

2696

EMBARGOED MATERIAL



Ephrata Area School District

803 Oak Boulevard, Ephrata, Pa 17522-1998

Phone:(717)-721-1513 Fax:(717)-721-1514

www.easdpa.org

INDEPENDENT REGULATORY
BOARD COMMISSION

2009 OCT 20 PM 1:02

RECEIVED

October 19, 2009

To Whom It May Concern:

Please accept this email as the shared opinion from Ephrata Area School District, Ephrata, PA.

The concept behind the Keystone Exams is positive, and we applaud PDE for its dedication to the provision of an assessment framework for measuring students' specific content knowledge as they progress through the secondary level system. The exams will reduce the great number of discrepancies that currently exist when measuring student progress between districts. They will offer a common FAIR framework by which to assess kids. We will know if our students have truly mastered the core standards within civics and government, biology, algebra I, etc.

However, we continue to have great concern regarding the weight value of the exams. We do not agree with the stipulation that their exam scores would count for 1/3 of their final grade. We work hard to make sure our courses reflect a balanced weight scale, with assessments being only one part of a student's overall grade. By mandating that the keystones be 1/3 of a student's grade, we will significantly hurt the students who are traditionally poor test takers.

Again, we do support the concept of Keystone Exams. However, there are stipulations/issues that will need to be addressed in the proposal before it is fully and effectively implemented.

Sincerely,

Gerald B. Rosati, EdD
Superintendent

2696

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From: Rosati, Jerry [G_Rosati@easdpa.org]
Sent: Tuesday, October 20, 2009 11:59 AM
To: IRRC
Cc: Rosati, Jerry; Felty, Robin
Subject: Keystone Exams
Attachments: DOC001 (3).PDF

Please see the attached letter regarding Keystone Exams.

You may contact me if you have any questions or concerns at (717) 721-1513.

Thank you,
Gerald B. Rosati, Superintendent
Superintendent
Ephrata Area School District
803 Oak Blvd.
Ephrata PA 17522
(717) 721-1513

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2009 OCT 20 PM 1:01
INDEPENDENT REGULATORY
COMMISSION

CONFIDENTIAL MATERIAL: This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If received in error, please notify sender by return e-mail and destroy all copies of the original transmission and any attachments.

Thank you. If you wish to view information about Ephrata Area School District, please visit our website at www.easdpa.org.

2696

EMBARGOED MATERIAL

From: Karen Thompson [ktmccd@live.com]
Sent: Tuesday, October 20, 2009 2:25 PM
To: IRRC
Subject: IRRC ISSUE # 2696

October 20, 2009

Arthur Coccodrilli, Chairman
Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, PA 17101
irrc@irrc.state.pa.us

RECEIVED
2009 OCT 20 PM 2:21
INDEPENDENT REGULATORY
REVIEW COMMISSION

RE: IRRC ISSUE # 2696
State Board of Education Final-Form Reg. No. 006-312
Chapter 4 Regulations – “Keystone Exams”

Dear Mr. Coccodrilli:

This letter is to oppose the State Board of Education (Board) Final-Form Regulation No. 006-312 which would revise the current Chapter 4 regulations and establish the “Keystone Exams”. Among a number of concerns about Regulation No. 006-312 are the following.

Provisions of Regulation No. 006-312 are more stringent than federal standards in that they require students to pass six high stakes exams in order to graduate. Federal standards do not endorse the withholding of the diploma based on high stakes tests.

As a result, the regulation will put Pennsylvania at a *competitive disadvantage*. An example is Maryland. Maryland requires students to take four high stakes tests as a step to graduation, however, that state reports that 30% of its students are allowed to graduate without passing those tests. The research is clear. High school graduates make substantially more money than people who leave high school with no diploma. They pay more taxes; participate more in the political process; and live longer, healthier lives.

