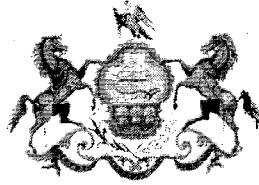


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INDEPENDENT REGULATORY
REVIEW COMMISSION

COMMONWEALTH OF PENNSYLVANIA
HUMAN RELATIONS COMMISSION

301 Chestnut Street – Suite 300
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Harrisburg, PA 17105-3145
(717) 787-4410 (Voice)
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June 10, 2008

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JUN 13 2008

PA. STATE BOARD
OF EDUCATION

James Buckheit, Executive Director
State Board of Education
333 Market Street, 1st Floor
Harrisburg, PA 17126-0333

Re: Proposed Amendments to 22 Pa. Code Chapter 4 Graduation Criteria Regulations

Dear Dr. Buckheit:

The Pennsylvania Human Relations Commission (PHRC) takes this opportunity to comment upon the proposed regulatory changes referenced above. As you are aware, the PHRC's jurisdiction includes all educational institutions under the supervision of the Commonwealth. In this regard, the PHRC seeks to eliminate unlawful discrimination in education and to insure that all students in the Commonwealth receive an equal educational opportunity irrespective of race, ethnicity and other protected class.¹ It is from this perspective that the PHRC offers the comments found within this correspondence.

At the outset, the PHRC wants to make clear that it shares the view of the State Board of Education and the Department of Education that too many students graduating today from Pennsylvania high schools are not adequately prepared for college and career success. The PHRC also shares the State Board and Department's view that both the Commonwealth and individual school districts must be held accountable for the educational results achieved by students. Further, the PHRC shares the view that accountability requires assessments, including standardized assessments, which seek to measure educational results in a manner that permits comparison of individuals and groups across individual school districts and, as importantly from PHRC's perspective, within and across different racial, ethnic and other protected class groups. Lastly, and perhaps most importantly, the PHRC shares concerns articulated by the State Board and the Department that not all students within the Commonwealth currently receive

¹ The PHRC has adopted Equal Educational Opportunity Guidelines which set forth what we consider eight essential elements required with respect to achieving an equal educational opportunity. A copy of the Guidelines, as revised in August 1998, is attached. The Guidelines also can be found at PHRC's website, www.phrc.pa.state.us.

James Buckheit
State Board of Education
June 10, 2008
Page 2 of 6

the same resources; and that there continue to exist significant achievement gap differentials between minority and non-minority students, however that gap is defined.²

In reviewing the proposed regulatory amendments, the PHRC, while supportive of the need for a state-wide assessment tool, is concerned about the decision to implement the assessment instrument prior to insuring that all necessary steps have been taken in school districts to fully develop and implement a rigorous curriculum that is aligned with State academic standards in all content areas to be assessed, improve instruction and increase student competency.³ The PHRC notes, in this regard, that the recommendation to create the state-developed Graduation Competency Assessments (GSA) was but one of twelve recommendations made by the Governor's Commission on College and Career Success. A review of the twelve recommendations indicates a recognition that additional educational resources, in addition to assessment, need to be put into place. In fact, the entire set of recommendations underscores this recognition:

- (1) Require all Pennsylvania high school students to demonstrate proficiency on Pennsylvania's academic standards to graduate. Students can demonstrate proficiency by scoring proficient or advanced on the 11th grade PSSA or by passing a series of state-developed Graduation Competency Assessments.
- (2) Require all school districts to record PSSA scores and Graduation Competency Assessments on all student transcripts, and [encourage] postsecondary institutions and employers in the commonwealth to use this information for admission, placement and employment.
- (3) Accept the definitions of college and career ready in mathematics, English and science developed by the Commission for use in the review of standards, development of assessments, and development of curriculum.
- (4) Expand the definition of college and career ready content areas to include social studies and develop model curricula and Graduation Competency Assessments in this area in addition to the standards, curriculum, and evaluations that support math, science and language arts.
- (5) Develop preK-12 model curricula, including inquiry-based pedagogy, through which students can achieve academic standards and proceed on track to demonstrate proficiency on PSSA and Graduation Competency Assessments.
- (6) Develop and implement a preK-16 student information system that is designed to collect information on student performance.

