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November 1, 2012

Larry Wittig, Chairman
Karen Molchanow, Executive Director
State Board of Education
333 Market Street
Harrisburg, PA 17126-0333

Dear Mr. Wittig and Ms. Molchanow:

The Pennsylvania School Boards Association appreciates this opportunity to make comments to the State Board of Education on the proposed changes to the Chapter 4 regulations that were published in the Oct. 6, 2012 issue of the *Pennsylvania Bulletin* specific to high school graduation requirements and the implementation of Keystone Exams.

PSBA agrees with the need to revise the current Chapter 4 rules and supports the efforts of the board to refine the graduation requirements. 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 Pennsylvania Department of Education (PDE) to make important adjustments to these rules that will have a profound impact on students and schools.

The proposed Chapter 4 changes reflect growing concerns of implementing an expansive, and expensive, high-stakes testing system. Fiscal concerns are a reality and there are policy considerations that must be addressed. PSBA agrees with many of the proposed changes and views them as necessary improvements. However, questions and concerns remain regarding some aspects of implementation as well as with the ongoing costs that will continue. Both the state and local schools should be able to implement their duties under them efficiently and cost effectively. Most of all, the regulation should benefit students and enable them to be better prepared for post-secondary education and the workforce.

At this time, we would like to comment on the following issues:

PSBA supports these proposed changes to the high school graduation requirements:

- **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. Because the regulation establishes success on the Keystone Exams as a graduation requirement, it is critical that they are implemented fairly. As the Keystone Exams are aligned with Pennsylvania Common Core standards, which schools have not yet had time to fully infuse into their curriculum, it would be unfair to tie passage of these tests to high school graduation in the 2014-15 school year. PSBA has other concerns regarding the use and fairness of the Keystone Exams later in these comments.

- **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 practical and does not reduce the intent of the regulation for students to demonstrate proficiency in the academic standards. Further, reducing the number of exams *in no way* diminishes the importance or ability of students to demonstrate proficiency in other core subject areas or coursework. In fact, the regulation continues to require students to demonstrate proficiency on the academic standards not assessed by the state in order to graduate. The change simply means that there will not be a state mandated standardized test associated with the content. School leaders will determine at the local level how those assessments will be conducted. From a budget perspective, the fact is that state dollars are scarce and scaling back the Keystone Exams program is necessary. State spending for Keystone Exams is \$15.4 million for fiscal year 2012-13, and will increase by an additional \$3.2 million in each following four fiscal years. As the state is struggling financially, so, too are school districts.
- **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. In fact, this provision was one of the key reasons that caused PSBA's Board of Directors to adopt a resolution in July 2009 opposing Chapter 4. Although the regulation was subsequently approved, the statewide opposition from PSBA and the larger education community to this issue continued. In September 2010, the State Board adopted a policy that created options for school districts that wanted to use one or more of the state-developed Keystone Exams but did not want the scores to count as one-third of the course grade. The policy would allow districts to determine the weight of the Keystone Exam scores for course grades, or to completely separate scores from course grades altogether. Wisely, 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.** Through the years since that requirement was established, Pennsylvania has continued to refine its academic standards, particularly through the adoption of the Common Core standards. As the standards describe what students should know and be able to do, they increase in complexity and sophistication as students progress through school. While the culminating project may have once been considered a capstone for students to demonstrate skills, the implementation of revised standards (now aligned with

Common Core) and assessments will work to ensure that students are achieving success. 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.

- **Eliminating the requirements for a state-prescribed strategic plan.** The proposal removes the mandate for districts to submit to PDE state-prescribed strategic planning every six years, but maintains provisions for schools to submit plans currently required under other regulations to PDE. This change does not imply that districts will no longer engage in strategic planning, nor does it lessen the importance of planning. It simply lessens the mandate for districts to submit their plans to PDE and provides them with more flexibility in their processes. Further, districts will still be required to submit plans to PDE in five other key areas: teacher induction (Ch. 49), professional development (Ch. 49) student services (Ch. 12), special education (Ch. 14) and gifted education (Ch. 16).

