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INDEPENDENT REGULATORY  
REVIEW COMMISSION

June 11, 2008

Independent Regulatory Review Commission  
14<sup>th</sup> Floor  
333 Market Street  
Harrisburg, PA 17101

**Commission Members:**

Attached are comments that the Pennsylvania Association of Elementary and Secondary School Principals want to enter into the record concerning the proposed State Board of Education regulation 22 Pa. Code, Chapter 4, Academic Standards and Assessment (#006-312).

Thank you.

Sincerely,

*William R. Hartman Jr.*

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PAESSP Executive Director

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Affiliate of the National Association of Elementary School Principals and the National Association of Secondary School Principals

*Serving Principals, Assistant Principals and Supervisors*

**Written Comments Provided to the Pennsylvania State Board of Education  
Regarding Regulation ID#6-312(2696)  
Graduation Competency Assessments (GCAs)  
Submitted by  
The Pennsylvania Association of Elementary and Secondary School Principals**

The Pennsylvania Association of Elementary and Secondary School Principals (PAESSP) opposes Regulation ID#6-312(2696). We join with 23 other Pennsylvania-based education associations and non-profits in opposition because of our concern for the welfare of the children we serve.

First, let us be clear that we do not oppose the concept of school, district and state accountability. There is a clear difference between using test data as one measure of how a school, district or state provides a quality education and using such data to deny a student a high school diploma. The way the current regulation is worded the student appears to be the only one to have severe and perhaps far-reaching consequences for a failure to pass six Graduate Competency examinations yet to be developed by the state.

We believe that the Graduate Competency Assessments (GCAs), as proposed, are unsupported by research; divert large amounts of funding from proven achievement improvement measures; will be harmful to a large number of potential high school graduates; increase cost to school districts between 10 to 20 percent; and open a window for potential law suits that will further divert educational funds into legal defenses. We believe that the unintended consequences of such a regulation will more likely diminish the quality of education in Pennsylvania schools in a movement away from local control.

**We will briefly address these issues:**

**Unsupported by Research/Financial Considerations**

The potential harmful effects of GCAs are enumerated by various, highly respected organizations, such as the American Psychological Association. To date, no reliable data has been produced by any proponent of GCAs that demonstrates requiring a student to pass a high school competency exam, or series of exams, enhances a student's ability to be a productive citizen or that such exams capture the scope of a student's learning through 13 years of schooling. To the contrary, most students who fail to achieve competency, as defined by an arbitrary pass number, demonstrates that they are capable of attending college without remediation or successfully entering the workforce. In fact, the Pennsylvania Department of Education (PDE) commissioned a study with the Human Resource Research Organization (HumRRO) in 2005-06 to study the "Relationships among Pennsylvania System of School Assessment (PSSA) Scores, University Proficiency Exam Scores and College Course Grades in English and Math." The data shows that of all students who take the exam, the majority are proficient or advanced.

The data also indicated that of all the students who did not score proficient or advanced on the PSSA who did go to college, nearly 60% were able to take standard-level math and/or English courses. From this data we draw some conclusions: PDE recognizes that the PSSA is a valid test and that approximately 45 % did not pass this paper and pencil test yet nearly 60% of those students are able to take and pass college-level math and English courses without remediation.

In testimony before the Pennsylvania Senate Education Committee, a representative of Achieve, Inc. – an organization formed by the Governors in 1996 to promote assessment and accountability and a leading advocate of high stakes testing – said the following when asked for proof of the value of Graduate Competency exams “it is too early to provide such evidence.” In fact, the representative’s number one assurance was that many other states are doing it – you won’t be alone. This is not a justification for a quarter of a billion dollar investment over the next five years, on top of the current PSSA expenditures.

Achieve, Inc.'s studies highlight the need for certain proven methods to be in place to assure the success of high school students to reach proficiency. Without certain remediation, interventions and programs, the effectiveness of high stakes testing achieves nothing but to report what we already know.

