

“A Real Balancing Act” Policy Brief on the Regulatory Review Process Vs the Graduation Competency Assessment Process

By Kim Geyer of Mars Research & Retrieval Services, www.marsrrservices.com
451 Denny Road, Valencia, PA 16059, marsrrservices@zoominternet.net

Date: October 24, 2008

The mission statement of the Independent Regulatory Review Commission (IRRC) is to assist the Governor and General Assembly in creating a beneficial regulatory balance. What is occurring in our Commonwealth's regulatory review process, is anything but that balance, due to the Governor and Secretary of Education's insistence to proceed forward with their Graduation Competency Assessment (GCA) Plan. The premise of the plan would mandate all high school students to pass a series of ten various competency tests in order to graduate from high school with their diploma.

Rewinding back to last Spring in May of 2008, this process was blocked by both the House and Senate via legislation introduced at the response and urging of a statewide constituency who contacted their local representatives in opposition for various reasons and concerns. July 9th, 2008, Act 61 which was the omnibus school code bill which accompanied the state budget prohibited further action on the proposed GCA regulations in the 2008-2009 fiscal year. From May 17th-June 16th, the IRRC took public comment as required by law, and on July 16 issued a public report raising numerous concerns and urging the State Board of Education to step back from the GCA proposal for various reasons and concerns. Not to be deterred by the regulatory review process, our Governor and Secretary of Education ordered the Pennsylvania Department of Education to move forward as planned with the GCA process that same month and on August 28th, 2008 issued requests for proposals for the development of the GCA proposal completely ignoring the voice of the people, as well as, the elected legislators of our General Assembly, and our state appointed officials of the IRRC. The RFP issued August 28th, called for ten graduation competency assessments, diagnostic tools for grades 6-12 and a model state curricula indicating all three aligned components would be phased-in with implementation set to begin in the 2009-2010 school year accompanied by a multi-year funding plan for GCA's. October 15th, 2008, RFP bids were opened by PDE officials in a closed meeting to the public. October 16th, GOP Senators sent a letter to the Governor and Secretary of Education requesting the Governor to instruct the PDE "to immediately cease any further activity related to the development or implementation of a GCA" (referencing the GCA process). The GOP senators said a one year moratorium on any movement toward such tests was supposed to begin in July and that they were disturbed that RFP's were sought, especially in light of the current economic situation and the state's budget deficit.

Ever so clever, our Governor declared that the \$9 million spent to fulfill this process and plan was far less than the amount mentioned by statewide critics. Never mind the fact there was no line item specifically for this plan, as the original line item of \$15 million

was absorbed back into the budget during budget negotiations last June when the plan appeared to be crumbling at the feet of each of the three roadblocks designed to stop it in its tracks through the regulatory process. But, that didn't stop the Governor who found a loophole in the \$54.4 million dollar line item for assessments in the 2008-09 budget, which was a \$22.78 million dollar increase over the 2007-2008 state budget. He simply took what he wanted from there and applied it to his forward moving and persistent plan.

The new argument related to this matter is NOT necessarily the money it is going to cost nor the justification of moving forward with the implementation....though we know both are irresponsible responses given the dynamics. The rhetoric that it is important for our economy to be competitive than to have qualified workers is also not the new argument, though some would like you to think so. The NEW argument is the fact that our Commonwealth has a regulatory review process for a uniformed purpose and oversight of the rulemaking process in Pennsylvania and that we have long standing processes in place which are to act as a consensus builder among the legislative standing committees, the agency, and interested parties, which are inclusive of the people's voice.

Our Commonwealth and our General Assembly need to ask themselves WHY we permit to allow any government official to circumvent the authority of our state's regulatory review process? When do the circumstances warrant a Governor or anyone for that matter to exceed their authority by circumventing the General Assembly who is elected for and by to represent the people to move forward with their own personal agenda? Why do we have these long standing laws and processes in place, if they are not abided by? Why do we as a Commonwealth and General Assembly allow such arrogance and entitlement? Not abiding by nor being accountable to the regulatory review process compromises the integrity of the process as well as abolishes democracy as government by and for the people is to be exercised through elected representation. No one else would ever be able to get away with such practices, yet, it appears to be a common practice for this administration when they are unable to secure a regulation through the regulatory review process. Ironically, once the moratorium which is or was to be in effect beginning in July 2008 expires in July 2009, the State Board of Education will go through the formality of adopting Chapter 4 education regulations for a program that has already been developed and ready for implementation in schools for September 2009.

We need our elected officials to put a stop to this practice and to hold the people accountable who believe their own self-interests are above the law....even if its our own Governor. There appears to be an administration who is choosing to act and make major state policy changes with no legislative oversight and no room for public comment both of which are contradictory to the regulatory review process and the democracy we live in. Our General Assembly needs to demand accountability on behalf of the people and put a stop to this once and for all.

Kimberly D. Geyer
Mars Research & Retrieval Services Policy Analyst
Mars Area School Board President
Member of the Midwestern Intermediate Unit 4 Board of Directors

