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September 1, 2009

Independent Regulatory Review Commission (IRRC)  
333 Market Street  
14th Floor  
Harrisburg, PA 17101

SUBJECT: Keystone Exams

Dear Members of the IRRC,

I am opposed to the changes to Pennsylvania's Graduation requirements that include Keystone Exams. The following concerns raised by the IRRC when reviewing the draft regulatory changes

1. **Health, safety and welfare.** Initial concerns were raised that the new regulations may raise drop-out rates. Although several undefined measures to allow for alternative testing have been included in the final form regulations, the Board has not yet demonstrated how the institution of end-of-course exams as a graduation requirement will not raise the dropout rate.
2. **Fiscal impact.** Original concerns were raised by the IRRC about the fiscal impact on Districts. In addition to paying one-half the undefined costs of local assessment validation, the following costs are unaddressed by the regulations:
  - a. Curriculum redesign costs.
  - b. Remedial costs.
  - c. Testing administration. Schools will need to dedicate personnel to the administration of 10 Keystone Exams or local assessments. This requires careful planning, facilities considerations, proctoring, collection, and return of testing materials.
  - d. Retesting administration.
  - e. Communications. Schools will need to develop a communications plan for students and parents to explain the complicated new system
  - f. Local assessment development.
  - g. Local assessment scoring.
  - h. Monitoring student proficiency for graduation.
3. **Need for regulation.** The IRRC has noted that the Board has failed to demonstrate a need for the regulation. The final form regulations still do not demonstrate this need. The Department of Education gathered information

about local assessments for the first time in September 2008. The Board has failed to demonstrate why the department cannot use this information to provide technical assistance for Districts to improve local assessments without enacting the regulations.

4. Reasonableness of implementation. From the IRRC's initial comments:

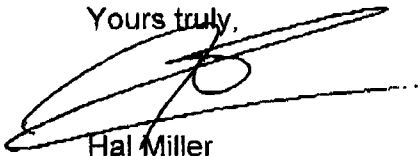
"Tracking the progress of each student in each of the subject matters, scheduling students to take a test or retake a test (or a module of a particular test) and providing remediation are all significant tasks that will require a large amount of a school district's resources. A detailed explanation of how a school district is expected to implement this regulation and why the Board believes this approach is reasonable should be included in the Preamble to the final-form regulation."

The final form regulations do not contain such an explanation.

5. Statutory Authority. During the initial public comment period, it was called into question by the General Assembly and members of the public whether the State Board has the statutory authority to determine specific graduation requirements. The IRRC has called upon the Board to address this concern, and the Board has failed to do so.

Based upon the failure of the State Board address the original concerns by the IRRC, I ask that you vote to disapprove the final form regulations.

Yours truly,



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