As written, Final-Form Reg. No. 006-312 creates a threat to the health, safety and welfare of all citizens of the Commonwealth. In states where the high school diploma has been attached to student scores on high stakes tests, there has been an increase in the drop out rates as well as an increase in the incarceration rates (Pew Center: Report on the States 2008).

It is generally reported and rigorously documented that high school drop outs are financially immobilized with the annual earning capacity of an estimated \$19,000. They experience shorter lives than persons with a high school diploma due to the lack of health care. They live in poverty and cannot sustain themselves. They must access public assistance for food and shelter. They must depend on emergency room medical treatment. It costs tax payers billions of dollars when students are pushed out of high school with no diploma.

It is well documented that incarceration rates correlate highly with leaving school without a diploma. Health officials site prisons as breeding grounds for communicable diseases. Men especially are known to take such diseases as Hepatitis C and HIV from prison into the community.

Based upon the facts that Reg. No. 006-312 is more stringent than federal standards, that it puts Pennsylvania at a competitive disadvantage, and creates the potential for increased risks to society; please vote to disapprove the final form regulations.

Yours truly,

Karen Thompson
Concerned Parent Phoenixville Area School District
119 East High Street
Phoenixville, PA 19460-3216
610-917-2439

2696

Beaver Valley Intermediate Unit

147 Poplar Drive, Monaca, PA 15061

EMBARGOED MATERIAL

RECEIVED
OCT 20 PM 4:42
INDEPENDENT REGULATORY
COMMISSION

October 20, 2009

Dear Members of the Inter-regulatory Review Commission:

I am writing today on behalf of our district superintendents and the students they serve regarding the Keystone Exam regulations under review. I hope you will consider the consensus thinking of the school leaders from our region whose names and districts appear at the end of this letter. We are fully engaged in a regional effort to redesign our high schools. We anticipate and welcome changes in high school graduation requirements at the state level which will reinforce the rigor we believe necessary for our graduates to succeed.

Please know that our districts support challenging academic standards for graduation and recognize the value of common, end-of-course tests developed at the state level. We believe that the previous proposal to require students to pass six of ten exams to qualify for a high school diploma was a reasonable expectation, provided a consideration of career and technical preparation was afforded to students completing a vocational program. We also strongly support the elimination of the 11th grade PSSA, a test which requires suspension of most classes in a high school for up to two weeks, and endorse its replacement with PDE-supplied standard final exams.

However, the current Keystone Exam proposal currently under consideration includes two provisions which are, in our estimation, educationally inappropriate and likely to result in counterproductive and unintended consequences. These two provisions are in boldface below, taken directly from the proposed language:

*Keystone exams will be scored on a 100 point scale. When used to determine proficiency to meet high school graduation requirements **they shall count for one-third of the final course grade.** Students must score **advanced, proficient or basic on a Keystone Exam to receive points from the exam towards their final course grade.***

In regard to the second boldface, this provision requires that a score of zero (0) be assigned to a student whose efforts yield a performance-level score of Below Basic. Specifically, here are the primary problems with this provision:

- 1) If a student demonstrates knowledge or skills on a Keystone Exam, but fails to score above the Below Basic level, they are denied credit for any of that knowledge or those skills they *have* acquired. This is educationally unsound and unnecessarily punitive. If the test is scaled to 100 points, the student should be credited with whatever achievement they can demonstrate.
- 2) Those responsible for setting the performance level cut scores may be influenced by this punitive provision and feel compelled to lower the threshold when assigning score ranges for the four performance levels. This would be counterproductive, in that the goal of the Keystone Exams is to raise the bar for high school diplomas, not "dumb down" the expectations.