PSBA has questions and concerns regarding these aspects of the proposed regulation:

- **PSBA supports the concept of the project-based assessment, but is concerned that it is limited to 12th grade students only.** The project-based assessment establishes an alternate pathway for a student to demonstrate proficiency in the core areas tested by the Keystone Exams. PSBA supports the concept of an alternate assessment as an option for the benefit of students by giving them another way to demonstrate proficiency and earn a diploma. However, PSBA is concerned that the proposal allows only 12th grade students to participate in a project-based assessment. If the concept of the alternate assessment is to help students achieve proficiency soon after they have completed a course, it would more beneficial to allow them to participate at the point in time they are ready to do so. For example, if a student took algebra I in 8th grade, or biology in 9th grade, receives remediation and repeatedly fails the exam, he or she must wait until 12th grade to complete the project to demonstrate proficiency in that content area.
- **PSBA is concerned with the process and cost of implementing the project-based assessment.** The Chapter 4 proposal provides only minimal detail in explaining how this process would be implemented; however, FAQ documents from PDE dated Feb. 15, 2012 and Feb. 28, 2012 provide much more detail that must be discussed publicly before Chapter 4 should be approved. PSBA is concerned regarding:
 - **Cost, time and staffing to provide remediation/supplemental instruction** to students who score at basic or below “until the student can demonstrate proficiency” on the online work required.

- **Cost, time and staffing to implement the project-based assessment.** According to PDE, these are online assessments that will take 5-7 hours to complete and must be done at school in the presence of 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 5-7 hours of project work be expected to make up the work they miss from their regular classrooms?
- **School districts will have to have an infrastructure to support students working on projects.** This includes a district project administrator, site administrators, monitors and teacher tutors. Additionally, review team members will be recruited from districts. Again, in times of fiscal restraint, will districts have to hire additional staff?

The proposal and implementing FAQ requires school districts to absorb many new costs. While the intended goals may have merit, this process (which is primarily established in the FAQs) will be extremely time-consuming and expensive to implement. If this is what the state intends, it should be proposed in a format that is subject to public rulemaking so that a full dialogue with local school officials and other stakeholders can take place regarding the costs and staffing needs that will be mandated under the very rigid process that the department will establish.

Flexibility is needed. PSBA suggests that the State Board 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.

- **PSBA supports the concept of the emergency waiver but has concerns with decisions regarding whether a student will receive a diploma moving from the local school district to the secretary of education.** The proposed new emergency waiver provides yet another pathway for students who might otherwise be in jeopardy to graduate under the rules. Use of the waiver will be limited, and it will be applicable only to 12th grade students who have been unsuccessful with both Keystone Exams and the project-based assessment. The waiver must be requested by the chief school administrator and approved by the secretary of education. If the school requests waivers for more than 10% of students who did not complete a project successfully, the school is required to submit an improvement plan subject to approval by the secretary.

While PSBA supports the concept of a waiver, we object to the proposed process because it takes the decision of whether a student will graduate away from the local school district and ultimately places it into the hands of the state. This is a fundamental change to the authority of school districts to specify graduation requirements and grant diplomas. The efforts and performance of individual students are best known by the local school leaders and teachers, not by the secretary of education who would make a decision based primarily on the scoring of Keystone Exams and projects. The sum of a student's achievement is properly reflected by looking at many factors and accomplishments throughout his/her high school experience, not just scores of state-developed tests.

If this concept is to be incorporated into Chapter 4, the chief school administrator, as a commissioned officer of the Commonwealth, should be authorized to grant the waivers upon approval by the local school board. For these cases, PDE could establish guidelines to be followed by boards and administrators for considering and granting waivers.

A report issued in September 2012, "*State High School Exit Exams: A Policy in Transition*," by the Center on Education Policy (CEP) at George Washington University, notes that many states with current or planned exit exams offer alternate paths to graduation for general education students who fail the state exit exam, but specific options and requirements vary greatly from state to state.

