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June 9, 2008

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INDEPENDENT REGULATORY
REVIEW COMMISSION

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

Subject: Proposed Academic Standards and Assessment, 22 Pa. Code, Chapter 4
Comments and Position Paper of LDAPA

Dear Mr. Buckheit:

On behalf of the Learning Disabilities Association of Pennsylvania, we thank you for this opportunity to present our comments regarding the proposed revisions to 22 Pa. Code, Chapter 4. LDAPA is the only recognized non-profit organization representing the interests of those children and families affected by specific learning disabilities in the state. In the most recent PDE Data Facts for 2006-07, children with specific learning disabilities clearly represent the largest segment of students being served by special education programs and we advocate for their interests in this matter.

LDAPA has grave concerns regarding the impact of this new mandatory testing as it relates to students with specific learning disabilities and to children 'at risk' who may not, as yet, be identified. Additionally, unlike the opportunities provided for participation and public comment with 22 PA Code, Chapter 14, this proposal has not been adequately reviewed nor addressed the concerns of many diverse groups and organizations. We agree with the issues outlined in the "Joint Statement in Opposition to GCAs" and incorporate same by reference. LDAPA's specific comments regarding individual areas of concern are attached.

Furthermore, testing of this nature is discriminatory and makes children victims twice, first when they do not receive a fair and effective education through no fault of their own. The second time is when they are denied a diploma after twelve years of public schooling and meeting the requirements of their respective school districts. If Pennsylvania adopts this proposed graduation requirement, we will all pay in the long term with more welfare, unemployment, incarceration rates and all the social and economic problems associated with the failure to provide a "free and appropriate public education."

Mr. James Buckheit

June 9, 2008

We appreciate this opportunity to present our issues of concern and thank you for your thoughtful consideration. If we may provide additional information or assistance, we would be happy to do so for both the State Board and IRRC in any way that would be helpful in this matter.

We fully understand the ongoing financial demands of instituting this proposal and the future ramifications of this endeavor on the lives of students with specific learning disabilities and their families.

Very truly yours,



Sharyn Denham
On behalf of LDAPA



Deborah Rodes, President
Learning Disabilities Association of PA

Attachment: LDAPA's Specific Comments
Enclosure: Joint Statement in Opposition to GCAs

cc: Arthur Coccodrilli, Chair, IRRC
Senator James J. Rhoades, Senate Education Committee
Senator Jeffrey E. Piccola, Senate Education Committee
Senator Raphael J. Musto, Senate Education committee
Representative James R. Roebuck, Jr., House Education Committee
Representative Patrick J. Harkins, House Education Committee
Representative Lawrence H. Curry, Subcommittee on Higher Education
Representative Thaddeus Kirkland, Subcommittee on Basic Education
Representative Barbara McIlvaine Smith, Subcommittee on Special Education
Representative Jess M. Stairs, House Education Committee
Representative Thomas P. Murt, House Education Committee
Representative Beverly Mackereth, Subcommittee on Basic Education Committee
Representative Bernie O'Neill, Subcommittee on Higher Education
Representative Kathy Rapp, Subcommittee on Special Education
Representative Sam Rohrer, House Education Committee
Representative Dennis O'Brien, Speaker, House of Representatives

LEARNING DISABILITIES ASSOCIATION OF PENNSYLVANIA COMMENTS
CHAPTER 4 - ACADEMIC STANDARDS AND ASSESSMENT PROPOSAL

As advocates for children with specific learning disabilities, LDAPA cannot support the proposal to amend 22 Pa. Code, Chapter 4, Academic Standards and Assessment, that would require mandatory testing in multiple areas in order to achieve high school graduation. Our specific areas of concern are as follow:

§ 4.3 - Creation of new test requirement - Pennsylvania already has the PSSA and the need for another test is both unnecessary and financially irresponsible. The proposed GCAs would put more stress on students with learning disabilities. The requirement, that all public school students pass six of the GCAs in order to graduate and receive a diploma, usurps the role of local school districts and renders local assessments invalid.

