

## **Breach of Confidentiality?**

Section 4.24 (i) of the Chapter 4 regulations state "Beginning in the 2003-04 school year, PSSA scores in each assessed discipline shall be included on student transcripts and may be released only with the permission of the student and parent, or guardian, or the student, only if the student is 18 years of age or older."

Pennsylvania school students could soon find that their personal test scores on the PSSA test will be released to local workforce development boards. There appear to be three various sources confirming that fact on the Pennsylvania workforce website, and (2) in Pennsylvania's Youth Policy Statement for Title 1 of the Workforce Investment Act of 1998 (fourth paragraph of page three). In addition, in the December 10, 1999 issue of the Information Legislative Service publication (Volume 37, #44, pp.6-7) of the Pennsylvania School Boards Association (PSBA), an article discussing workforce development, inclusive of School To Work stated that Youth Councils are responsible for developing portions of the local workforce plan relating to "eligible youth". Who is eligible? Low-income individuals between the ages of 14 and 21 who meet specific criteria such as being deficient in basic literary skills, being pregnant or parenting, or needing help to complete school.

As Tom Gentzel, Executive Director of PSBA writes, "Pennsylvania's implementation strategy is to urge those councils to measure the academic progress of all youth involved in training programs. Local workforce investment boards and youth councils are being encouraged to elect to use the results of the 11<sup>th</sup> grade PSSA tests as the measuring tool. And while the state recognizes that these individual scores are not public information, the plan urges local workforce investment boards and councils to work collaboratively with local school officials, parents, and students to develop a process to provide access to individual PSSA scores. School districts are urged to create policies, if none exist, regarding the release of these scores." (Emphasis added) In direct contradiction, Section 4.51 (c) of the Chapter 4 education regulations reads as the following:

"...To ensure that information regarding student performance is available to parents and teachers, State assessments developed under this section shall include student names. Individual test results shall be used in planning instruction only by parents, teachers, administrators, and guidance counselors with a need to know based upon local board policy on testing and reporting academic progress. The Department or other Commonwealth entities are prohibited from collecting individual test scores, and may only collect aggregate test scores by school and district." (Emphasis added)

Section 4. 52 (f) continues to read "Individual test information shall be maintained in a student's educational record in a manner consistent with section 438 of the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. & 1232g) and 34 CFR Part 99 (relating to family educational rights and privacy).

Are the PSSA scores private or public? Should they be private or public? What additional privileged student information will be released to implement School to Work and other workforce development plans? School board members, parents, and students have a right to know.

In 2003, the State Board of Education as required by the Chapter 4 education regulations and by law to review the current Chapter 4 as an overview and make modifications deemed necessary. After statewide hearings, public roundtables, and despite over a hundred school districts with resolutions opposing PSSA scores on transcripts, the State Board of Education concluded on June 20<sup>th</sup>, 2003, that it was unnecessary to change the regulations pertaining to affixing PSSA scores on student transcripts and to leave it as is.

The only way to now make this change will be to do so legislatively. For the past six years, the House and Senate have introduced legislation in both chambers addressing this specific issue. In addition, the Pennsylvania School Boards Association has put this specific item on their legislative platform for the past five consecutive years.

Scores currently placed on student transcripts are done voluntarily by school districts, now these same scores are being mandated by the State. There will be two new bills addressing this concept in each the Senate and House this 2005 session.

Please contact your local legislator to encourage their support for passage out of committee and to the floor of the chamber for a full vote.

Until there is empirical data which insures reliability and validity of PSSA test scores, and until there are sound firewalls in place to prevent the mislabeling of children based on PSSA scores, they should not be the sole indicator of student achievement and student performance. School districts should have the sole authority to make the determination, thus keeping such life impacting decisions at the local level closest to the people who are best able to evaluate the individual student.