Why must we assume that because 20 or more states are using some variation of end-of-course exam, many as their NCLB assessment exam, they are superior in student outcomes compared to Pennsylvania? In fact, when we look at the 12<sup>th</sup> *Education Week's Quality Counts for 2008* comparing data for all 50 states in performance and policy; chance for success; K-12 achievement; standards, assessments and accountability; transitions and alignment; the teaching profession; and school finance, Pennsylvania is in the top 10 of all 50 states without having GCAs -- and continues to improve. The purpose of regulations should be to serve the public good; we fail to see how the proposed regulations will accomplish this.

*One must ask the question, with such conflicting research, with the possibility for harmful effects on high school graduates, with 24 major educational agencies opposing the regulation, why the rush to implementation?*

There is a substantial difference between an idea and proven practice. The implementation of GCAs as proposed requires the expenditure of a quarter of a billion dollars over five years on an idea that is not proven to be good practice. If you examine much of the “research” provided in support of this idea (GCAs), you will find that the research focuses upon identifying the problem, e.g., many students graduate yet have not demonstrated proficiency as defined by the PSSA. This is a statement that even those opposing GCAs would not necessarily argue with. However, there is a huge difference between providing research that identifies a problem and presenting research that supports a solution. Little or no research is presented that demonstrates how GCAs will improve student preparation for successful lives in the workforce or in college.

Finally, research does clearly demonstrate that certain types of school interventions help students acquire needed competencies to be contributing members of society. *We propose that our limited funds should go to those proven practices rather than the unproven value of GCAs.*

### **Potential Lawsuits**

There is substantial evidence that the implementation of GCAs as a requirement for a diploma results in a flurry of lawsuits that states and districts are required to defend. California, Alaska, Massachusetts and Indiana are currently involved in such suits, among others. There are also reports of students moving from Texas to complete their senior year in high school elsewhere rather than have 13 years of education negated as a result of a test score and suits are pending.

*Why would the state subject itself and school districts to the unnecessary diversion of funds to legal actions based upon an unproven idea?*

### **Assumptions Regarding the Ability of the Tests to Capture 13 Years of Schooling**

*After 13 years of schooling would you stake your future on your ability to pass a minimum of six high stakes tests?*

First, one must assume that the tests accurately reflect the curriculum to which you have been exposed. Where is the assurance of this? We do not even have state model curricula constructed that assure reasonable universal expectations. Shouldn't we have the support in place prior to the requirement? Also, who will be designing these tests? You are proposing a regulation and we have not yet even developed a test, nor do we know the validity or appropriateness of what is to yet be developed. This seems like an unreasonable leap into the unknown. Without these preparations, how will today's sixth graders possibly be assured that they have had the adequate preparation for the as-yet-undeveloped test and curricula?

Secondly, one must assume that you will remember all that you have been taught – this is contrary to what we know about learning theory. While one might be able to pass a test as a freshman immediately following Algebra 1, there is no assurance that the same individual has retained that information as a graduating senior. In fact, memory research would suggest otherwise. Therefore, what was intended to prove competency as a graduating senior may not accurately reflect what you know at the time of graduation.

Third, the test has not been put to the test. There is a large assumption in this regulation that someone or some institution will be able to ascertain what an individual needs to know to be successful in life *based upon his/her ability to pass six high stakes tests*. This is a huge and dangerous assumption. We would suggest that before implementing the regulation that the tests be tested to determine their usefulness in predicting success. If the Board of Education, PDE and the advocates of such testing are so certain that these

tests capture what is needed for a student to be awarded a high school diploma, and accurately measure a graduate's ability to function successfully in life, that they first take this magnificent predictor, and, if they fail to pass all six high stakes tests, they relinquish their high school diplomas.

