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## Pennsylvania Partnerships for Children

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Mr. Jim Buckheit  
Executive Director  
State Board of Education  
333 Market Street  
Harrisburg, PA 17126-0333

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INDEPENDENT REGULATORY  
REVIEW COMMISSION

Dear Mr. Buckheit: *Jim*

I am writing on behalf of Pennsylvania Partnerships for Children to express our support for the State Board's proposed revisions of Chapter 4 regarding high school graduation requirements. PPC is a strong, effective, and trusted voice for improving the health, education, and well-being of the Commonwealth's children. Our vision is that by 2014, PPC will have helped Pennsylvania move into position as one of the top 10 states in the nation to be a child and to raise a child.

To achieve its vision, PPC seeks substantial gains toward these public policy goals:

- All children enter school ready to learn.
- All children have access to health care that meets their needs.
- All children are raised in loving and knowledgeable families.
- All school-age children have access to effective after-school and youth development programs.
- All children have access to high quality public education.

Our comments are in three parts. First is a rationale for the need for this type of regulatory change. Second is a set of specific suggestions for improving your proposed regulations. Third is a refutation of some of the opposition that we have heard during the past several months and that we assume you will hear during this public comment period.

### Need for Revision:

All young people in Pennsylvania should have the opportunity and education to build productive and successful lives for themselves and their families. Pennsylvania should hold all its high school students – regardless of where they live, their race, income level, or future education or work-related aspirations – to

the same basic standards and assess them with comparable, validated tools. Since 1999, students in Pennsylvania have been required to demonstrate achievement of the state standards by scoring proficient or above on the 11<sup>th</sup> grade PSSAs or a local assessment that is aligned to the state standards to graduate from high school.

More than one in five Pennsylvania public school ninth graders fail to graduate from their high schools four years later. Data indicate the readiness of many of those who do graduate is worrisome at best; slightly more than 44 percent of our 2007 high school graduates failed to demonstrate proficiency on the PSSA in 11<sup>th</sup> grade, the 12<sup>th</sup> grade retake, or did not take the PSSAs but graduated based on local assessments. The latest data available demonstrate that these students are living all across our state - 473 school districts graduated at least 20 percent more students than demonstrated their proficiency on the 11<sup>th</sup> grade PSSA or the 12<sup>th</sup> grade retake. A total of 401 school districts graduated at least 30 percent more students than demonstrated proficiency; 280 school districts graduated at least 40 percent more students than demonstrated proficiency; and 148 school districts graduated more than 50 percent more students than demonstrated proficiency.

PPC recently updated this data to reflect 2007 high school graduates. We now have two years of data sets to compare. Unfortunately, we saw only a slight improvement of one percent more students being proficient (comparing 2007 graduates to 2006 graduates). However, more school districts performed worse than in 2006 when 461 districts graduated at least 20 percent more students than demonstrated their proficiency on the PSSA.

These figures themselves are frightening, but the costs associated with this failure – in college and work readiness, in lost wages earned and taxes paid, in college remediation, in lack of health care, and in criminal activity and incarceration – are startling. For instance, almost 40 percent of college students think they are not prepared for college, and more than 40 percent of their professors agree; also almost 40 percent of employers think high school graduates are not ready for entry-level work in their companies.

Far too many college students need remedial education. In data reported to the Pennsylvania Department of Education in May 2008 by Pennsylvania's fourteen community colleges, about 53 percent of first-year community college students, who were 18 to 21 years of age and recent high school graduates enrolled this past fall semester required remediation. This represents more than 15,000 students. Rates of remediation in some schools were well in excess of 50 percent and only four of the fourteen colleges reported a rate of much less than 45 percent. The Alliance for Excellent Education estimates that if community college remediation in Pennsylvania were reduced by just one course per remedial student, the savings would be nearly \$82 million per year.

Remediation is not just an issue for the Commonwealth's community colleges. At PASSHE institutions, 22 percent of entering freshmen required remediation at a cost of more than \$10.3 million a year. Students who take remedial courses are also much less likely to graduate from college. In fact, only 17 percent of college

freshmen who take even one remedial reading course will receive a bachelor's degree within eight years of high school completion as compared with 60 percent of students who don't need remediation.