For example:

- 12 states allow students to take an alternative assessment or substitute scores from another assessment, such as the ACT or SAT. (*Arkansas, Arizona, Florida, Georgia, Massachusetts, Mississippi, New York, Oklahoma, Oregon, Rhode Island, Virginia, Washington*)

- 8 states permit students to use portfolios of coursework or end-of-course projects to demonstrate their knowledge in lieu of passing an exit exam. (*Massachusetts, Maryland, New Jersey, New Mexico, Nevada, Oklahoma, Oregon, Washington*)
- 7 states offer waivers or appeals of exit exam requirements, typically after students have made repeated attempts to pass an exit exam and have met other requirements related to attendance, remediation, and/or grade point average. (*Georgia, Idaho, Indiana, Minnesota (math only), New York, Ohio, Rhode Island*)

PSBA also raises these objections related to issues of fairness:

- **PSBA is opposed to the use of Keystone Exams as high-stakes exit exams; use of the Keystone Exams should be modified.**

PSBA supports the use of Keystone Exams as end-of-course (EOC) assessments; they can serve as an important measure of student performance in core content areas. And while PSBA also supports the elimination Keystone Exam scores as part of a course grade, the use of the exams to determine whether to award or withhold a diploma makes them high-stakes exit exams. PSBA's Legislative Platform, which reflects the positions of school directors statewide, includes statements opposing the use of any single or inappropriate measure of student achievement for any high-stakes reason and opposing the implementation of standardized state-developed high school exit exams for all students.

In the Regulatory Analysis Form, the State Board acknowledges that the Keystone Exams are high stakes, and cites a 2006 report claiming that using high-stakes testing in order to receive a diploma can be a "potent policy in terms of bringing about real positive changes in student learning." PSBA disagrees; high-stakes testing is not necessarily the key to improving student achievement, but rather a way of measuring what subject matter has been learned for that individual child. Testing should inform and enhance instruction, not impede instruction.

PSBA points to a report issued in February 2011 by the Council of Chief State School Officers (CCSSO), which takes a fresher look at the use of new assessments that are tied to the Common Core Standards, such as the Keystone Exams. In "*State End-of-Course Testing Programs: A Policy Brief*," the CCSSO writes that the implementation of Common Core aligned assessments "provides an opening for states to raise the question about whether they plan to continue implementing policies that tie results of high school assessments to high school graduation determinations. Given the current state of student readiness and school capacity, virtually no state is in a position to insist in the next year or even in the next few years that all students hit the college and career readiness level of performance on these tests to earn a high school diploma."

The 2012 CEP report mentioned earlier in these comments notes that states are now rethinking how they use exit exams and end-of-course assessments. Regarding the use of end-of-course (EOC) exams, CEP reports:

“End-of-course (EOC) exams continue to grow in popularity. In recent years, several states have shifted from using comprehensive exit exams, which assess multiple subjects on the same test, to EOC exams, which test students’ mastery of the content in a particular course. Nine states required students in the class of 2012 to pass EOC exams to graduate, an increase from the two states with EOC exit exams in 2002. An additional six states required students in the class of 2012 to take EOC exams that are not considered exit exams because students do not have to pass them to graduate.”

Pennsylvania’s Keystone Exams are labeled as end-of-course exams but are, in fact, also high-stakes exit exams. 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.

PSBA suggests the following options for the Board’s consideration:

- Administer Keystone Exams for AYP purposes only. Maintain requirement for remediation for students who need extra help. The state could create financial incentives for schools to reach varying levels of student performance.
 - Require students to take the Keystone Exams as EOC tests but do not make passage a graduation requirement.
 - Maintain the use of Keystone Exams as a graduation requirement but allow school districts to determine the weight needed to receive a diploma.
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- **PSBA objects to the administration of Keystone Exams for AYP purposes in the 2012-13 school year without approval from the U.S. Department of Education.** The Chapter 4 regulations call for replacing the 11th grade PSSA with the new Keystone Exams for AYP purposes pending approval for the use of the exams from the United States Department of Education (USDOE). However, in July 2012, the state Department of Education informed schools that for the current 2012-13 school year, all 11th grade students are required to take the Keystone Exams to measure AYP; all 9th and 10th grade students who took or are taking a course related to the Keystone Exams also are required to take them this year. This is being mandated right now in every public school even though PDE does not have authority from the USDOE to do so.