The State Board has expressed frustration with the results of the PSSA test results and number of students who have graduated without scoring proficient on said tests. The implication is that Pennsylvania's students are not adequately prepared for the demands of higher education or employment. Furthermore, it was stated that 25% of our students do not graduate from high school on time after nine years of reform efforts. How will another test improve these statistics? If anything, it clearly indicates that testing is not the answer and we need to address those areas where students are not receiving a thorough and effective education. It also calls into question whether some of these students have unidentified learning disabilities and have "fallen through the cracks."

Students with identified disabilities can qualify for graduation through their IEP or receive accommodations on GCA testing but the language is unclear and standardized tests do not adequately reflect student knowledge. Students with SLD need to demonstrate knowledge in multiple forms, such as presentations, projects and portfolios. One-size-fits-all testing can neither meet these needs nor adequately measure the proficiency of students with learning disabilities.

Our concerns are even greater for those children who may not have been identified as having a specific learning disability. Students will now be subject to the new Chapter 14 regulations that include the choice of either Response to Intervention (RTI) or the discrepancy method between intelligence and performance. Many schools will be implementing this Regular Education Initiative, however, it is in its infancy and the effectiveness is yet to be determined. Furthermore, PDE needs to establish strong guidelines and oversight to ensure parental rights and notification to protect students who may have special needs but are not yet identified.

§ 4.24 – The proposal includes supplemental support to assist any student who does not score proficient or above on the 11th grade PSSA or GCA. This does not address who would be responsible for the support or how it is to be accomplished in accordance with a student's IEP. How will students be tracked and what are the reporting requirements and costs associated with testing, remediation, progress monitoring and maintaining records?

Additionally, if students who pass the 11th grade PSSA and do not pass the GCAs may graduate when they score proficient, it would appear to render the GCA redundant and a duplication of our existing assessment as previously stated. This is not in the best interest of Pennsylvania's students or taxpayers.

Students in economically challenged inner city and rural school districts will be at a greater disadvantage due to the overwhelming additional costs and limited tax base. Children with learning disabilities in such settings will be unable to meet this additional burden and simply dropout. This result is unacceptable and ultimately discriminates against students most in need.

Vocational Technical Schools - Many students with learning disabilities, who previously entered vocational-technical schools, will be required to pass the GCAs in addition to the testing in their vocational field and find this challenge too great. Vocational-technical schools will have to alter their curriculum to meet the testing requirements at the expense of technical instruction. This will have a detrimental impact on the quality of technical instruction previously provided.

Dropout Rates – The overall impact of the proposed Chapter 4, Academic Standards and Assessment, will be increased dropout rates and a less educated labor pool. In states where these tests have been pushed through, (Texas and California specifically) according to Fair Test Examiner, Jan. 2007, the dropout rates have substantially increased. Although the high costs involved with testing are significant, nothing compares to the much greater cost in unemployment, poverty, higher crime and all the social and economic hardships associated with the failure to educate our young people. Those most at risk are the very ones who will suffer the greatest injustice of all, the failure to receive “A free, appropriate public education.”

High-Stakes Costs – The proposed costs involved in the development of and yearly execution of the GCAs is prohibitive. The estimated costs have been projected as \$50 million to develop these tests and an additional \$40 million annually to administer. This burden will be on Pennsylvania taxpayers for years to come and will have a lifelong impact on those children who will be “Left Behind” without a high school diploma.

Taxpayer money would be better spent in areas such as intense intervention services at the K-3 level, initiating new evidence-based reading programs for all state schools, and teacher training and transition programs for students from elementary to middle school and continuing to high school. Such programs have proven to be successful in raising education standards but high-stakes testing has not been established as a means to improve student proficiency in states where implemented.