² The PHRC notes, for example, that the recently completed "Costing-Out Study" dramatically demonstrated the existing significant resource differentials between the least wealthy and most wealthy school districts as well as the disproportionate impact of wealth differential between school districts with significant minority student enrollment and those with predominately non-minority student populations.

³ The PHRC is aware that the proposed amendments include a responsibility for the Department to develop a "voluntary model curriculum aligned with State academic standards." However, development appears to be concurrent with the initiation of the assessments without any opportunity to implement and assess the effectiveness of the "voluntary" model curriculum.

James Buckheit
State Board of Education
June 10, 2008
Page 3 of 6

(7) Identify early on those students in danger of falling behind in their achievement of academic standards. Provide additional instruction and support services to put those students back on track for success. This early warning system should begin no later than the sixth grade.

(8) Take all necessary action and expend adequate resources to redefine the role of guidance counselors and student service coordinators as school-wide facilitators of student advising to ensure that all high school

students are well advised in school concerning post-graduation expectations and how to transition successfully into both college and career.

(9) Establish new regional alliances of business, high schools, and higher education institutions where necessary and more fully utilize existing alliances to address specific challenges in preparing students to be college and career ready. These challenges, perhaps unique to specific regions, will be overcome most effectively with local stakeholders working in concert with statewide efforts to achieve college and career readiness.

(10) Increase and enhance the number of educational options available to high school students to achieve high standards with particular attention to career and technical education.

(11) Facilitate the coordination of existing, and the development of new, programs designed to encourage economically and educationally disadvantaged students to attend, be retained and complete their postsecondary education programs.

(12) Build systematic approaches to re-engage and re-enroll former dropouts in high-quality programming that yields a high school diploma and leads to college and career success. The Pennsylvania Department of Education should lead this statewide effort in cooperation with other relevant commonwealth agencies.

A review of the total package of recommendations reinforces PHRC's view that adequate resources and improved instruction methodologies should precede assessments related to performance based on inadequate instruction and insufficient resources. Concerning these issues, the PHRC is aware that the proposed assessments would not take effect prior to the 2014 graduating class and that the Department would be required to provide certain supports to school districts in the years preceding the initial assessments. It is not clear, however, the extent to which the existing disparities can be sufficiently addressed within this time frame. If such disparities are not eliminated, use of the assessments could well exacerbate various disparities between minority and non-minority students.

As indicated below, three of the primary areas of concern for the PHRC are the following:

A. CURRENT STANDARDIZED TEST SCORE DIFFERENTIALS:

Available data demonstrate a significant achievement gap between students of color, English Language Learners, and students with disabilities and others not in the same protected classes. For example, according to Philadelphia City School District's 2006-07 "Academic Achievement Report," 51.3% of white eleventh-grade students scored proficient in math; only 24% of Black

James Buckheit
State Board of Education
June 10, 2008
Page 4 of 6

students, 22.6% of Latino/Hispanic students, 5.4% of students with IEP's, and 25.2% of economically disadvantaged students did so. Similarly, 59% of white eleventh-grade students scored proficient in reading; only 29.9% of Black students, 26% of Latino/Hispanic students, 7.6% of students with IEP's, and 28.2% of economically disadvantaged students did so.

Pittsburgh's 2006-07 district "Academic Achievement Report" reflects similar disparities. There, 65.9% of white eleventh-grade students scored proficient in math; only 23.2% of Black students, 10.1% of students with IEP's, and 27.1% of economically disadvantaged students did so. Similarly, 73.5% of white eleventh-grade students scored proficient in reading; only 34.1% of Black students, 13.2% of students with IEP's, and 36% of economically disadvantaged students did so. That district included too few Latino/Hispanic students to report separately.

Of course, Philadelphia and Pittsburgh are not alone in reporting such disparities. Whether one looks at statewide PSSA results and compares minority and non-minority students in general in the Commonwealth or one looks at individual school districts in the Commonwealth with minority pupil enrollment, significant academic achievement disparities between minority and non-minority students exist. The issue for the PHRC related to the existing disparities is the extent to which the implementation of the proposed GCA's, prior to correcting the existing disparities, will lead to an increased divide between minority and non-minority students.

