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INDEPENDENT REGULATORY  
REVIEW COMMISSION

June 16, 2008

Mr. James Buckheit, Exec. Dir.  
State Board of Education  
333 Market St.  
Harrisburg, PA 17126-0333

RE: Comments on proposed amendments to Chapter 4 (Academic Standards and Assessment)

Dear Jim:

The Pennsylvania Association of School Administrators represents school superintendents and other school leaders who have a great interest in the quality of education programs generally and the policies that govern the issuance of the high school diploma specifically. Association members participated in many of the public forums in which the policy changes contained in this proposed rule making were discussed. Some favored the general direction taken by the Board, many did not. Prior to its adoption, the Association presented testimony opposing the draft regulation, citing several policy concerns.

We do not reiterate those policy concerns here. Rather, we seek clearer guidance in the regulation about what the proposed new graduation competency assessments (GCAs) will measure and how proficiency on these measures will be determined. We think that if these issues are addressed with clarity, our policy concerns will either be resolved or our policy concerns will become more apparent to others, resulting in significant substantive changes to the regulations.

In its current form, the regulation is unclear. It is unaligned with and conflicts with existing regulations, and it imposes substantial unrecognized costs on school districts.

**Proposal is Unclear and in Conflict with Existing Regulation**

The proposed regulation does not give clear guidance on the curriculum and instruction to be offered by school districts. The regulation is unclear about what will be tested and what level of student performance is necessary for awarding the high school diploma. This lack of clarity is created in part because the amendment grafts new graduation requirements based on GCAs onto existing regulations governing academic standards and assessments. The lack of clarity results in part because the new requirements and the existing regulation are not consistent. Finally, the lack of clarity results from the regulation's silence on a definition of proficiency.

### **Proposal is unclear about what will be tested**

On close examination, the proposed regulation is unclear about what content and what skills will be assessed on each of the GCAs. We look at the language of the regulation for each assessment in some detail below.

#### **\* GCA's – Algebra I, Algebra II and Geometry**

The proposal amends Section 4.51 relating to the state assessment system by adding a new subsection (f), which states in part:

The Department will develop or cause to be developed GCAs as follows:

- (1) Three assessments aligned with the mathematics standards, contained in Appendix A, that assess the academic content traditionally included in Algebra I, Algebra II and Geometry courses.

Appendix A contains *Academic Standards for Mathematics* arrayed in eleven areas from *Numbers, Number Systems* and *Number Relationships* in 2.1 to *Concepts of Calculus* in 2.11. Each is further described by grade level for Grade 3, Grade 5, Grade 8 and Grade 11.

One of the areas is *Algebra and Functions* 2.8 with two subsections: *Equations* and *Patterns and Functions*. Another is *Geometry* 2.9 with two subsections: *Shapes and their Properties* and *Using Geometric Principles to Solve Problems*.

The introduction to the section states: "The mathematics Standards describe what students should know and be able to do at four grade levels (third, fifth, eighth and eleventh). They reflect the increasing complexity and sophistication that students are expected to achieve as they progress through school."

None of the standards are described as "Algebra I" or "Algebra II." In no place do the mathematics standards refer to or identify a course or describe "academic content traditionally included in Algebra I, Algebra II and Geometry courses." While there are *Algebra and Functions* standards for grades 3, 5, 8 and 11, none are tied to a course title or course level of any kind, traditional or otherwise. While there are geometry standards for grades 3, 5, 8, and 11, none are tied to a course or courses titled "Geometry."

#### **\* GCAs – High School Literature and Composition Courses**

The proposed amendment to Chapter 4 continues:

- (2) Two assessments aligned with select reading, writing, speaking and listening standards, contained in Appendix A, that assess academic content traditionally included in high school literature and composition courses.

The *Academic Standards for Reading, Writing, Speaking and Listening* are similar to the *Academic Standards for Mathematics*, in that they are described in eight areas with a number of subsections in each area and are structured by grade levels 3, 5, 8 and 11. They identify a number of discreet skills but identify not a single piece of literature. There is no description of academic content associated with any course, much less the “academic content traditionally included in high school literature and composition courses.”