In regard to the first boldface - that the Keystone Exam score count for one-third of the course grade - the superintendents share several concerns:

- 1) As stated previously, we have no objection to stringent accountability measures to maintain the integrity of the diploma. However, if one-third of the grade is based on a test for which a score of zero may be assigned, even when the student demonstrates a yet-to-be-determined but otherwise inadequate percentage of the knowledge and skills associated with the course, we are likely to see the unintended consequence of disengagement by the students.
- 2) More and more of our schools are moving toward a mastery grading system, one in which progress toward clearly defined goals for achieving specific course concepts, content and skills is measured and reported, but not necessarily calculated as a percentage or letter grade. How and when will the Keystone Exam grades be reported, and how will they be incorporated into the multitude of grading systems and grading scales already in place within our high schools? If this provision is enacted, it would follow that the state will then have to dictate the grading practices of



the high schools to assure equitable influence of the Keystone Exam scores. While some consistency may be welcomed in this regard, the history of the Commonwealth's commitment to local control would indicate this is not a prudent selection for intrusion when a simpler and equally effective solution would be to revert back to the original proposal of requiring a specific number of exams be passed without interference in the local grading system.

- 3) If, as indicated in the proposed regulations, Advanced Placement (AP) and International Baccalaureate test scores may replace Keystone Exams, how will the schools use these to account for one third of a final course grade? AP tests are only given once per year in May, and the scores are not available until July. What is the conversion of AP scores, which are based on a scale of 1-5? And are schools to issue "incomplete" grades for its highest achieving students?

While there are other less significant objections to the current proposed language regarding high school requirements, the two cited above are of the greatest concern. We urge the IRRC to reject the current regulatory language and request that the State Board of Education reconsider previous proposals which do require students to pass a minimum number of tests in core subject areas. Requiring passing scores on a minimum number of state-provided final exams, including vocational assessments where applicable, affords the state the ability to maintain a higher standard for "pass" scores, eliminates undue influence on local grading systems, reduces complications associated with the use of AP tests, and yet maintains the integrity of the diploma. Such an approach would increase the likelihood that our PA high school graduates are indeed college and career ready, and would do so without experiencing the otherwise unavoidable negative consequences described above.

Thank you for your consideration of these concerns as you deliberate the merits of the regulatory language affecting students in Pennsylvania's public schools.

Sincerely,

Thomas Zelesnik

Thomas Zelesnik
Executive Director

Mr. David Wytiaz, Superintendent
Aliquippa School District

Dr. David C. Pietro, Superintendent
New Brighton Area School District

Dr. Erwin Weischedel, Superintendent
Ambridge Area School District

Mr. David Anney, Superintendent
Riverside Beaver County School District

Dr. John C. Hansen, Superintendent
Beaver Area School District

Mrs. Carolyn A. Wilkovich, Superintendent
Rochester Area School District

Dr. Donna M. Nugent, Superintendent
Big Beaver Falls Area School District

Dr. Michael A. Bjalobok, Superintendent
South Side Area School District

Dr. Paul T. Kasunich, Superintendent
Blackhawk School District

Mr. Robert Postupac, Superintendent
Western Beaver County School District

Dr. Daniel J. Matsook, Superintendent
Central Valley School District

Dr. Ron Sofo, Superintendent
Freedom Area School District

Dr. Charles M. Reina, Superintendent
Hopewell Area School District

Mr. Sean D. Tanner, Superintendent
Midland Borough School District

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From: Carla Ference [cbf@BVIU.org]
Sent: Tuesday, October 20, 2009 3:35 PM
To: IRRC
Subject: Keystone Exams
Attachments: KEYSTONE EXAM 102009.doc

Please see the attached letter from Mr. Thomas Zelesnik, IU #27 and the 14 Superintendents of the Beaver County School Districts regarding the Keystone Exams.

Thank you.

Carla B. Ference
Secretary to the Executive Director
Beaver Valley Intermediate Unit
147 Poplar Drive
Monaca, PA 15061
724-774-7800 Ext. 3006

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2009 OCT 20 PM 4:42
INDEPENDENT REGULATORY
BEAVER COMMISSION

Pennsylvania

Lehigh Valley Workforce Investment Board, Inc.