B. CURRENT GRADUATION/DROP-OUT RATE DIFFERENTIALS:

The Pennsylvania Department of Education's 2007 Report to the General Assembly, "Public Secondary School Dropouts in Pennsylvania 2005-06," summarized the annual dropout rate by racial/ethnic category. The Department reported the following rates:

- 2.6% for American Indian/Alaskan Natives
- 1.6% for Asian/Pacific Islanders
- 4.0% for blacks
- 4.8% for Hispanics
- 1.3% for whites

With African American and Hispanic students dropping out at more than three times the rate of white students without additional required testing, it could be more advantageous to assure that instruction improves first and to provide incentives for all students to complete secondary education, rather than penalizing those who have experienced the least opportunity for success. In fact, the implementation of the proposed GCA's might well lead to increased differentials and/or even earlier decisions to leave school based on performance after course ending assessments.

James Buckheit
State Board of Education
June 10, 2008
Page 5 of 6

C. CURRENT TEACHER QUALITY DIFFERENTIALS:

Research suggests that recruiting and retaining highly qualified teachers helps to close the achievement gap. Nationally, however, the schools with the largest gaps attract the lowest numbers of experienced teachers. A recent report by the National Council on Teacher Quality, "Pennsylvania Edition, State Teacher Policy Yearbook," notes that Pennsylvania contracted with university education researchers to analyze the distribution of highly qualified teachers in the Commonwealth. The analysis showed that "a school's poverty and minority status was positively correlated with the provision of non-highly qualified teachers, and that as all three of these variables increased, students' test scores tended to decrease." A recent report by the National Governors Association states that race might be even more important than income in this disparity.

As noted by the Montgomery County Intermediate Unit in its March 14, 2008 White Paper on Graduation Competency Assessments:

"Schools with the highest percentages of minority, limited English proficient and low-income students are more likely to employ beginning teachers, teachers who have less education, and teachers who teach subjects in which they are not certified or in which they did not major in college. High minority schools are nearly twice as likely as low-minority schools to be overcrowded and to have larger class sizes." [Internal footnotes, each citing to reports prepared by the U. S. Department of Education, National Center on Education Statistics, Condition of Education, providing support for the findings presented have been omitted].

CONCLUSION:

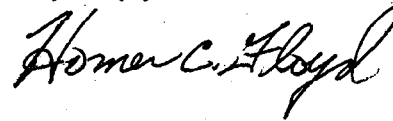
Ultimately, in the PHRC's opinion, the critical issue is not whether steps need to be taken to reach the Board's goal that all high school graduates have the skills needed to meet the demands of college and careers in a global marketplace, steps do need to be taken and they need to be taken now. Similarly, the critical issue is not whether assessment and accountability are necessary elements to be included in any plan designed to accomplish the stated goal. Rather, for the PHRC, given the above, the critical issue is whether assessment and accountability need to be included as a part of a more comprehensive strategy that begins by putting into place the various instructional and other resource infusion elements that will effectively reverse the historic and persistent disparities that are a recognized consequence of systemic, institutional discrimination based on race, ethnicity and other protected classes.

James Buckheit
State Board of Education
June 10, 2008
Page 6 of 6

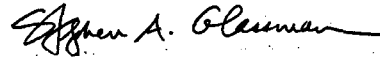
The PHRC looks forward to working with the Board and the Department as we move forward together in support of the Commonwealth's expressed public policy of providing an equal educational opportunity to all students.

Please contact us to discuss our concerns.

Very truly yours,

A handwritten signature in black ink, appearing to read "Homer C. Floyd". The signature is fluid and cursive, with a large, sweeping "H" and "F".

Homer C. Floyd
Executive Director

A handwritten signature in black ink, appearing to read "Stephen A. Glassman". The signature is cursive and somewhat stylized, with a long, horizontal flourish at the end.

Stephen A. Glassman
Chairperson

c: Gerald Zahorchak, Secretary, Department of Education