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## Senate of Pennsylvania

August 11, 2009

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**TO:** All Republican Senators  
**FROM:** Senator Jane C. Orie  
**SUBJECT:** Keystone Exams

**Senate Resolution 156**, sponsored by Senator Piccola, would encourage the State Board of Education to adopt final-form regulations for the Rendell Administration's Keystone Exams -- a new end-of-year testing scheme for high school students. The Governor has been arguing that we need to support his basic education funding; however, the Keystone Exams represent a new program of testing which will require a multi-year phase-in and cost hundreds of millions of dollars. If the Senate adopts the resolution we are in essence committing to increased spending for several years. This, however, will be unsustainable without a tax increase.

While I appreciate Senator Piccola's view on this issue, I believe that moving forward with the Keystone Exams will take us in the wrong direction for the following reasons:

- 1. Cost.** With a \$3.2 billion deficit, we cannot afford ANY new program. In February, the Governor requested \$18 million in FY 2009-10 to develop the 10 Keystone Exams. In May, the Department of Education signed a contract with a vendor to develop the tests for \$201 million over 7 years. At a time when many proven education programs, like the EITC and Science in Motion, are being cut and/or eliminated, if there is any new funding, it should go toward proven programs or instruction, not a new test.
- 2. "Taxpayers will save Money."** The contract the Department signed was for \$201 over 7 years. While State Board of Education Chairman Joe Torsella claims that the latest proposal will eliminate the 11<sup>th</sup> grade PSSA and save \$40 million from the original \$201 million cost, there is still \$161 million of new spending. Furthermore, what is not being said is that there are new state costs associated with the proposal -- including validation of the Keystone Exams as well as the half of the costs for validation of local school assessments. The state would be required to set up a new bureaucracy for validating assessments -- comprised of school board and teacher representing but without principals or superintendents (two groups that have been critical). We need to know the full fiscal impact of these mandates prior to enacting this testing scheme.

**3. New/Unfunded Mandates on Schools.** The Rendell Administration is also quiet on the new costs to be borne by local taxpayers.

**Validation of Local Assessments.** The latest proposal calls for schools to validate their local assessments every six years to ensure that they are in line with the state's academic standards. The prior versions only called for a local assessment validity study. Torsella has estimated that it will cost \$5,000 to \$15,000 to validate each local exam. At 501 school districts times 10 exams times \$5,000, this comes to \$25 million. This cost would be split 50/50 by the state and schools.

**Alternative Pathways.** While Torsella is to be lauded for looking at alternatives to the Keystone Exams, the latest proposal will require school districts to pick up the costs of establishing and paying for a new regional bureaucracy that will be charged with scoring Alternative Pathway projects. This will be a new cost for schools and circumvents the role of the local teacher grading a project. In other states, the cost of regional scoring at the local level is around \$500,000.

**Books.** With the latest proposal containing model curriculum and testing, schools will ultimately be forced to pick up the costs for new books that are in line with the academic standards, model curriculum and Keystone Exams.

This all represents new costs for the Commonwealth and schools and we need to know the full fiscal impact at the local level.

**4. "Voluntary."** While the Administration touts the Keystone Exams as voluntary, they are voluntary in name only. First, if the 11<sup>th</sup> grade PSSA is eliminated -- as called for under the latest proposal, ALL school districts will still be required to administer 4 Keystone Exams (Algebra 1, Literature, Science, and Writing). Secondly, while the proposal states that school boards can continue using their own local assessments; these local assessments will have to be "validated" every 6 years to ensure that they are aligned with Pennsylvania's academic standards. The costs associated with validating local assessments will force many school districts to "opt into" the Keystone Exams.

**5. Loss of Local Control.** The Keystone Exams are intended to replace the local school assessments. Once a school district administers the Keystone Exams, the state would forbid students to graduate unless they pass 6 of the 10 exams or go through the Alternative Pathways project route. The scoring of students' Alternative Pathway projects would be done at the regional level and the Secretary of Education would exempt students on a case-by-case basis (thus circumventing the role of the school board). The Department's \$201 million contract also calls for the development of model curriculum, thus negating the role of the school board setting curriculum.