This is understandable in light of the introduction to this set of Academic Standards. But it is not understandable as guidance to school officials for the design of a “course,” the content of which will form the basis for a high-stakes test, nor is it understandable as guidance to the developers of such tests – whether they are developed by or caused to be developed by the Department in accordance with proposed 22 PA Code 451 (f) or by a school district in accordance with 22 PA Code 424 (b) (iv) (C).

Further confusing this proposed GCA requirement, the standards referenced are tied to only one grade at the high school level (Grade 11). The proposal for GCAs calls for two assessments aligned with these standards but fails to describe how the Academic Standards will be parsed for the two discrete assessments.

#### **\* GCAs – American History, World History and Civics and Government**

The proposed amendment to Chapter 4 further directs the Department to develop or cause to be developed “three assessments aligned with select History and Civics and Government standards, contained in Appendix C, that assess content traditionally included in high school level American history, world history and civics and government courses.” This presents similar problems of clarity and possible conflict with existing regulations to those described above for mathematics and language arts.

I quote again from the regulation:

The *Academic Standards for Civics and Government* consist of four standard categories (designated as 5.1., 5.2., 5.3., and 5.4.). Each category has a number of standards statements designated by a capital letter. Some standard statements have bulleted items known as standard descriptors. The standard descriptors are items within the document to illustrate and enhance the standard statement. The categories, statements and descriptors are regulations. The descriptors may be followed by an ‘e.g.’. The ‘e.g.’s are examples to clarify what type of information could be taught. These are suggestions and the choice of specific content is a local decision as is the method of instruction. (emphasis added.)

The introduction to the *Academic Standards for History* states:

These standards provide a history framework to permit every school and teacher to create planned instruction. The content within this document is general and does not represent a course or even a portion thereof. (emphasis added). Every school is encouraged to move beyond these standards. The standards are merely a starting point for the study of

history. Planned instruction to meet these standards is required; however, the methodology, resources and time are not recommended nor implied.

The introduction goes on to state: .... “The categories, statements and descriptors are the regulations. The descriptors many times are followed by an ‘e.g.’ The ‘e.g.’s’ are examples to clarify what type of information could be taught. These suggestions and the choice of specific content is a local decision as is the method of instruction.” (emphasis added).

In addition to the four categories around which the *Academic Standards for History* is organized, the standards are divided into Pennsylvania History, American History, and World History. They are further structured by chronological period. Different grades are assigned different time periods. For Pennsylvania and United States History, grades 7-9 are assigned the years 1787-1914. For World History the same grades are assigned “Beginnings to 1500.” Grades 10-12 are assigned “1890 to the present” for Pennsylvania and United States History, and “1450 to Present for World History”.

“High school” covers grades 9-12. The *Academic Standards for Civics and Government* and the *Academic Standards for History* differentiate between grade 7-9 and grade 10-12 with explicitly different content. But neither describes what would be “content traditionally included in high school” level courses in either of these subjects. Is it the content of grades 7-9, or the content of grades 10-12, or both? Again the fact that the GCAs are not aligned with the Academic Standards creates unnecessary confusion in describing the academic content to be covered by the assessment.

#### **\* GCAs – Biology and Chemistry**

The proposed amendment to Chapter 4 requires “Two assessments aligned with select standards for science and technology and environment and ecology, contained in Appendix B, that assess academic content traditionally included in high school level biology and chemistry courses.”

The *Science and Technology* standards found in Appendix B of the existing regulation has a section on *biological sciences* described for grades 4, 7, 10 and 12. Appendix B also contains standards for *Physical Science, Chemistry and Physics*, for grades 4, 7, 10 and 12. There are no separate standards for chemistry.

The *Academic Standards for Environment and Ecology* have nine sub-parts: 1) *Watersheds and Wetlands*, 2) *Renewable and Nonrenewable Resources*, 3) *Environmental Health*, 4) *Agriculture and Society*, 5) *Integrated Pest Management*, 6) *Ecosystems and their Interactions*, 7) *Threatened, Endangered and Extinct Species*, 8) *Humans and the Environment* and 9) *Environmental Laws and Regulations*. All are described by grade level for grades 4, 7, 10 and 12. None are specifically denominated as either “biology” or “chemistry.” None are described by course, “traditional” or otherwise. What then will the GCAs assess? The regulations offer no clear guidance.

