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November 19, 2013

The Honorable Silvan B. Lutkewitte, III  
Chairman  
Independent Regulatory Review Commission  
333 Market Street, 14<sup>th</sup> Floor  
Harrisburg, PA 17101

Dear Chairman Lutkewitte:

The Pennsylvania School Boards Association appreciates this opportunity to comment on the State Board of Education's final-form revision to regulations under Title 22, Chapter 4 relating to academic standards and assessments (Regulation #6-326).

PSBA is a nonprofit statewide association representing the 4,500 elected officials who govern the commonwealth's public school districts. PSBA is a membership-driven organization, pledged to the highest ideals of local lay leadership for public schools and working to support reform for the betterment of public education that prepares students to be productive citizens, and promote the achievements of public schools, students and local school boards.

The association would like to emphasize our belief that public schools should provide meaningful academic instruction and assessment that engages its students to be critical and creative thinkers. The association supports efforts to appropriately measure student attainment of state and local academic standards using measures of accountability and performance that employ multiple, ongoing methods of assessment for knowledge, skills and abilities. The state needs to provide local school districts with maximum flexibility to make educationally sound decisions that expand opportunities for students, without an overreliance on standardized test scores, a narrowing of the curriculum, or prescriptive mandates.

As school districts begin to implement the Pennsylvania Core Standards and provisions for new graduation requirements, fiscal concerns are a reality and there are policy considerations that must be addressed. Our comments regarding the regulations will focus primarily on changes to Chapter 4 specific to high school graduation requirements and the implementation of Keystone Exams. PSBA supports the efforts of the board to implement PA Core Standards and to refine graduation requirements. The association thanks the board for its efforts to revise the provisions under the existing Chapter 4, and agrees with many of the proposed changes that have been incorporated into the proposal as necessary improvements.

These changes supported by PSBA include:

- *Delaying implementation for the new graduation requirement until the 2016-17 school year.* This change provides the time necessary for schools to adjust their curriculum and prepare students for success on these exams.
- *Reducing the number of Keystone Exams that must be administered for graduation purposes.* Reducing the number of Keystone Exams from the 10 required for graduation under the existing version of Chapter 4 is reasonable and does not reduce the intent of the regulation for students to demonstrate proficiency in the academic standards.
- *Eliminating the provision for a Keystone Exam score to be one-third of final grade.* When the Chapter 4 regulations were finalized in 2009, a consistent concern remained regarding the use of the Keystone Exam score as 33% of a student's final course grade as well as the provision that would give a "0" grade to any student scoring "below basic" on the Keystone exam. The proposed changes to Chapter 4 eliminate the language for the scoring and use of Keystone Exam results as part of a course grade, allowing school leaders to determine if, and how, the score may be counted for student testing purposes.
- *Eliminating the culminating graduation project.* While the culminating project may have once been considered a capstone for students to demonstrate skills, the implementation of the PA Core standards and assessments will measure what students should know and be able to do. As a practical matter, if the provision was retained, it would create a doubling-up of required projects for those students who would be participating in project-based assessments.
- *Authorizing chief school administrators, rather than the secretary of education, to grant waivers.* Waivers may be granted to 12<sup>th</sup> grade students who have been unsuccessful with both Keystone Exams and the project-based assessment or has extenuating circumstances.
- *Eliminating the requirements for a state-prescribed strategic plan.* The proposal removes the mandate for districts to complete a state-prescribed strategic planning process every six years, but maintains provisions for schools to develop specific plans currently required under other regulations.

Even with these improvements, PSBA believes that further adjustments to the proposed Chapter 4 regulations should be considered. The state and school districts have been working hard to prepare for the challenges of the new requirements, and we believe that it is appropriate for the State Board and the Pennsylvania Department of Education (PDE) to carefully weigh the profound impact that these rules will have on students and schools. Questions and concerns remain regarding various aspects of implementation.

Among PSBA's concerns with the Chapter 4 proposal:

- *School districts will face new and continuing costs; PSBA supports the development of a complete fiscal analysis before final approval.* It has been suggested that the proposed regulation will not impose any new costs on school districts. PSBA believes this regulation will impose costs on school districts as they continue to adapt their curriculum and instruction to be aligned with the new academic standards and assessments, and to update textbooks and materials. There are professional development and training costs as well as student remediation costs. Districts will have to develop extensive recordkeeping systems to match students with the Keystone Exams that have been successfully completed and those for which remediation will be necessary in addition to the various modules that have to be taught in remediation classes and to ensure that students needing remediation in certain modules are enrolled in the

proper classes. Districts will also incur the costs related to the project-based assessments that are discussed later in these comments.

