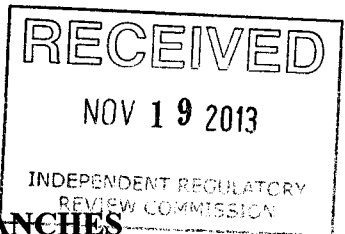




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**THE PENNSYLVANIA STATE CONFERENCE OF NAACP BRANCHES  
THE EDUCATION COMMITTEE  
NOVEMBER 21, 2013 PUBLIC COMMENTS BEFORE  
THE PENNSYLVANIA INDEPENDENT REGULATORY REVIEW COMMISSION**



No organization has a longer standing history in the struggle for equitable education for all children than does the National Association for the Advancement of Colored People. It is due to that commitment that the Pennsylvania State Conference of NAACP Branches (PA NAACP) requests that the IRRC reject The State Board of Education (Board) final-form regulations #006-326, amending 22 Pa. Code Chapter 4, and return them to the Board for further review and revision based on the following:

1. The final-form of Chapter 4 regulations systematically entangles the new academic standards with Keystones Examinations, a student's scores on which will determine his or her graduation from high school. This is a far-reaching, harsh, and unwarranted change from the use of the Keystone Exams as 33% of a student's final course grade.
2. Such an entanglement makes it impossible to support the new standards while opposing high stakes graduation tests. PA NAACP opposes the use of Keystone Exam scores as the determination for high school graduation.

Local school districts are best suited to determine who has satisfied requirements for high school graduation There is no scientific evidence to support the myth that Keystone Exams reflect how well a student has been educated over 12 years, or to support the myth that such scores are related to career readiness..

At the same time, Pennsylvania's law makers have failed to provide state education funding adequate for all districts to thoroughly prepare all students to succeed on Keystone Exams. Indeed, the funding system is so rigged that most assuredly many bright young Pennsylvanians will be shanghaied by the Keystone Assessments trap and relegated to lives of adversity and struggle because they have no high school diploma.

By intent, the implementation of the Keystone Examination System to disqualify students from high school graduation will bar a critical mass of young people from higher education and gainful employment. Hence, the Keystone Assessment system serves as a social engineering tool that will devastate Pennsylvania economically.

3. The Keystone Assessment system creates a *de facto* state-mandated curriculum through its academic requirement modules, its eligible content and its assessment anchors. According to the Department of Education:

The Assessment Anchors, as defined by the Eligible Content, are one of the many tools the Department believes will better align curriculum, instruction, and assessment practices throughout the Commonwealth... .



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The Assessment Anchors, as defined by the Eligible Content, can help focus teaching and learning because they are clear, manageable, and closely aligned with the Keystone Exams (Pennsylvania Department of Education. *Assessment Anchors and Eligible Content*, p.2). Available: On-line November 12, 2013 at [www.pde.state.pa.us](http://www.pde.state.pa.us).

Students have access to the equivalent of approximately 180 sessions of 45 minutes each for the recursive cycle that includes introduction to, direct instruction on, practice of, assessment concerning and remediation on new concepts. Due to the time constraints of the school day and the nature of human learning; failure to adjust instruction (teaching to the test) and to focus on the eligible content (kinds and content of questions) for the Keystone Exams can result in extreme consequences.

If teachers do not teach to the test, students may well fail the test. Teachers may well be evaluated as ineffective. Districts may well be identified as FAILING. Failing labels on districts equal lower property values. This is tantamount to coercion. It constitutes a stealthy state take over of local control. The state has standardized what will be taught and, on the whole, created a series of punishments that impact teachers, administrators, districts, students and tax payers if the state curriculum is not closely adhered to.

4. The Keystone Assessment system as a graduation requirement is not appropriate to and fails to show leadership related to contemporary conditions in Pennsylvania education. It is harmful in its employment while, at the same time, it is impossible for many districts to implement.

Statistics for the recent pilot test scores show a significant failure rate on the part of students statewide. Although the Department has released two widely differing sets of data, whether we believe 60% of students failed Algebra I or 35% of students failed; the figures indicate a major problem. Stripped of teaching materials and human resources due to state budget cuts, districts will find mounting numbers of students who need supplemental instruction and retesting. These mandates require teaching materials and human resources. Districts will be forced to raise property taxes in order to comply with the regulations.