Testing is but one measure of a student's ability and performance and does not take into consideration the individual student. Many children are poor test takers and that is not a true indication of the student's knowledge nor does it reflect the quality of the instruction received. Using test results as the sole measure of a student's worthiness to receive a high school diploma is unconscionable and does not ensure its value.

JOINT STATEMENT IN OPPOSITION TO GCAs

We, the undersigned organizations, representing hundreds of thousands of Pennsylvania citizens including parents, teachers, students, children with disabilities, gifted children, members of minority groups, school principals, school superintendents, and school board members, oppose regulations proposed by the State Board of Education that essentially would mandate high stakes standardized high school exit exams. The Graduation Competency Assessment (GCA) proposal would result in denial of diplomas to students if they do not score "proficient" on statewide standardized tests. Our concerns include:

- A paper and pencil standardized test is a very imperfect measure of what students have learned. Current regulations require each school district and area vocational technical school to create a local assessment system, of which local graduation assessments are a part. Local graduation assessments must be aligned with the state academic standards and be used to determine the degree to which students are achieving the standards. Local assessment systems, including the local graduation assessments, must include a variety of assessment strategies, including portfolios and research papers, presentations, projects and assignments, results of exams, scientific experiments, works of art, and musical or theatrical performances. These types of assessments provide a richer, more accurate and fairer measure of what students know than can a few paper-and-pencil tests. The state should not override these "local assessments" with one-size-fits-all standardized tests.
- While the proposal continues to allow the use of local assessments for graduation purposes, it creates numerous costly barriers in the name of test "validation" that would be a disincentive for most school districts to continue using local graduation assessments. The proposal also allows the use of Advanced Placement and International Baccalaureate exams as a graduation test; however, these programs are limited in their availability to Pennsylvania high school students. Therefore, the only option for high school graduation for most students under this new proposal would be scoring proficient on the PSSA or on six out of 10 GCAs. For all practical purposes, there would be no local option for students to graduate.
- If the state has concerns about local assessments, the proper first step would be to analyze local graduation assessments. Local assessment systems may be, in fact, a better measure of students' knowledge than the PSSA. It is premature to impose a new set of standardized tests on students in 501 school districts prior to a formal evaluation of the local assessments they currently utilize.
- Denying a student a high school diploma has serious long-term negative effects on that student's life, as well as significant social costs. Before fundamentally altering Pennsylvania's system and structure for earning a diploma, the state must be sure that the change will not unfairly hurt our young people. It would be appropriate to first audit the local graduation assessments of various districts to determine why some students do not score "proficient" on a PSSA test but do show, through local assessments, that they have mastered the curriculum. It is inappropriate to assume that paper-and-pencil standardized tests are so accurate that students who do not score highly enough should not be able to graduate from high school.