2696

Rec'd 10/21

1601 UNION BOULEVARD 8:48
PO BOX 20490
LEHIGH VALLEY, PA 18002-0490
610-841-1122
FAX 610-437-3527
www.lvwib.org

October 20, 2009

EMBARGOED MATERIAL

The Honorable Arthur Coccodrilli
Chairman
Independent Regulatory Review Commission (IRRC)
333 Market Street, 14th Floor
Harrisburg, PA 17101

Dear Chairman Coccodrilli:

I am writing to express my support for the final-form regulation 6-312 which would revise Pennsylvania's high school graduation requirements in Chapter 4 – Academic Standards and Assessments. I urge the IRRC to approve these regulations that will guarantee that all high school graduates, regardless of where they attend school, have achieved the state academic standards and have the educational foundation required to successfully transition to postsecondary education and 21st century occupations.

Since the Commission first reviewed the regulations more than a year ago, there has been significant work and compromise which has led to the regulations currently before you. These regulations strike the right balance between accountability and local control while providing the necessary supports for students and teachers to ensure struggling students have the extra help they need to succeed.

Clearly, we have a problem in Pennsylvania. Too many of our high school graduates don't have the basic skills and knowledge they need to compete in postsecondary education or the global workforce. I have seen compelling data which shows that one-third of our recent high school graduates attending the Pennsylvania State System of Higher Education universities or community colleges cannot take credit-bearing, college-level English or math courses. In addition, a Penn State study found that only 18 of the state's 500 school districts have acceptable local assessments to measure whether students are meeting the statewide academic requirements.

I support this compromise regulation, including the Keystone Exams, because they:

- Require districts to provide supplemental instruction for struggling students and allow for multiple opportunities for students to take and pass the exam or modules of the exam.
- Provide supports for teachers and districts, including voluntary model core curricula, diagnostics to identify struggling students early (no later than sixth grade), professional develop

Lehigh Valley Workforce Investment Board, Inc.

Count the Keystone exam as one-third of a student's final grade in the course. This is substantial enough to be consequential to the student without being an "all-or-nothing" test.

- Respect the Commonwealth's rich history of local control by allowing districts to use locally-designed exams provided they are independently validated to be aligned to the state standards and rigorous.
- Replace the 11th grade PSSA with the English literature and Algebra I Keystone Exams – resulting in a reduction in the amount of testing students are required to participate in.
- Place assessments closer to the point of instruction and assess smaller bodies of knowledge at one time as compared with one comprehensive test in 11th grade.
- Provide for a project-based assessment that allows students who have failed to score proficient on the Keystone exams to supplement their scores.

The number of students in Pennsylvania who graduate from high school unprepared to transition to college or careers is of major concern to me. This problem demonstrates the importance of a consistent system of assessment and supports to help students and teachers in all schools. These final-form regulations create such a system to the benefit of our young people, employers and Commonwealth.

I strongly support the final rulemaking and urge the IRRC to adopt them. Thank you for your consideration of my comments.

Sincerely,



Eugene Ervin, Chair
Lehigh Valley Workforce Investment Board, Inc.

Lehigh Valley Workforce Investment Board, Inc.

2696

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From: Lillian Rodriguez [lrodriguez@lvwib.org]
Sent: Wednesday, October 21, 2009 7:46 AM
To: IRRC
Subject: FW: ACTION REQUESTED -- please send letter of support to IRRC
Attachments: Support Letter for IRRC 10-15-09.doc

Importance: High

Good Morning:

On behalf of our Chair, Eugene Ervin of the Lehigh Valley Workforce Investment Board, Inc. please see the attached support letter.

Thank you.

Lillian

Lillian Rodriguez
Administrative Assistant
Lehigh Valley Workforce Investment Board, Inc.
1601 Union Boulevard, PO Box 20490
Lehigh Valley, PA 18002-0490
(610) 841-1184 Fax (610) 437-3527
Email lrodriguez@lvwib.org

INDEPENDENT REGULATORY
COMMISSION

2009 OCT 21 AM 8:48

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Auxiliary Aids and Services are available upon request to individuals with disabilities / Equal Opportunity Employer/Program

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From: Daryl & Michelle Festa [daryl-michelle@prodigy.net]
Sent: Tuesday, October 20, 2009 5:31 PM
To: IRRC
Subject: Final-Form Regulation 006-312 (Proposed Graduation Competency Assessments).

