when we already are in conformity with State standards. The compromises made by Chairman Torsella are significant, but they do not change the beast. He has done an excellent job at making the Proposed Regulations appear more palatable, but at the end of the day, they remain a wolf in sheep's clothing.

4. *The Keystone Exams Will Help Improve Student Achievement* – This could be the most significant misleading assertion asserted by those advocating for the Keystone Exams. In short, there is no research or study that suggests that higher achievement will result from the implementation of these types of exams. Rather, these exams will be damaging to scores of districts that educate scores of thousands of students in the State, including, but in no way limited to, many of the largest suburban districts surrounding the largest cities of the State like Philadelphia and Pittsburgh. Unfortunately, the issue has become a political football of great import to some in the executive offices of Harrisburg, and the truth behind their disparate effects on different types of school districts across the State has been lost in the battle that has ensued. Education will be the loser in many parts of the State as a result.

There is a litany of other issues raised by the proposed implementation of the Keystone Exams, including the threat of increased drop-out rates (experienced in other states with similar regulations); the unholy alliance of extraordinary, unplanned costs in a post-Act 1 world and inflationary indices at the lowest levels in years; “dumbing down” or “flattening” of curriculum to satisfy the state exam requirements; duplication of programs already designed and in place to assist in remediating lower achieving students; double taxation of local constituents – first for developing curriculum suitable to the District, and second for legitimizing those assessments to the PDE or its appointed third parties; and adding yet another layer of state bureaucracy to administer the program, or farming the responsibility out to a third party, and in either case expending millions of additional dollars in costs that could be used directly for remedial and other scholarship purposes.

We respectfully urge the IRRC to disapprove the Proposed Regulations.

Sincerely,

Lower Merion School District

By: /s/ Jerold J. Novick
Jerold J. Novick,
Chair, Legislative Committee

2096

From: Jerry Novick [JerryN@PMCPPropertyGroup.com]
Sent: Tuesday, October 20, 2009 10:28 AM
To: IRRC
Subject: Keystone Exams - Comment Letter to the IRRC - 10-19-09.doc
Attachments: Keystone Exams - Comment Letter to the IRRC - 10-19-09.doc

Signed version to follow. Thank you.

RECEIVED

2009 OCT 20 AM 10:28

INDEPENDENT REGULATORY
REVIEW COMMISSION