*Certainly we would not want individuals incapable of demonstrating the ability to master a high school diploma making such a monumental decision that will impact all potential graduates to come.*

### **Curricula Alterations**

High stakes testing has been proven to have widespread impact upon curricular focus and attention. The PSSA has already ushered in an era in which more and more time is devoted to the remediation of math and reading and less and less time devoted to social studies, the sciences and the arts. High stakes testing actually creates a standardized environment that places emphasis on the regurgitation of facts. It also assumes that if all individuals are educated to acquire a minimum set of competencies in math and science, we will have created a better educated citizenry. It is ironic to observe how high stakes testing drives us back to the old, outdated factory models of education long ago rejected as nonproductive to the needs of modern citizens. Ask any principal if PSSA and other high stakes testing have changed how we educate our youth. Ask them if the curricular opportunities for students are broader or more narrowed. Ask them if we are focusing on students' strengths or weaknesses. Good educational practices support the findings that a student develops faster and more fully when his/her strengths are emphasized. Ask art and music educators if their curricular areas have increased or diminished. Ask employers whether they needed graduates that are well rounded or display minimum competencies on high stakes tests.

Greek and Roman societies set the standards for modern Western Civilizations and the importance of an educated citizenry. Both emphasized the need for art, music and physical education in combination with academics. The current state obsession with high stakes testing has an unintended and destructive impact on the depth and breadth of offerings in schools and actually drives us from the individualized, personal, customized development of each child so needed for today's citizens.

### **Unintended Consequences**

Under current Chapter 4 regulations, PDE has the authority to review and require changes to local assessments if it can document the local assessment does not meet the intent of the current regulations. To date, no school district has had a review of its local assessment. By rejecting the entire concept of the need for local assessment, PDE may leave a large segment of students unable to find employment, join the military or attended higher education. No matter how much remediation is made available, a certain segment of students because of test anxiety or inability to comprehend certain subject matter will be able to attain a high school diploma unless they pass a test. We find it interesting that PDE has basically rejected the concept of local assessment with the emphasis on exams

yet in the Wednesday May 28, 2008 *Patriot-News*, it quotes the opposite. When asked about the recent *Newsweek* rankings, PDE's spokesperson Michael Race stated: "*Newsweek* uses single subjective criteria that isn't a good indicator of what is happening in a school." He goes on to say "The rankings don't measure the quality of education at a given school. They don't take into account academic performance, course offerings, the quality of teachers, extracurricular activities or other things that go together to make a great high school." Yet isn't that what the local assessments currently do? At the State Board of Education meeting in January 2008, testimony presented by individuals and organizations advocates for GCAs focused on the high number of students who did not score proficient or advanced on PSSA. Yet PDE's own spokesperson is quoted stating that a single assessment criteria is *not* a fair measure of a school being successful.

The process has been too hurried and is extremely unsupported by credible research to support this unknown leap to action. There are many unintended consequences that could make this \$250,000,000 investment a detriment rather than an asset. Other groups opposing this regulation will no doubt reiterate these possible consequences beyond what we have in this paper. Please consider carefully their contributions and concerns.

### **Summary**

Thank you for your consideration of our position on this issue. We reiterate that we do not object to accountability, or even the use of tests to determine the progress of institutions such as schools, districts and the state to provide what is needed to assure a quality education. We do, however, believe that imposing six high stakes tests as a requirement for graduation is an unsupported, dangerous idea. It inhibits students from pursuing viable career opportunities because of a score that may or may not be reflective of their ability, which may or may not be the failure of the student but rather the failure of the design of some single test. It is an idea that is to be implemented without any of the basic support structures in place that even the advocates of such testing know must be in place for success. It will require current sixth-graders to pass a test that does not yet exist based upon a curricular model that the state has not yet provided to pass six high stakes tests that have not yet been validated or tested themselves. Make no mistake, these tests are not a "basket of options" provided for students to choose from -- they are six separate high stakes tests that students must pass.

The public Education Network in its *NCLB Hearing Report* of July 2007 includes a quote from the chair of the Detroit after-school roundtables: "Education is more than four walls of the school building. It is a partnership with teachers, communities, administrators, parents, grandparent, government, churches as well as the children and youth themselves." Somehow "government" has chosen not to seriously consider the wishes of the other education stake holders by proposing these regulations.

**We urge the Board of Education to withdraw the proposed GCAs regulations.**