As the parents of four school-aged children, we wanted to voice our objection to the proposed Regulation 006-312, known as the Keystone Exams, for the following reasons:

- 1) There are already state-mandated exams, the PSSAs, to track student achievement.
- 2) States which have these exams already do not show improvement (e.g. California).
- 3) This will harm disadvantaged children in denying them a high school diploma which would enable them to find sustaining work and avoid dependency on public welfare systems.
- 4) Discriminates against minorities.
- 5) Merely tracks problem areas which are already known, and does nothing to correct problems i.e. improve performance of underachieving districts.
- 6) Imposes a grade upon our children (30% of final grade)
- 7) Will cause teachers to teach to yet another, undefined and undetermined test imposed by the government
- 8) Removes local control of our school district curriculum from our school board and gives it to officials which we did not elect
- 9) Increases costs to our state and schools which in this continued and prolonged economic downturn are unaffordable and, as discussed above, unnecessary.

We apologize for sending this less than 48 hours before your meeting, and hope you will reject this regulation on Thursday. Thank you.

Sincerely,

Daryl and Michelle Festa
3018 White Pine Drive
Gibsonia, PA 15044

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2009 OCT 21 AM 9:48
INDEPENDENT REGULATORY
BOARD COMMISSION

2696

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2009 OCT 21 AM 9:39

INDEPENDENT REGULATORY
REVIEW COMMISSION

EMBARGOED MATERIAL

**RESOLUTION OPPOSING PROPOSED
HIGH SCHOOL GCA/KEYSTONE EXAMS
by the Board of School Directors
East Pennsboro Area School District
September 10 2009**

WHEREAS, the East Pennsboro Area School District is currently preparing all students for success in college and the workplace; and

WHEREAS, students who have passed the local proficiency evaluations and have historically experienced placement and success in college could be denied the opportunity to attend even after offers of admission have been granted; and

WHEREAS, in the East Pennsboro Area School District, students who have not scored proficient on the PSSA have shown understanding of state standards through a variety of other local assessments; and

WHEREAS, the PSSAs and local assessments already provide districts with information about students in need of remediation; and

WHEREAS, there is a broad requirement for local assessments to be aligned with the state academic standards and include performance-level expectations to be comparable to the PSSA or Keystone Exams; and

WHEREAS, the Keystone Exams' proposal permits schools to use a local assessment option; these local assessments must be validated in order to be used at a cost yet to be determined. The proposal states that "PDE will establish a Local Assessment Validation Committee to develop criteria for the validation process and criteria for the selection of approved validation entities The committee's criteria for the validation process and criteria for selection of validation entities will be submitted to the State Board of Education for approval or disapproval." The cost of validation is to be evenly divided between the District and the State Board and has not been appropriated by the General Assembly at this time;

WHEREAS, the costs associated with validation yet to be determined will be an additional burden to school districts and taxpayers across this state, and the proposal requires school districts to absorb many new costs related to revising curriculum, professional development, test preparation and administration, remediation and other costs associated with amending standards to the new state model of curriculum being developed despite the legislative moratorium imposed and;

WHEREAS, the cost for the development and implementation of these exams approximates \$210,000,000 over the next seven years, and, in light of the current economic situation in this Commonwealth and the nation, the Governor, the State Board, the Department of Education, and the Pennsylvania School Boards Association should not be adding additional expenses to district and taxpayer budgets, and, with the

limitations of Act 1 on tax increases, school districts have limited ability to fund any potential new costs; and

WHEREAS, the artificial impact on a student's GPA that can result from the GCA/Keystone Exams through its disproportionate weighting of one-third of a student's final grade in the assessed course; and