### **Lack of Alignment**

The regulation is clear that tests must be developed, taken and passed by any student who is not proficient on the PSSA at the proficient level or above, in order for the district to grant a high school diploma. But, because of the lack of alignment between the academic standards of the existing regulations and the descriptors for the proposed GCAs, the regulation offers unclear guidance to test makers about what should be on the test, unclear guidance to school officials about what should be in school programs designed to prepare students for the assessments, and unclear guidance to students and their parents about what is necessary to “pass” the required tests to graduate.

The proposal to base eligibility for graduation on “Graduation Competency Assessments” is more appropriate to the pre-1993 curriculum regulations based on course credits than it is to the system of academic standards created in 1999, to which this is an amendment.

### **Setting Proficiency**

If the content of what is subject to testing on a given GCA is unclear in the regulation, the regulation offers even less guidance on what constitutes “proficiency” on the GCAs. The key problem is that, in the regulation, “proficiency” remains un-described and undefined, to be set by an unidentified body using an unknown process.

GCAs is defined in section 4.3 of the regulation as simply “graduation competency assessments.” The regulation amends section 4.51 to add GCAs to the State Assessment System. Section 4.51 provides, in part, that graduation requirements must include at a minimum:

...demonstration of proficiency or above in each of the following State academic standards: reading, writing and mathematics (Appendix A); science and technology and environment and ecology (Appendix B), as assessed through any one or a combination of the following....the English composition and literature GCAs, any two mathematics GCA and either science GCA.

Graduation requirements must further include:

...demonstration of proficiency or above in the State academic standards in civics and government or history in any one of the social studies GCAs as provided in 4.51(e)(3). (4.024(b)(1)(iv) (B) and (v).

Neither “proficiency” nor “proficient” is defined either generally for Chapter 4 or specifically for GCAs.

“Proficient” is defined in the School Code as:

The attainment of performance levels in those subjects areas assessed through the Pennsylvania System of School Assessment test<sup>1</sup> and required under the No Child Left Behind Act of 2001 (Public Law 107-110, 115 state. 1425) that have been approved by the State Board of Education to reflect satisfactory academic performance. (Section 24 PS 1-102)

This statutory definition simply does not work when applied to GCAs. The proposed regulation amends the State Assessment System to include GCAs. However, GCAs are not required under the No Child Left Behind Act of 2001. Nor have any performance levels in those areas assessed through the GCAs been “approved by the State Board of Education to reflect satisfactory academic performance.”

This is a central problem in trying to determine what the regulation means. Assuming that one can cross the uneven terrain between Academic Standards and their various parts and sub-parts and grade levels, and the content and courses that are subject to assessment, the question remains: What constitutes “proficiency” on the GCAs that measure that content?

On this crucial question there is no guidance at all in the regulation - either to policy makers, school officials, teachers, students or parents. It is simply left up to somebody – presumably, but not explicitly, the Department – to set proficiency criteria as part of its obligation to “develop or cause to be developed GCAs.”(Section 4.51(f)).

In setting proficiency levels, test makers could but clearly are not required to use the *Pennsylvania Academic Standards* referenced in the regulation. But, as discussed above at some length, the GCAs are not specifically aligned with *Pennsylvania’s Academic Standards*. Further, *Pennsylvania’s Academic Standards* were not benchmarked at the state level for the purpose of setting a proficiency level for the issuance of a diploma. In this regard, it is interesting to note that the Governor’s Commission on College and Career Success, referenced in the introduction to the regulation, did not rely on *Pennsylvania’s Academic Standards* but rather developed its own “PA Benchmarks for English and Mathematics” to define “Pennsylvania’s College and Career Essentials in English and Mathematics.”

Setting proficiency levels is never a precise process. The proficiency levels for the current State Assessments (PSSA) were set using a combination of methods. Proficiency was described at four levels – above-proficient (advanced), proficient, basic, and below-basic – to comply with federal law. Using these levels, roughly one-quarter of the prior test takers were identified by each defined level. Thus, the proficiency “cut scores” found approximately one-quarter of the students performing below-basic, one-quarter performing at basic, one-quarter proficient and one-quarter advanced.