5. The Board abdicates reason and responsibility and creates an onerous financial burden on local districts and the tax payers in the form of unfunded mandates that



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require districts to provide supplemental instruction in content areas where students do not score proficient on Keystone Exams or a district equivalent.

This is especially insidious given the financial impact of recent state funding cuts to education of close to \$3 billion over the past three years. The Board is fully aware that the regulation requiring tutoring and summer retesting opportunities for students who do not score proficient on a Keystone assessment cannot be followed by underfunded districts that have been forced to discontinue both tutoring and summer programs.

The recent school funding budget cuts have been hardest on the most-needy schools which are attended by the most at-risk children in areas stricken by poverty (PSEA. "Poorest school districts hit hardest by Corbett funding crisis"). Available: On-line November 17 2013 at [www.psea.org](http://www.psea.org).

Hence, the Board knows it has written regulations with which some districts cannot comply. The Board knows which districts cannot comply. The Board knows the demographics of the students who will most probably fail to complete high school due to the Keystone Assessment System. The Board knows that it is Pennsylvania's financially struggling families that will bare the burden of tax increases.

6. The Board demonstrates a callus disconnect from the budgeting conditions facing the school districts of Pennsylvania. The Board has made clear under the section, "PA Core Standards", that it is "the policy of the Board that LEAs [Local Education Agencies] employ sufficient qualified professionals to enforce the curriculum requirements of state law and this part."

The range of professionals necessary to enforce curriculum requirements extends beyond classroom teachers. Current research shows that given the pervasive psychological and emotional trauma experienced by the youth of today, as many as 60% of our children struggle in school. Personnel in the form of school counselors, art, music, and physical education teachers bring to these youth the relief to mitigate the learning impediments caused by trauma. Such personnel, while essential to school success for a preponderance of children, have been cut due to budget constraints.

The Board is aware of the cuts in the Humanities; specifically art and music and the cuts in school counseling staff that districts have been forced to make. Districts lack the flexibility to hire in the areas necessary to meet the full demands of the Keystone curriculum.



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As well, the Board is aware of the underfunding of special education in many districts due to Pennsylvania's ill constructed special education funding formula.

7. The State Board abdicates reason, responsibility and prudence as it positions the Commonwealth for litigation. The State Board is obviously aware of the difficulties high stakes graduation tests pose to and the disparate impact they have on English Language Learner (ELL) students.

Research in Second Language instruction has found that it takes students 4 – 10 years to become proficient in academic language (Hayes, J., *Stages of Second Language Acquisition*, 2005). Available on-line: Nov. 17, 2013. [www.everythingESL.net](http://www.everythingESL.net). Hence, the Board has yet to demonstrate that all Pennsylvania students will have had an opportunity to learn the content and skills to be tested or to have provided all students equal access to test preparation.

That the Board recognizes problems with requiring high stakes graduation tests for ELL students is made clear in that Chapter 4 cites the Board's plan to in the future publish the Keystone Exams for Math, Science and Civics in Spanish. This plan is harmful to students and to the Commonwealth in two ways:

First, it positions Spanish speaking children to receive instruction in English; and then to be assessed in Spanish. Content curriculum is vocabulary specific. Students must be systematically taught the academic terms of the field as well as the transitional devices that show relationship amongst ideas in an academic text. Use of those terms and transitions is fundamental to and the basis of assessment. To receive instruction in English, then to be assessed in the academic terms and transitional devices of a different language is unsound practice, academically untenable, and invalid.

Secondly, to choose to provide native language test access to only Spanish speakers will surely be seen as discriminating against other second language speakers based on their place of origin. This is a Title VI issue.

Clearly, the Keystone Assessment system is a plan that is written to fail. It will waste millions of tax dollars as districts struggle to implement it. It will fail - and it will destroy young lives as it fails. It will cost the Commonwealth dearly in the litigation that is sure to come.

The State Board of Education final-form regulation #006-326, amending 22 Pa. Code Chapter 4, The Keystone Exams plan, will dismantle local control of education; force districts to increase taxes; deprive young people access to develop the potential of their



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lives, to the liberty to make their ways through life with dignity, and to pursue their goals.  
The regulations do not serve the public good.

Respectfully submitted,

Nov. 21, 2013

Joan Duvall-Flynn, Ed.D., Education Committee Chair

J. Whyatte Mondesire, President of the State Conference of NAACP Branches

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