WHEREAS, the addition of the GCA/Keystone Exams would reduce the number of instructional days and impose an unreasonable load of high-stakes testing on students who are already facing a burden of stressful standardized tests; and

WHEREAS, the introduction of GCA/Keystone Exams amounts to a state controlled curriculum that reduces the District's ability to provide a curriculum based on community needs and desires for education that focuses on developing in students a passion for learning, personal integrity, the pursuit of excellence and social responsibility; and

WHEREAS, the GCA/Keystone Exams will have continuing economic impact on districts operating under Act 1 fiscal constraints and on taxpayers across the Commonwealth, and these required expenditures have no proof of cost effectiveness; and

WHEREAS, the State, having already identified best practices related to local graduation competency assessments, can make available to all districts such assessments without the burden of adding GCA/Keystone Examinations and related expenses; and

WHEREAS, the Board of School Directors of the East Pennsboro Area School District recognize the need for a graduation/course competency exam, the current GCA/Keystone Exam Proposal does not represent a comprehensive assessment that accurately reports a student's academic progress in neither the assessed discipline nor the district's courses of study;

NOW THEREFORE, BE IT RESOLVED that the Board of School Directors of the East Pennsboro Area School District opposes the State Board of Education proposals to enact GCA/Keystone Exams in its current proposed format to determine whether our students have earned high school diplomas. This resolution will be shared with the State Board of Education, legislators, including local legislators and members of the Senate and House Education Committees, and the Independent Regulatory Review Commission.

Christine V. Ryznar
Secretary
9/10/09

Angela V. McMaster
President

2696

September 30, 2009

Arthur Coccodrilli, Chairman
Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, PA 17101
irrc@irrc.state.pa.us

EMBARGOED MATERIAL

RE: IRRC ISSUE # 2696
State Board of Education Final-Form Reg. No. 006-312
Chapter 4 Regulations – “Keystone Exams”

RECEIVED
2009 OCT 22 AM 10:07
INDEPENDENT REGULATORY REVIEW COMMISSION

Dear Mr. Coccodrilli:

This letter is to oppose the State Board of Education (Board) Final-Form Regulation No. 006-312 which would revise the current Chapter 4 regulations and establish the “Keystone Exams”. Among a number of concerns about Regulation No. 006-312 is the following.

The State Board of Education has failed to address the IRRC’s recommendation concerning the question of its statutory authority to determine specific graduation requirements. The General Assembly and members of the public continue to question the Board’s authority to set these requirements.

The changes proposed by Final-Form Regulation No. 006-312 will so drastically transform public education (and hence society) as to demand legislative review. Even so, the Board has ignored Legislative intent and proceeded in opposition to the will of the Legislature.

Clearly, the General Assembly declared its intent in a provision of Act 61 of 2008. The position of the General Assembly is, “a regulation to change or establish high school graduation requirements shall not be further promulgated, approved or proposed” in the 2008-2009 fiscal year. The Board began contracts for Keystone Exams in April and May of 2009.

As well, Senate Bill No. 281 provides that the Department of Education will not develop or implement such requirements until the General Assembly specifically appropriates funds for this purpose

Governor Edward G. Rendell has himself, in March of 2006, stated in his Amicus Curiae brief to the United States Court of Appeals, “Pennsylvania Constitution textually commits educational funding to the General Assembly. As a result, educational funding is determined through a legislative process in which the General Assembly must consider various fiscal and educational priorities”.

In July of 2008, the Independent Regulatory Review Committee recommended to the State Board of Education that they work closely with both chambers of the General Assembly and the Senate and House Education Committees to ensure that the final-form regulation is consistent with the intent of the General Assembly. The Board proceeded without doing so.

Based upon the failure of the State Board to address the question of its statutory authority as urged by the IRRC, I ask that you vote to disapprove Final-Form Reg. No. 006-312

Yours truly,

Name Margaret & Bruce Thompson
Title parents - advocates
Street 424 Oak State Rd
City, State, Zip Medina, PA 19063