The board had previously set performance at the “proficient” level as the target for high school graduation before it approved the cut scores for the various levels of proficiency. If the cut score

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<sup>1</sup> The “Pennsylvania System of School Assessment” test, or PSSA, is also a defined term. It is “A test developed and implemented by the Department of Education to determine only academic achievement relating to objective academic standards in the areas of reading, writing, mathematics and science and which test is so developed and implemented as necessary to comply with Federal Law.”

had been the sole criteria for issuing the high school diploma at the time proficiency was set as the target, over half of Pennsylvania's students could not have been awarded the high school diploma. Since that time, a larger proportion of Pennsylvania students have scored at or above the proficient cut score on the PSSA, but there remain a substantial number of students who do not score above the cut. These students currently have the opportunity to demonstrate proficiency on local assessments. Under the regulation proposed, this option is substantially limited.

In the future, whether or not a school district can issue a diploma to any student who fails to achieve proficiency on the PSSA will depend in large part on what level of proficiency is set for each GCA. (While there are provisions for local assessments in section 4.24 of the proposed regulation, the proficiency level cut-scores on the local assessments must be greater than or equal to the cut-scores on the GCAs).

Where the proficiency line is drawn on each of the GCAs will have an immediate and direct impact on students who are granted or denied a diploma.

Perhaps more importantly, where that line is set drawn will have an impact on the on the depth and breadth of instruction provided to all students. As we asked in our earlier testimony to the Board, "Will the GCA's be geared to those students who are currently able to demonstrate proficiency on the PSSA's, or will they be geared to those students who are struggling to achieve proficiency on the PSSA? If it is the former, then the test is redundant. If it is the latter, then the tests may reduce the scope and quality of instruction for those students who are not challenged to demonstrate proficiency on the PSSA."

On this important question, the regulation offers no clear guidance. The result is a vague and unmanageable standard.

**The regulations impose substantial un-recognized costs on school districts.**

Since the adoption of *Pennsylvania's Academic Standards*, school districts have invested a great deal on money and staff time to align the instructional programs they offer with the standards contained in the regulation. The introduction of GCAs, as proposed, will subject much of that work to reexamination because districts will need to insure that their high school instruction is also aligned to the expected (course) content for which GCAs are to be developed. This could result in substantial costs.

There also are smaller, more direct costs associated with the administration of the GCAs.

The regulation calls for school districts to amend their strategic plans to incorporate proficient performance on the PSSA or designated GCAs into their graduation requirements.

The regulation further directs GCAs to be "offered at least 3 times each year, once each in the fall, spring and summer. GCAs shall be reviewed and scored so that the scores for candidates for graduation are provided to schools no later than 10 calendar days prior to graduation" and further

that "Students shall be permitted to retake any GCA, or GCA module in which the student did not score proficient or above at the next available testing date." (Section 4.51 (f)(5) and (6)).

While this is under the stem "The Department will develop or cause to be developed GCAs as follows...", the implication is that districts will be responsible for offering, scheduling and monitoring the GCAs. No fiscal note is offered concerning the teacher and administrator time required to monitor the offering of ten different GCAs at least three times per year. Nor is there any acknowledgement of the time and cost associated with tracking student performance on specific "modules" and insuring appropriate test security and, as necessary, appropriate accommodations for students with disabilities and English language learners.

We think the staff time required by school entities to administer the assessments will be substantial. This time and the cost of this time are not recognized in the fiscal note accompanying the regulation.


### **Conclusion**

The assessments called for in section 4.24 presume certain content will be the subject of the test and they presume a certain level of performance for "proficiency." Neither the content nor the level of proficiency is clearly defined in the regulation. As a result, the regulation fails to provide any meaningful standard to guide decisions about curricular content and proficiency or the awarding of diploma.

The regulation will also impose substantial unrecognized costs on school districts.

For all of these reasons, we urge the Board to reconsider the current proposed regulations.

Sincerely,

A handwritten signature in cursive script, appearing to read "Stinson W. Stroup".

Stinson W. Stroup  
Executive Director