We need to establish consistent statewide measurement of the minimum knowledge and skills that a public high school diploma signifies as well as a complementary system of academic supports to help students achieve. And that is what your Chapter 4 revisions propose. The State Board is not proposing to change the requirement that students need to demonstrate achievement of the state standards. The basic concept remains unchanged from the 1999 requirement. The Board is proposing to change how achievement is measured and to provide school districts a slate of options for measuring achievement.

The State Board's draft rulemaking requires that every Pennsylvania high school student demonstrate proficiency in the state academic standards in reading, writing, mathematics, science and social studies to graduate from high school beginning in the 2013-2014 school year. Proficiency could be assessed through one or a combination of the following:

- Graduation Competency Assessments (GCAs) – statewide end-of-course high school exit exams that are aligned to state standards in reading, writing, mathematics, science and social studies and that could replace current final exams.
- The PSSA administered in 11<sup>th</sup> grade or the 12<sup>th</sup> grade retest.
- Locally administered, validated criterion referenced assessments comparable to the GCAs. These local assessments must be independently and objectively validated by a vendor selected by the school entity from a list of approved vendors published every five years by the Secretary of Education after approval by the State Board of Education.
- Advanced Placement (AP) or International Baccalaureate (IB) exams that include academic content comparable to the appropriate GCA at a score established by the Secretary to be comparable to the proficient level on the appropriate GCA.

The proposed Chapter 4 revision also attends to the need to provide supports if we expect students to be successful – and since student success is the reason for undertaking this change in the first place, such supports are essential. We applaud the Board's inclusion of the following in the regulations:

- Requiring PDE to develop voluntary model curricula aligned with the state standards.
- Requiring PDE to assist districts in development of tutoring, remediation, and extended instructional time programs.

- Requiring PDE to provide opportunities for continuing professional education for teachers designed to improve instruction in core academic subjects.
- Requiring districts to provide supplemental instructional support for students not scoring proficient or above on PSSAs or GCAs.
- Requiring that GCAs be offered at least three times a year and allowing students to retake tests or individual modules of tests on which they are not proficient.

### **Improving the Regulations:**

PPC's support of these proposed regulations derives not only from the fact that they would institute a common-sense accountability system, but equally from the fact that they would provide important supports for student success. In that regard, we want to see the regulations strengthened, and here we offer specific suggestions related to:

- Required remediation.
- Testing accommodations for GCAs.

Remediation: Current regulations include inconsistent and we fear unenforceable provisions regarding district responsibility to provide remediation to students. This proposed rulemaking is much more direct in requiring mandatory remediation, a critical safeguard for students, but we believe it could and should be strengthened. You require that GCAs be developed and scored in modules so that students only need to retake those modules on which they are not initially proficient. This is one of the strengths of the GCAs and should clearly be the focus of remediation for individual students. We also believe the Board should provide more guidance as to the nature of the "supplemental instruction" called for in the proposed regulations, set a date certain for implementation, and provide accountability for district compliance and protections for students.

To that end, we would urge the Board to revise the proposed Section 4.24(c) as follows:

(c) Supplemental instruction.

**(1)** A student who does not score proficient or above on a PSSA administered in 11<sup>th</sup> grade or GCA administered in any grade shall be provided supplemental instructional support by the student's school entity.

**(2)** The supplemental instructional support shall **include effective student tutoring, remediation and extended instructional time programs and shall assist the student to attain proficiency in the State academic standards. The supplemental instructional support provided to an individual student may be**

limited to GCA modules on which the student has not demonstrated proficiency.

(3) Each school entity shall use the assistance from the Department under Section 4.4(e)(2) in designing its supplemental instructional support for students. This assistance shall be provided no later than the first school year following the adoption of this subsection.

(4) The Department shall determine the success of a school entity's supplemental instructional support in terms of the numbers of students who do not score proficient or above under paragraph (1) and who do score proficient or above following the receipt of such supports. In school entities that show insufficient progress, the Department shall have the authority to design and supervise the implementation of a substitute set of supplemental instructional supports. The Secretary shall report annually to the Board on progress under this subsection.

(5) School entities making insufficient progress under paragraph (4) shall not withhold diplomas from students solely because they have not scored proficient or above on one or more PSSAs or GCAs.