**6. High-Stakes Testing.** Students scoring below proficient on any Keystone Exam will get a "0%." This arbitrary decision -- with no science behind it -- will adversely affect the lives of many students. Students should be given credit for their actual level of achievement no matter how high or low. The Keystone Exams will also count as 1/3<sup>rd</sup> or

33% of a student's final grade in that course. The 1/3<sup>rd</sup> percentage is also an arbitrary figure that has no basis in science. Overall, if a straight "A" student scores below basic on a Keystone Exam, his/her final average will be 67% at the most. Students would have to pass at least 4 Keystone Exams to graduate (new graduation requirement). While the latest proposal indicates that students will have to pass 6 of 10 exams, technically, students will be required to pass all ten as 30% of a student's GPA is going to be based on the exams. It is also important to point out that in reality, we could have at least 2-3 years of students taking both the PSSA and Keystone Exams simultaneously until there is a transition made. As research indicates, there is a very real concern that students will simply drop out of school, rather than going through the new hoops to graduate. This is, in fact, a high-stakes testing scheme. The infatuation with testing at the both the state and national levels, in essence, treats our children as lab rats.

**7. PSSAs are Working.** On July 27<sup>th</sup>, the Rendell Administration released the latest PSSA results -- ahead of schedule -- so that it could tout that for the first time ever three-quarters of Pennsylvania students scored on grade level in reading and math. At a time when we are finally seeing progress and have limited resources why change course?

#### **8. Federal Level**

The Federal Government is moving toward national standards and testing. Much like the Senate Republican argument on the Governor's health care proposal, why should the state enact a new testing scheme that will be circumvented by the federal government?

If Pennsylvania proceeds with the end-of-year testing scheme, it will have to rely upon the federal government to approve eliminating the 11<sup>th</sup> grade PSSAs in a timely manner. Despite the elimination of the 11<sup>th</sup> grade PSSAs, the Commonwealth will need to administer BOTH the 11<sup>th</sup> grade PSSA and the Keystone Exams for at least 2 to 3 years in order to show the longitudinal data for the Keystone Exams.

#### **9. Opposition**

The original Graduation Competency Assessment (GCA) proposal was opposed by 22 education organizations: American Federation of Teachers PA, The ARC of PA, Autism Society of America/PA Government Relations Work Group, Disability Rights Network of PA, Education Law Center, Learning Disabilities Association of PA, Mental Health Association in PA, NAACP - PA State Conference of NAACP Branches, National Center for Fair & Open Testing (FairTest), PA Association of Agricultural Educators, PA Association of Career and Technical Administrators, PA Association of Elementary and Secondary School Principals, PA Association of Pupil Services Administrators, PA Association of Rural and Small Schools, PA Association of School Administrators, PA Association for Supervision and Curriculum Development, PA Middle School Association, Parent Teacher Association - PA, PA School Boards Association, PA State Education Association, PA for the Education of Gifted Students, and Philadelphia Student Union. Over 200 school boards adopted resolutions opposing the GCAs.

After the initial Keystone Exam proposal was announced, the 18-member Coalition for Effective and Responsible Teaching (CERT) issued its own proposal ("Keystone 2.0").

The CERT Coalition consisted of: American Federation of Teachers PA, Autism Society of America/PA Government Relations Work Group, Learning Disabilities Association of PA, NAACP - PA State Conference of NAACP Branches, National Center for Fair & Open Testing (FairTest), Parent Teacher Association, PA Association for Gifted Education, PA Association for Supervision and Curriculum Development, PA Association of Agricultural Educators, PA Association of Career and Technical Administrators, PA Association of Elementary and Secondary School Principals, PA Association of Pupil Services Administrators, A Association of Rural and Small Schools, PA Association of School Administrators, Pennsylvania Middle School Association, PA Psychological Association, PA State Education Association, and PA for the Education of Gifted Students. Only the PSEA has dropped its opposition to the Keystone Exams. Over 50 school boards adopted resolutions opposing the Keystone Exams.

After the revised Keystone Exam proposal was announced, the members of the CERT coalition (minus PSEA) maintain their concerns and/or opposition. PSBA is now on record as opposing the Keystone Exams.

### **Conclusion**

The fact remains that there is no data demonstrating that passing exit exams or end of course exams provides any subsequent benefit in college or career success. There is no distinctive research or empirical evidence to suggest that other states that have these exams in place have outstanding and/or distinctive results to prove this reform has legitimate merit. If there was one, we'd all be doing it and emulating them.

If the Senate approves SR 156, it is in essence committing the state to fund the Keystone Exams -- which are now in final form regulations. We need a full fiscal accounting of the costs beforehand -- rather than after-the-fact. New spending such as this will only set the state up for having to raise taxes. It is unsustainable.

