

Legislative Analysis of Senate Bill 1442 by Mars Research & Retrieval Services www.marsrrservices.com

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Senate Bill 1442 whose prime sponsor is Senator James Rhoades (R) from Schuylkill County requires that any changes to the statewide requirements for high school graduation be established by an act of the General Assembly.

The Pennsylvania Senate Education Committee voted 10-1 on Monday, June 9th to approve the legislative measure which would block the current proposal from the State Board of Education requiring Pennsylvania to implement a series of ten new tests for Pennsylvania high school students requiring passage of six of the ten tests with proficiency in order to graduate from high school. Governor Rendell has included \$15 million in his 2008-09 budget proposal to begin the development of the new series of tests.

Currently, local school boards decide how to determine student academic proficiency utilizing local and multiple measures of assessment. Some districts include PSSA scores and some only utilize them as one piece of data inclusive of multiple measures. This flexibility would change with the new state proposal. The GCA proposal effectively eliminates that flexibility to make life impacting decisions at the local level by the very people closest to our students who are able to best evaluate the individual student's performance by taking multiple variables into account in lieu of a one time test score.

All students graduating in 2014 (this past year's sixth graders) would have to demonstrate proficiency in five core subject areas: math, reading, writing, science, and history. Proficiency would be measured by using a combination of the following:

- 11th grade PSSA that can be retaken in 12th grade
- Ten New Graduation Competency Assessments known as GCA's developed by the State
- Advance Placement or International Baccalaureate exams with content that matches the GCA's
- Local Assessments that now must be validated by state-approved vendors all at the expense of the local school district decreasing the likelihood they will be utilized due to lack of affordability now assumed by the local school districts.

Interestingly enough, the Pennsylvania Partnership Organization headed by Joan Benson whose organization is advocating the Governor's Reform and has conflict of interest issues, has released a white paper on Monday, June 9th, indicating there is an elimination of the Public's Right To Comment through Senator Rhoades's SB 1442 and thus elaborating further all the arguments which naturally attack this legislative piece with the potential to pre-empt the current regulatory review process. Initially, I believed this to be the case, however, upon my own further investigation and research, I learned that this is

nothing more than a scare tactic piece and another one of the many misinformation pieces produced by this organization and utilized to promote the governor's agenda.

Upon reading the Rhoades' bill, everyone (meaning the public at large) will still have the ability to play a role in the regulatory review process. This should be interpreted to say that all citizens regardless of one's position on the proposed regulation will have the means, rights, and ability to continue communicating to and with the General Assembly with their specific issues, concerns, and perspectives. This process will not be eliminated as some have suggested. Furthermore, Pennsylvanians should view this as an opportunity to be communicating and influencing the people held most accountable to the local taxpayer, as these are our elected officials. Contrarily, the State Board of Education is compiled of appointed individuals by the various elected governors over the course of various terms of office. The SBOE is a layer of state bureaucracy as per it is an unelected body of people with power to make decisions which are not necessarily accountable to the general public as demonstrated through its long history of mandating statewide regulatory education provisions for all 501 of the commonwealth's schools. Naturally as one would suspect, governors would support and appoint those individuals onto this board who would support and carry out their administration's education initiatives and/or agendas. Over the years, the SBOE has held statewide public hearings and roundtables asking for public and written comment on a wide spectrum of education issues, but, ultimately has the power of decision making all to themselves before drafting and creating language for the regulatory review process. The general public has no ability to elect or choose these state officials and again there is no accountability or transparency necessary to be demonstrated to the general public.

Senator Rhoades bill reads as per Section 1611 Academic Degrees: (a.1)

“Notwithstanding the provisions of Article XXVI-B, or any other provision of law, any Statewide requirements for high school graduation from a public school entity in this Commonwealth, beyond any Statewide Requirements in effect as of the effective date of this subsection, shall be established only by an act of the General Assembly”.

The key words in the above paragraph are “statewide requirements” and “only by an act of the General Assembly”.

The Pennsylvania Constitution in article III, under Section 14 (Education) states the following: *“The General Assembly shall provide for the maintenance and support of a thorough and efficient system of public education to serve the needs of the Commonwealth.”* In the event our elected officials have determined there to be legitimate reason or cause of any reform which contracts the language as contained in the state constitution, the Public School Code Act of 1949, and all other provisions of law, then they are duly authorized to pre-empt anything which impedes that mission as vested in the General Assembly.

Pennsylvania School Code section 1611 invests the *“power to confer academic degrees, honorary or otherwise...”* to the board of school directors of the district. Section 1613 *“invests the power to issue high school certificates in the board of school directors.”* The

Pennsylvania School Code Act of 1949 is law....once passed by the General Assembly and signed by the Governor in contrast to Title 22 of the PA Code which contains regulations promulgated by the State Board of Education or the Department of Education not passed by the General Assembly nor signed by the governor.

Regulations and statutes such as these empower local school boards to determine local curriculum and graduation requirements, regardless if they are referring to local or statewide requirements. The statutorily defined autonomy of local school districts to determine graduation requirements and the granting of diplomas must be preserved.

With the June 16th deadline for public comment by the IRRC finalizing, this approach should be fully supported with the understanding that there will still be a means for the public's right to comment on whatever the issue is, regardless of one's position as our government was founded on the principals "of, by, with, and for those of the people's voice". With this understanding, I will encourage all those in the Senate to support Senate Bill 1442 on the Senate Floor and to those colleagues in the House as well. Furthermore, I will encourage all those parents, teachers, taxpayers, and school districts to write, e-mail, or contact not only the Independent Regulatory Review Commission by June 16th at irrc@irrc.state.pa.us to share their positions on the GCA proposal, but, in addition, to contact Senator Rhoades at jrhoades@pasen.gov to support SB1442.

Respectfully Submitted,

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