We also suggest a revision in proposed Section 4.4(e)(2) as follows:

(2) Assistance in the development of effective tutoring, remediation and extended instructional time programs, including interpretation and use of student assessment data in targeting supports at individual student needs, focusing on specific areas of student weakness rather than requiring repetition of entire courses or grades unless individual students need such repetition, and using resources effectively. The Department also shall notify school entities of the standards for successful supplemental instructional support under Section 4.24(c)(4).

Testing Accommodations for GCAs: Proposed Section 4.51(f)(8) provides that the "Department shall provide guidance to school entities as to the appropriate accommodations school entities shall provide to students with disabilities and English language learners, when appropriate." We think this is appropriate and important, but we also think the regulation should be clearer. Our collective objective should be that every student who needs testing accommodations to demonstrate proficiency of the standards receives those accommodations. But not every student with disabilities or every English language learner will need accommodations, and we should be sure not to create a new "back door" to high school graduation to replace the unvalidated local assessments.

We suggest the following revision of proposed Section 4.51(f)(8):

(8) The Department will shall provide guidance to school entities as to the appropriate accommodations school entities shall provide to students with disabilities and English language learners, as appropriate.

(i) The guidance shall specify the conditions under which students require accommodations and the nature of the accommodations based upon the needs of the students.

(ii) Each school entity shall use the guidance provided for in this paragraph in designing and implementing testing accommodations for its students.

(iii) Parents of students who believe their children are entitled to testing accommodations under this paragraph or in accordance with their IEPs under Section 14.131 may request the Department's assistance in assuring that appropriate testing accommodations are provided.

(iv) School entities failing to comply with the requirements of subparagraph (ii) shall not withhold diplomas from students entitled to testing accommodations solely because they have not scored proficient or above on one or more GCAs.

(9) The Department shall develop alternative forms of GCAs as needed to meet the testing accommodation needs of students.

#### What Others are Saying:

There are several points of opposition to these proposed regulations on which we would like to offer brief comments.

1. The State Board lacks the authority to institute this revision of high school graduation requirements and the state testing system. Sections 2603-B(a) and 2604-B(b)(v and vii) are clear grants of authority upon which the Board has established curriculum requirements, academic standards, and at least three different state testing programs over several decades.
2. Graduation competency assessments are one high-stakes graduation test. A straightforward reading of Section 4.24(b)(4-5) makes clear that this is not the case. The State Board proposes that a total of ten GCAs be developed: three in mathematics, two in English/language arts, three in the social studies and two in science. The math GCAs would cover academic content traditionally included in Algebra I, Algebra II and Geometry. The reading and writing GCAs would cover academic content traditionally included in high school literature and composition courses. The social studies GCAs would cover academic content traditionally included in American History, World History and Civics and Government. The science GCAs would cover academic content traditionally included in Biology and Chemistry. To be deemed proficient for purposes of graduation through the series of GCAs (in lieu of the PSSA, local assessments or AP/IB), students need to demonstrate proficiency on the two English/language arts GCAs, any two mathematics GCAs, one of the science GCAs and one of the social studies GCAs.

3. The proposed regulations would burden students with additional tests. This is not true because all but one of the options prescribed in the rulemaking for demonstrating achievement of the academic standards already exist. Students currently take the PSSA, local assessments, and (for certain students) Advanced Placement or International Baccalaureate tests. GCAs are the only "new" test under the rulemaking. However, their utilization will not result in students taking more tests because they are intended to replace final exams (see Section 4.52(d)(10)). Therefore, the proposed rulemaking should not add to the current regimen of testing.
4. The proposed change is unfair to students with disabilities and English language learners. Section 4.24(e) provides that students with disabilities will continue to receive regular high school diplomas by meeting the goals in their individualized education programs (IEPs). While Section 4.51(d)(8) attempts to deal with the need for testing accommodations for students with disabilities and English language learners, we think the language is not strong enough and have, therefore, recommended strengthening the proposed regulation (see pages 4-5 of this letter).
5. The proposed change is unfair to career/technical students. It is entirely fair. The state academic standards represent the core concepts and competencies that all students must master by the end of high school regardless of their next steps in life. Graduates can and do change jobs and career paths at a dizzying rate in today's economy. Common, basic expectations will help ensure that all students are prepared for every career and educational opportunity in their lives.
6. End of course exams have failed in other states. Virginia has a system of academic supports and end of course exams that is substantively comparable to what the State Board of Education is proposing. The exams were implemented in 1998. Student achievement has improved, and dropout rates have not increased. In 2007, passing rates were at or above 90 percent in reading, writing, algebra I, chemistry, and world history II. They were only slightly lower in algebra II, geometry, and biology. In all cases, these scores are significantly higher than they were in 1998. In addition, scores for most student subgroups have also improved on most of these assessments. Where they have not, the 2007 passing rates were still between 83 percent and 91 percent. States that have not seen much success from end of course exams have failed to design appropriate supports for students and schools. Pennsylvania is proposing to couple the accountability of end of course exams with a strong system of supports.
7. The proposed regulations eliminate local control. The proposed rulemaking leaves in place the core requirement that in order to graduate, students must demonstrate achievement of the state standards by scoring proficient or above on the 11<sup>th</sup> grade PSSAs, or a local assessment that is aligned to the state standards to graduate from high school. It provides school districts additional options for students to demonstrate achievement through