- *The Keystone Exams are high stakes assessments.* PSBA supports the use of Keystone Exams as end-of-course assessments; they can serve as an important measure of student performance in core content areas. Although Keystone Exams are labeled as end-of-course exams, they are, in fact, also high-stakes exit exams. PSBA believes that assessments don't have to have high-stakes consequences to send meaningful signals to students and schools. Testing should inform and enhance instruction, not impede instruction. PSBA believes that the State Board should retain the Keystone Exams but modify the implementation to lessen their high-stakes impact and provide additional flexibility. With this in mind, the association suggests the following options for the Board's consideration:
  - Maintain the use of Keystone Exams as a graduation requirement but allow school districts to determine the weight needed to receive a diploma.
  - Administer Keystone Exams for federal accountability requirement purposes only.

In either option, the regulations should maintain the requirement for remediation for students who need extra help. The state could create incentives for schools to reach varying levels of student performance.

- *PSBA is concerned with the cost and process of implementing the mandated project-based assessment (PBA) applicable to students effective with the graduating class of 2017 who did not demonstrate proficiency through a Keystone Exam, or those students who were opted-out of taking Keystone Exams due to religious reasons.* The Chapter 4 proposal provides only minimal detail in explaining how this process would be implemented. However, information from PDE provided over the last several months gives much more detail on this highly prescriptive mandated process that school districts must follow. While the intended goals may have merit, this process will be extremely time-consuming and expensive to implement.

PSBA's concerns with the PBA include:

1. *Cost, time and staffing to provide remediation/supplemental instruction to students who score at basic or below until the student can demonstrate proficiency via the Keystone Exam or the PBA.* While PSBA does not oppose the issue of providing remediation, there will be a time factor and cost involved for districts.
2. *Cost, time and staffing to implement the online PBA.* According to PDE, these online assessments could take up to 10 hours for a student to complete and must be done at school in the presence of a test administrator. Further, each student must have a tutor who is a teacher certified in the subject area that the student is testing in. The teacher is expected to act as a tutor to monitor the work, offer feedback and provide remediation to guide the student to success. Will schools be expected to hire additional staff to accommodate this requirement, or will they be expected to take teachers out of their regular classrooms to do this? How will students who must complete up to 10 hours of project work be expected to make up the work they miss from their regular classrooms? If done before or after school, or during the summer, cost and time issues must be considered.

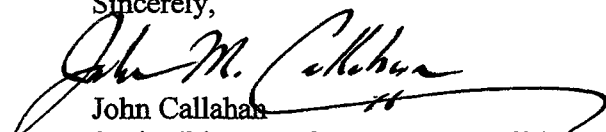
3. *School districts must implement the infrastructure to support students working on projects. This includes district assessment coordinators, school building assessment coordinators, test administrators, and teacher tutors. Training will be required for staff in each of these roles, and a great amount of recordkeeping will be required to determine timelines for completion, provide notifications, schedule sessions and monitor students to ensure they have participated in the PBA and completed their goals. Again, in times of fiscal restraint, will districts have to hire additional staff? How will they pay for this?*
  
4. *Time necessary for each PBA to be evaluated by a statewide review panel. Once a student completes a PBA, it must be reviewed by the district tutor and then submitted to a three-member evaluation panel assembled by PDE. In information provided by PDE this month, it has been estimated that it will take 8 to 10 weeks for the panel to evaluate a project. If the panel decides the project work is unsatisfactory, the student must re-do and re-submit the project. Time is wasted during that 8-10 week period while the student waits to know if the work completed will be enough. Meanwhile, will the district still be required to provide remediation to the student until the evaluation results are reported?*

Flexibility is needed. PSBA suggests that Chapter 4 be amended to allow school districts to have the option to develop their own project-based assessments using multiple measures or other systems in lieu of being required to use the state-developed project. The online testing system proposed by PDE does not allow for teachers to consider other measures of student performance and the needs of diverse learners in determining proficiency; rather, it places that decision in the hands of state-selected review panels. At the very least, local scoring should be permitted.

Schools should be able to establish their own processes in a reasonable and cost effective manner using the costs and staffing within their local resources that still meets the goal of ensuring that students can demonstrate proficiency in the core areas assessed by the Keystone Exams.

We appreciate the opportunity to comment on the proposed amendments to Chapter 4. Please contact me if you wish to discuss any of the issues addressed in this letter.

Sincerely,

  
John Callahan  
Senior Director of Government Affairs

cc: Karen Molchanow, Executive Director, State Board of Education  
Sen. Mike Folmer, Chairman, Senate Education Committee  
Sen. Andrew Dinniman, Chairman, Senate Education Committee  
Rep. Paul Clymer, Chairman, House Education Committee  
Rep. James Roebuck, Chairman, House Education Committee  
Jennifer Smeltz, Executive Director, Senate Education Committee  
Lisa Felix, Executive Director, Senate Education Committee  
Judith Smith, Executive Director, House Education Committee  
Christopher Wakeley, Executive Director, House Education Committee