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**Subject:** Chapter 4 Regulation: Graduation Competency Assessments

Mr. Buckheit, Rep. Stairs, Rep. Roebuck, Rep. Kirkland, Rep. McIlvain Smith:

Please be aware of the NAACP Position on the proposed Graduation Competency Assessments.

Thank you.

Joan Duvall-Flynn  
Education Committee  
PA State Conference of NAACP Branches

6/3/2008

**PA State Conference of NAACP Branches Education Committee  
Position Paper  
Proposed State High School Graduation Requirements**

Preamble

The State Education Committee of the Pennsylvania State Conference of NAACP Branches stands with the NAACP National Education Department in its overall goal to ensure that all students have access to an equal and high-quality public education by eliminating all education related racial and ethnic disparities.

Moreover, State Education Committee of the PA State Conference of NAACP Branches holds with Section VII of the *National NAACP Call to Action in Education* as cited:

High-stakes testing used to retain in grade or to deny diplomas based on a single test (including retakes), exacerbates the disparate impact of resource inequality for children of color. A growing body of research and expert analysis reveals that punitive sanctions attached to a student's performance on a single test are unfair, ineffective, and contrary to widely accepted standards of the assessment and psychometric professions, and potentially in violation of civil rights law and the federal constitution. Specifically, penalizing students by testing them on information that they have never been taught raises both pedagogical questions and constitutional questions of due process (p. 13).

The State Education Committee of the PA State Conference of NAACP Branches also stands with the related "Recommendation" of Section VII of the *National NAACP Call to Action in Education*:

Before shifting accountability burdens onto the shoulders of children, state and local educational agencies must ensure that all students have an equal opportunity to learn the tested curriculum (p. 13).

Fundamentally, the Education Committee of the PA State Conference of NAACP Branches maintains that education is a civil right. We hold that the high school diploma defines a young citizen's relationship with society and provides access to the economic mainstream of this county and to that of the world as a whole.

We oppose the withholding of the high school diploma based on the results of any one high stakes test established to insure an undefined concept (*post high school success* [State School Board, "Discussion Paper", January, 2008]), that

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rests on an unsupported assertion (that certain test scores are *essential to that success* [ State School Board, "Discussion Paper", January, 2008] ).

We maintain that such a state regulation is detrimental to the children and families of Pennsylvania; an unnecessary economic and fiscal burden on the general public, the private sector, the Local Education Agencies, and the Commonwealth overall. We believe it to be unreasonable, not in the public interest, and demanding of legislative review.

**Economic or fiscal impact of the regulation on the private sector:**

As to the fiscal and economic impact of the regulation as it pertains to the quality of life of Pennsylvania's citizens, the State Education Committee of the PA State Conference of NAACP Branches stands with Section VIII of the *National NAACP Call to Action in Education*:

Obtaining a high school diploma remains among the most prominent points of demarcation between the "halves" and "have-nots" in American society. Compared to diploma recipients, those who earn a GED have a much higher rate of unemployment and are much more likely to need welfare or other forms of government assistance. The economic implications of student' failure to earn a high school are staggering, and increasingly so as our economy becomes more dependent on the service and information industries (p. 15).

Withholding the high school diploma will limit the quality of life available to millions on Pennsylvanians, preventing access to basic needs. It will impact the kind of nutrition they can afford, the kind of housing they can afford, the kind of health care they can afford, the amount of education they can provide for their children, as well as their capacity to participate in the private sector economy of the State.

**Economic or fiscal impact of the regulation on the Commonwealth:**

According to the "Discussion Paper" (January 2008), PA State Board of Education believes that "establishing a baseline for high school graduate achievement in reading, writing and mathematics is essential for their "post high school success". "Post high school success" is an unidentified concept having no clear and specific definition. Ergo, the plausible position is that *post high school success* is achieved in numerous ways by determined individuals. As well, a finite set of factors known to result in the various forms of "post high school success" have not been delineated by State Board of Education as revealed and/or demonstrated by rigorous research.