- The differences between the number of students who score “proficient” on the PSSA and the number of students who show they are “proficient” through local graduation assessments must be considered in light of the fact that the PSSA was not designed to be an exit exam. In fact, thousands of students who scored “basic” on the PSSAs have gone on to college without any need for remediation. Some GCA proponents say that students who do not score “proficient” on the state PSSA cannot even read at grade level. That is not what a basic score on the PSSA means. Such a claim has never been supported by any data and has, in fact, been disproved. The state’s own PSSA validity study (HumRRO), which reviewed students at three Pennsylvania universities, shows that several thousand students in those universities who scored basic on the PSSAs, in fact, went on to college with no need for remedial classes. Among all three universities, 58.7% of students who scored basic or below on the PSSA tests took at least the standard level Math or English college course. That is, most students who “failed” the PSSA enrolled in nonremedial college courses in the same subject area(s) in which they failed. (Andrea L. Sinclair and Arthur A. Thacker, (2005) Relationships Among Pennsylvania System of School Assessment (PSSA) Scores, University Proficiency Exam Scores, and College Course Grades in English and Math, (HumRRO FR-05-55) Tables 16, 17, 18, 19, 20.)
- Dropout rates have increased significantly in states that have begun to use a high stakes exit exam. (Warren, J.R., Kulick, R.B., & Jenkins, K.N. 2006. High school exit examinations and state-level completion and GED rates, 1975 through 2002. *Education Evaluation and Policy Analysis*, V28, N2: 131-152) (Dee, T.S. & Jacob, B.A. 2006. Do high school exit exams influence educational attainment or labor market performance? Social Science Research Network, April) (Radcliffe, J. & Mellon, E. May 12, 2007. TAKS tests cost 40,000 Texas seniors chance to graduate, Houston Chronicle.) (FairTest Examiner. January 2007. Exit exam update: WA, TX, CA, AZ, MA). There are costs, both human and financial, of putting kids out on the street who are willing to come to school, want to come to school, and want to do their work, but know they are not going to do well on paper-and-pencil standardized tests. Minority and ELL students have been especially hard hit.
- Career and technical education students would be disproportionately harmed by the GCA proposal. Students in career and technical centers spend much of their time learning specific professions. While math content is woven through some vocational courses, it is in a different format than is provided in an academic Algebra II class. Career and technical education students take professional exams in the areas in which they have been trained. Yet, both the student who takes a college preparatory, academic Algebra II class, and the student who learns the practical application of Algebra II concepts in his or her profession would be judged on the same academic Algebra II test.
- No formal cost analysis of developing, distributing, and administering GCAs has been provided, but it is clear that the minimum costs will run into the tens of millions of dollars. In his 2008-09 budget proposal, Governor Rendell proposed spending \$15 million for the development of three of the 10 required GCAs. These costs will increase significantly because the GCAs must be administered at least three times per year, which will require three different versions of each test. The expense is even greater when the cost of providing remediation in the various components of all of the tests is added. In the end, hundreds of millions of dollars are at stake -- all for a type of testing system that

has not been shown to improve student achievement but has been shown to have negative effects on student dropout rates, on curriculum offerings, and on the success of minority student populations.

- No matter what financial outlay it would take to develop and implement GCAs, that money could instead be used to make a positive difference in students' lives and achievement -- i.e. it could be used for evidence-based programs and initiatives. These could include: establishing parental involvement programs; reducing class sizes in the early grades; funding transition programs to help students move from elementary to middle school and from middle to high school; providing safe, professional working conditions for teachers and students; instituting funding equity; or other evidence-based initiatives.

The undersigned organizations respectfully request that the Pennsylvania General Assembly reject the proposed Graduation Competency Assessment regulations:

**American Federation of Teachers
Pennsylvania (AFT-PA)**

The ARC of Pennsylvania

**Autism Society of America/PA
Government Relations Work Group**

**Disability Rights Network of
Pennsylvania**

Education Law Center

**Learning Disabilities Association of
Pennsylvania (LDAPA)**

**Mental Health Association in
Pennsylvania (MHAPA)**

**NAACP - Pennsylvania State Conference
of NAACP Branches**

**National Center for Fair & Open Testing
(FairTest)**

**Pennsylvania Association of Agricultural
Educators (PAAE)**

**Pennsylvania Association of Career and
Technical Administrators (PACTA)**

**Pennsylvania Association of Elementary
and Secondary School Principals
(PAESSP)**

**Pennsylvania Association for Gifted
Education (PAGE)**

**Pennsylvania Association of Pupil Services
Administrators (PAPSA)**

**Pennsylvania Association of Rural and
Small Schools (PARSS)**

**Pennsylvania Association of School
Administrators (PASA)**

**Pennsylvania Association for Supervision
and Curriculum Development (PASCD)**

**Pennsylvania Middle School Association
(PMSA)**

Pennsylvania PTA

**Pennsylvania School Boards Association
(PSBA)**

**Pennsylvania State Education Association
(PSEA)**

**Pennsylvanians for the Education of Gifted
Students (PEGS)**

Philadelphia Student Union

List is current as of May 12, 2008