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*House of Representatives*  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

COMMITTEES

EDUCATION, REPUBLICAN CHAIRMAN  
CAPITOL PRESERVATION, CHAIRMAN  
GAMING OVERSIGHT

October 1, 2009

Mr. Joseph Torsella, Chairman  
State Board of Education  
333 Market Street, Suite 100  
Harrisburg, PA 17120

Dear Mr. Torsella:

Upon reviewing the final form regulation package for 22 Pa Code, Chapter 4, Academic Standards and Assessments (#006-312), it appears that the revisions made between the version adopted by the State Board of Education on August 13 and the package submitted to the Standing Committees of the House, Senate and IRRC go beyond technical adjustments and make substantive changes that were not adopted by the Board.

For example, the August 13 version requires the Local Assessment Advisory Committee (LAAC) to submit its recommendations regarding the criteria for the local assessment validation process as well as the criteria for selecting the validation entities for approval or disapproval by the State Board [emphasis added]. Upon approval, the Department was to post the approved validation criteria, selection criteria and list of approved entities on its website.

The version transmitted on September 21 states that the purpose of the LAAC is to develop the criteria for the local assessment validation process as well as the criteria for approving the validation entities. Other than having two members of the State Board serving on the LAAC, the role of approving or disapproving both sets of criteria by the State Board has been removed as has the requirement for the posting of the criteria on PDE's website.

Additionally, the regulations adopted by the State Board on August 13 required the Department "in consultation with educators, students, parents and citizens" to develop and recommend to the State Board for its approval specific criteria related to the various levels of performance. According to the submitted package, the Department is to consult with the Performance Level Advisory Committee; however, the defined membership does not include students, parents or citizens. Furthermore, as noted earlier, "specific criteria for advanced, proficient, basic and below basic skill levels of performance" was to be submitted to the State Board by this Committee; this provision has been removed.

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Both of these examples result in less oversight and input by not only the State Board of Education but also the public and those affected by this major educational policy change.

Therefore, I am requesting you withdraw these regulations prior to IRRC's October 22 meeting until such time as the State Board has input on these and other substantive changes. I look forward to your favorable response.

Sincerely,



Paul Clymer, Chairman  
House Education Committee (R)

cc: The Honorable Gerald Zahorchak  
Secretary of Education  
State Board of Education Members  
Independent Regulatory Review Commission Commissioners ✓  
The Honorable Samuel Smith, House Republican Leader  
The Honorable Stanley Saylor, House Republican Policy Committee Chairman  
House Education Committee Members  
The Honorable Jeffrey Piccola, Majority Chairman  
Senate Education Committee  
The Honorable Andrew Dinniman, Minority Chairman  
Senate Education Committee