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Hence, a state action at such monumental cost to the tax payers should not be imposed on its children and families; based on an arbitrary and unsupported assertion. Countless and unpredicted dollars will be spent, not only to develop and to produce; but potentially to remediate for the proposed new assessments.

Much has been written about the key educational disparities in school resource equity, teacher quality, parent and family engagement, and early childhood opportunity gaps. The March 2008 report by President Bush's *National Mathematics Advisory Panel* substantiates, through a rigorous two year study carried out by national experts, the reality of these key educational disparities, and supports the notion that the punitive nature of the Pennsylvania State Board of Education's proposed High School Graduation Requirements most assuredly raises pedagogical questions. Furthermore, the findings and recommendations of the Panel may well raise constitutional questions of due process; specifically in the area of the State Board's use of mathematics test results in connection with awarding the high school diploma.

National Mathematics Advisory Panel states:

The Panel also notes that a state's (or a country's) mathematics standards, however highly their quality may be judged, cannot ensure high student achievement. For example, the six leading states in the Fordham study exhibit a wide range of student achievement on the 2007 NAEP mathematics tests for Grades 4 and 8. The quality of a state's assessments and the extent to which its standards drive sound school curricula, as well as appropriate programs for teacher preparation and professional development, are intervening variables that strongly influence achievement. They may well override the quality of the standards (p. 21).

**Economic or fiscal impact of the regulation on the Local Education Agencies:**

Concurrent with simultaneous statewide efforts at property tax relief, under the new regulations, to maintain local dominion over exit assessments, LEAs will be left to incur the recursive cost of outside agencies to substantiate the on-going alignment of their tests with the state GCA.

As well, to operate under the new regulations, LEAs will incur the cost of additional professional development, remediation to a specific test, and realignment of curriculum to a specific set of tests as well as the cost inherent to meeting reporting functions.

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**Protection of the public health, safety and welfare and effect on the Commonwealth's natural resources:**

Children and the creative ingenuity of the young are the most valuable natural resources of the Commonwealth. To systematically eliminate (through the denial of a high school diploma) what is currently estimated at nearly 45% of this natural resource from its potential to earn income is an assault against the welfare of the Commonwealth in a number of ways; each supported by current research:

- It is an assault against the public health in that it limits access to health care and the preventative measures available through such.
- It limits the kind and quality of health care leading to premature and unnecessary death from treatable diseases.
- It leads to unemployment, hence potential homelessness and the vulnerability inherent to a lack of shelter.

**Feasibility and reasonableness of the regulation:**

The Pennsylvania State Department of Education describes the current Pennsylvania State System of Assessment (PSSA) as *rigorous*. In addition, PSSA test results drive LEA policies that currently limit student access to higher level courses and foreign languages. In addition, based on the trust assigned to this system, as well as its disaggregated data, explicit public conversations are held concerning the gap in performance among students of color and other identified groups. Indeed, professional development workshops have been created, preparation manuals have been published and school resources have been invested based on the reported State System results.

It is not feasible to further burden tax payers with the cost of developing, distributing, regulating and monitoring a system that duplicates an already onerous statewide obligation that has been established as sufficient to engender and to support this level of public activity.

It is not reasonable to require further economic penalty on the states children and families given the weight and credibility that has been assigned to the current system.

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**Is the regulation of a substantial nature to require legislative review?**

This regulation demands legislative review.

- The regulation poses the threat of ongoing litigation against the Commonwealth.
- The regulation is an economic threat to potentially 45% of the of Pennsylvania's young citizens,
- The regulation poses a threat to the public health, safety and welfare of the Commonwealth, and
- The regulation poses an economic burden on the tax payers that duplicates a service for which they already pay.

**Parameters to the NAACP Position:**

As there is current and on-going research in the field of education, and as there are ever unfolding events within the social order, we reserve the right to revise and/or to extend this position.

Education Committee, PA State Conference of NAACP Branches

March, 2008