The State Board's plan is clearly described in the current Chapter 4 under Section 4.51, state assessment system:

Section 4.51 (14) states: "The Department will seek to have the Keystone [Exam system] Exams approved as the high school level single accountability system under the No Child Left Behind Act of 2001. **Upon approval by the United States Department of Education**, the Algebra I and Literature exams will be used to determine adequate yearly progress at the high school level. The Biology Keystone Exam will be used as the high school level science assessment, which is not a factor in determining adequate yearly progress. **If the Keystone Exams receive approval** as the high school accountability measure, school districts and charter schools, including cyber charter schools, shall administer the Literature, Algebra I and Biology exams as end-of-course tests in the grade level in which the students complete the relevant coursework."

Section 4.51(15) clarifies: "The 11th grade PSSA exams in Reading, Writing, Math and Science shall be discontinued upon implementation of the Keystone Exams as **the approved assessment system** under section 1111(b)(2)(C) of the No Child Left Behind Act of 2001."

The current Chapter 4 regulations could not be any more specific of when Keystone Exams are to be used for AYP purposes, and there is no discretion for an alternative interpretation by PDE.

PSBA asks the State Board to consider:

- PDE made the decision to implement this change without permission from the USDOE. What happens if the USDOE does not approve PDE's request? Will schools be forced to administer the PSSAs to 11th grade students at the spring of 2013, after they have presumably already taken Keystone Exams and are taking SATs, AP and other final course exams? PDE's only response is that it doesn't anticipate the USDOE will disapprove the request. This assumption is gambling with thousands of students and schools who have no choice in this matter.
- Schools had the previous understanding that the 11th grade PSSA would continue until PDE had approval to replace it with Keystone Exams.
- PDE informed schools of the change in July, just a month away from the beginning of the new school year. PDE did not provide adequate notification and opportunity to prepare for this transition. Schools are now scrambling to understand the rules, procedures and staff training for the three testing waves this school year. The first testing wave is in December 2012.

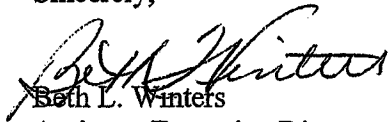
- Schools are now being forced to interrupt regular instruction to prepare students for hours of three separate Keystone Exams to be administered in December, January, May and July.
- In many instances, students will not be taking the Keystone Exams in the grade level that they took the related courses. This puts undue pressure on students and teachers to backtrack to provide refresher instruction in anticipation of the exams.
- Students in grades 9, 10 and 11 that do not score proficient will have to retest; again taking unanticipated time away from regular instruction.
- Students who will not take one of the related courses until 12th grade are still required to take all three Keystone Exams before or during their 11th grade year. For example, if a low performing student doesn't take Algebra I until senior year, he/she must take the Algebra I Keystone Exam by the end of 11th grade, before having taken the course. This is an illogical and unfair set-up for certain failure for that student. Why would the state insist on testing a student on subject matter before he has taken the course? Additionally, the tests scores of such a student will unfairly have a negative impact on the school's AYP determination.
- The results of the 2011 administration of the Keystone Exams showed that the majority of students did not perform well. This indicates that much more work is necessary before these tests should be a determining factor for any high-stakes reason, including measuring AYP.
- **PSBA disagrees with the State Board's contention that there will be no cost incurred to school districts to implement the regulation.**
The Regulatory Analysis Form states that "the proposed regulation will not impose any new costs on school districts." PSBA strongly disagrees. Districts already face increasing costs to continue to adapt their curriculum and instruction, and to have updated textbooks and materials. There are professional development and training costs; and there are 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 state-designed project-based assessments. Suggesting that that no new costs will be incurred is false and misleading. The statement should be retracted and the costs to school districts should be delineated.

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In closing, PSBA 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.

PSBA again thanks the State Board for considering the need to refine the requirements and processes for the implementation of Keystone Exams as graduation requirements. We appreciate the opportunity to comment on the proposal and will continue to be involved as the process continues.

Sincerely,



Beth L. Winters
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Governmental and Member Relations