While SR 156 proposes the Senate endorse this proposal, it is the wrong time for our caucus to be taking any position which will require us to support additional spending in the near future when we will see federal stimulus dollars cease and we will be trying to address pension costs. **I ask that you reject the Keystone Exams proposal by voting against SR 156.**

## Background

In 2006, the Rendell Administration proposed a new graduation requirement -- a high-stakes end-of-year testing scheme called the Graduation Competency Assessments. Overall, 22 education organizations and over 200 school districts opposed this controversial mandate.

American Federation of Teachers PA, the ARC of PA, Autism Society of America/PA Government Relations Work Group, Disability Rights Network of PA, Education Law Center, Learning Disabilities Association of PA, Mental Health Association in PA, NAACP - PA State Conference of NAACP Branches, National Center for Fair & Open Testing (FairTest), PA Association of Agricultural Educators, PA Association of Career and Technical Administrators, PA Association of Elementary and Secondary School Principals, PA Association of Pupil Services Administrators, PA Association of Rural and Small Schools, PA Association of School Administrators, PA Association for Supervision and Curriculum Development, PA Middle School Association, Parent Teacher Association - PA, PA School Boards Association, PA State Education Association, PA for the Education of Gifted Students, and Philadelphia Student Union.

Former Education Committee Chairman Jim Rhoades called the tests, "*just another fad...that won't help a single student anywhere.*" The General Assembly ultimately passed a bill (Act 61 of 2008) that prohibited the Department from promulgating, approving, or proposing a regulation to change or establish high school graduation requirements during FY 2008-09.

Despite widespread opposition, this Administration has been determined to force this mandate on schools and students. In March, the Administration put forth a revised proposal -- the Keystone Exams. Despite being labeled "voluntary," many critics believe that it is voluntary in name only due to the potential costs on school boards. As such, 18 education organizations (Coalition for Effective and Responsible Testing) continued to oppose the proposal.

The CERT Coalition consisted of: American Federation of Teachers PA, Autism Society of America/PA Government Relations Work Group, Learning Disabilities Association of PA, NAACP - PA State Conference of NAACP Branches, National Center for Fair & Open Testing (FairTest), Parent Teacher Association, PA Association for Gifted Education, PA Association for Supervision and Curriculum Development, PA Association of Agricultural Educators, PA Association of Career and Technical Administrators, PA Association of Elementary and Secondary School Principals, PA Association of Pupil Services Administrators, A Association of Rural and Small Schools, PA Association of School Administrators, Pennsylvania Middle School Association, PA Psychological Association, PA State Education Association, and PA for the Education of Gifted Students. Only the PSEA has dropped its opposition to the Keystone Exams. Over 50 school boards adopted resolutions opposing the Keystone Exams.

It is my understanding that the Administration strong-armed the School Boards Association (PSBA) to agree to the Keystone Exams proposal. It is important to note that the negotiations with PSBA were done without the knowledge of either the coalition opposed to the

tests or PSBA's own rank-and-file members. In essence, the Administration would not go to bat for higher education spending if PSBA did not support the proposal.

To his credit, Senate Education Chairman Jeff Piccola tried to reach a compromise that all sides could agree on. But during these talks, the Administration did not mention that it had signed a \$201 million contract over 7 years for the development of the tests. In response, the Senate Education Committee unanimously reported SB 281, which would specifically prohibit the Department from directly or indirectly developing or implementing additional statewide graduation requirements or entering into a contract that provides for graduation competency assessments until the General Assembly specifically appropriates funds for such purposes.

When SB 281 was passed by the Senate (48-1), State Board of Education Chairman Joe Torsella asked to step in and work out a compromise. Mr. Torsella assured me that he was committed to working with the General Assembly on finding a solution. He wrote that he "believe[s] that all state policymakers should have substantial, timely, and meaningful voice in this debate." Within a month Mr. Torsella came back to the General Assembly with a revised proposal, which was hailed as a "bipartisan agreement." To my surprise, I learned that Torsella did not negotiate with any of the education groups that had concerns, except PSEA. He simply heard viewpoints and came up with his own proposal. Much like it did with PSBA, the Administration strong-armed PSEA. The best PSEA could offer was to "drop its opposition." Furthermore, PSBA's membership bucked its leadership by adopting a resolution opposing the latest proposal. That there is little to no buy-in from the education community -- despite their pleas to be a part of the conversation -- is alarming to me.

Fiscally-speaking, now is not the right time for implementing a new testing scheme, which has so many hidden costs. Furthermore, there are still too many unanswered questions that will have far-reaching consequences. The Administration should once again, step back and work with all stakeholders to produce an agreement that everyone can buy into.