the GCAs, and Advanced Placement and International Baccalaureate tests and the rulemaking establishes how a local assessment can be validated as being aligned with the state academic standards. Other graduation requirements, such as course requirements, grades, and graduation projects would continue to be controlled by local district policy.

8. The proposed regulations will impose unfunded state mandates. Like the PSSA, the Department of Education would be charged with developing and administering GCAs, and if GCAs are used as final exams, that would free up time that teachers currently devote to developing their own tests. In addition, the regulations require the state to provide to districts and their personnel technical assistance, professional development, and a voluntary model curriculum. It is noteworthy that at the same time this rulemaking is moving forward a proposal to fully fund a new basic education formula based on the Costing-Out Study is under consideration in the legislature.

We understand that numerous school districts have passed resolutions opposing the proposal. We know that the State Board and IRRC do not make their decisions based on popular sentiment, but you might be interested in knowing that despite the resolutions, public opinion supports the proposal. On May 14, PPC released results from a poll by Susquehanna Polling and Research which was conducted in May 2008 and included 800 registered voters. We asked two questions, the first of which is directly related to the issue of community college remediation. The exact polling question read: *Pennsylvania community colleges widely report that about half of incoming freshmen must take at least one remedial course in math or reading prior to taking college-level courses. Should the state do more to assure that high school graduates are better prepared for college and career?* Eighty-two percent responded favorably and said they agreed the state should do more to assure high school graduates are better prepared for college and career.

We also asked the voters what they thought of the exact proposal under consideration. The question was as follows: *The state has recently proposed new guidelines that would revise high school graduation requirements to require that high school students meet certain statewide standards to prove they are proficient in basic skills like reading, math, science, writing and social studies in order to graduate. These assessments, scheduled to take effect in 2013, would replace traditional end-of-course final exams, and remediation courses would be required for students who do not pass them in order to graduate. Supporters of these new regulations believe they will help ensure that all students graduate with a minimum level of knowledge and skills, while opponents believe they would take away local control from school districts. (ROTATE ARGUMENTS)*

*Which viewpoint best represents your own?*

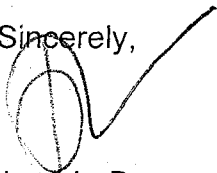
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|---|-----|
| 1. Support/best way to ensure kids graduate | 58% |
| 2. Oppose/take away local control           | 24% |
| 3. Undecided/None                           | 18% |



Despite many resolutions from school boards across the Commonwealth opposing the proposal, supporters outnumbered opponents by nearly a 2.5 to 1 margin. Support was equally strong among Republicans, Democrats, liberals, conservatives and voters who are the age of parents with school-age children.

We know the Board is under considerable pressure and hope our voice and the voices of other supporters can put these proposed regulatory changes in some perspective. We urge the Board to do what it normally does – listen to constructive criticism to improve the proposed regulations, consider the merits of opposing arguments, and move forward to do what is in the best interests of Pennsylvania's children. We believe that is to approve regulations instituting a common-sense accountability system and the supports students will need to succeed.

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized 'J' followed by a checkmark-like flourish.

Joan L. Benso  
President and CEO