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*The Democratic Leader*



**Senate of Pennsylvania**

**COMMITTEES**

RULES AND EXECUTIVE NOMINATIONS,  
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November 18, 2013

Silvan B. Lutkewitte III, Chairman  
George D. Bedwick, Vice Chairman  
John F. Mizner, Esq.  
Lawrence J. Tabas, Esq.  
Dennis A. Watson, Esq.  
Independent Regulatory Review Commission  
333 Market Street, 14th Floor  
Harrisburg, PA 17101

Dear Commissioners,

I am writing to the Independent Regulatory Review Commission (IRRC) on behalf of myself as Senate Democratic Leader and on behalf of all 23 members of the Democratic Caucus.

While we support the Common Core curriculum, higher standards, and accountability, we cannot support the Pennsylvania Department of Education (PDE) / State Board of Education (State Board) Chapter 4 regulations as submitted to the IRRC for approval. Our main objection is that these new regulations call for every student to pass each of the three Keystone Exams in order to graduate.

We believe that such high stakes standardized exams will do much more harm than good for the students of Pennsylvania. To use Keystone Exams as a way to identify areas of remediation is one thing, but to use these three tests as the be all and end all of whether a student graduates is simply wrong. For example, under these regulations, a student with all A's who has difficulty taking standardized tests would potentially not graduate.

While we understand our obligations to the Federal government to test in these academic areas, there is no federal obligation to give each student these tests for graduation.

We oppose these graduation exams because parents, teachers, and students have told us that Pennsylvania has become the land of testing. School districts must use from 10 to 20 days each year to administer or review the tests.

Under these new regulations, let us look at the proposed testing regimen for 8<sup>th</sup> graders, the time when most students take Algebra 1. This spring, the students will be required to take three tests: one for their class grade, the Pennsylvania System of School Assessment (PSSA) math test (since the PSSA test is not eliminated for 8<sup>th</sup> graders), and the Keystone Exam for Algebra 1, so it can be banked for graduation purposes.

Our caucus strongly believes that it is unfair to label failure on students because of poverty and the resulting inequitable tax base, and/or the elimination of state budget line items.

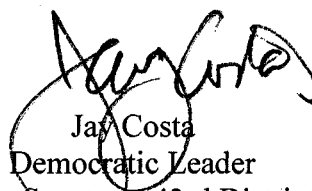
These regulations also involve a significant financial burden on school districts for supplemental instruction and many districts simply do not have the resources for that task. Districts such as Philadelphia, our largest district, are simply struggling to stay open by increasing class size and closing resources such as libraries.

Despite repeated requests from our Caucus Education Chair, Senator Andy Dinniman, PDE has refused to provide any fiscal note or adequate financial analysis of the costs of the Keystone Exams for school districts and the Commonwealth. The bottom line is that despite the IRRC asking the same questions as to the costs involved, PDE has given an inadequate, incomplete, and weak fiscal analysis and response.

When PDE signed the exemption waiver for No Child Left Behind, they promised to provide the Federal government with an analysis of costs to the commonwealth. The Pennsylvania State Education Association has estimated the costs to school districts to be \$300 million dollars. Despite this, PDE continues to say there is no cost.

Fiscal implications and costs are an essential part of the review of any regulation. Our caucus is concerned about IRRC approval of these Chapter 4 regulations, which include graduation exams, without a full and complete fiscal analysis from PDE and the State Board, and urge you not to give approval.

Respectfully,



Jay Costa  
Democratic Leader

State Senator – 43rd District

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State Senator – 22<sup>nd</sup> District

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State Senator – 32<sup>nd</sup> District

Rob Teplitz  
State Senator – 15<sup>th</sup> District

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State Senator – 18<sup>th</sup> District

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State Senator – 3<sup>rd</sup> District

LeAnna Washington  
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Jim Brewster  
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Daylin Leach  
State Senator – 17<sup>th</sup> District

Anthony Williams  
State Senator – 8<sup>th</sup> District

Andrew Dinniman  
State Senator – 19<sup>th</sup> District

Judy Schwank  
State Senator – 11<sup>th</sup> District

John Wozniak  
State Senator – 35<sup>th</sup> District

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State Senator – 46<sup>th</sup> District

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State Senator – 37<sup>th</sup> District

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Wayne Fontana  
State Senator – 42<sup>nd</sup> District

Michael Stack  
State Senator – 5<sup>th</sup> District

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Christine Tartaglione  
State Senator – 2<sup>nd</sup> District