



EDUCATION

# ALERT

## PROPOSED RULEMAKING FOR CHAPTER 4 REGULATIONS HIGHLIGHTS AND IMPACT OF CHANGES TO GRADUATION REQUIREMENTS, STANDARDIZED ASSESSMENTS AND NO CHILD LEFT BEHIND

The State Board of Education's proposed revisions to Chapter 4 (relating to academic standards and assessment) were published in the Oct. 6, 2012 issue of the *Pennsylvania Bulletin*. Those revisions are now in the hands of Pennsylvania's Independent Regulatory Review Commission (IRRC), the first of several bodies that get to comment and recommend changes.

While regulations may change prior to final adoption, in their present form the key provisions of the revised Chapter 4 proposed rulemaking include:

**Common Core Standards** – The proposal requires full implementation of the PA Common Core Standards in English Language Arts and Mathematics by July 1, 2013.

**Strategic Planning** – The proposal removes the requirement for districts to complete state prescribed strategic planning every six years. However, when a district's current strategic plan is expired it will have to submit plans to PDE for approval as currently required under other regulations in these areas: teacher induction (Ch. 49), student services (Ch. 12), gifted education (Ch. 16), professional development (Ch. 49), and special education (Ch. 14).

**Additional Keystone Exams** – Two additional Keystone Exams will be required in future years contingent upon state funds being available for development of them and the project based assessment

with each. Beginning with the class of 2019, students will also have to pass a Composition Keystone Exam. Beginning with the class of 2020, students will also have to pass a Civics and Government Keystone Exam. The department will develop five additional Keystone Exams that will be available for voluntary use by districts, subject to funding by the state. The tests and schedule is as follows: In school year 2016-17: Geometry; in 2017-18: U.S. History; in 2018-19: Algebra II; in 2019-20: Chemistry; and in 2020-21: World History.

**Remediation/Project-Based Assessments** – Students who do not receive a proficient score on the Keystone Exam must participate in supplemental instruction until they demonstrate proficiency on the exam or complete a project-based assessment.

**Emergency Waivers** – A new "emergency waiver" option is created for 12<sup>th</sup> grade students who were not successful in completing the Keystone Exams or the project-based assessment. A chief school administrator who requests waivers for more than 10 percent of students who participated in a project-based assessment must submit to PDE an action plan to identify improvements the school will implement to each course associated with the Keystone Exam content for which the waivers were requested.

**AYP** – Starting this school year, results of

Keystone Exams will be used to determine AYP as required under the No Child Left Behind Act to measure AYP once at the secondary level. In an effort to achieve this result, PDE has developed a plan that is currently awaiting approval from the US Department of Education (USDOE). Under PDE's plan, only 11<sup>th</sup> grade students' results will be used to calculate AYP. Non-11<sup>th</sup> grade secondary students' results will be banked until they are in 11<sup>th</sup> grade. Pursuant to PDE's plan, the Keystone Exams would serve as the single accountability measure under No Child Left Behind.

**Graduation Requirements** – The proposal extends the current graduation requirements to the Class of 2016. New graduation requirements will begin with the Class of 2017, with students required to score proficient or above on Algebra I, Literature and Biology Keystone Exams in order to graduate. The exams will be stand-alone assessments and the requirement for a test score to count as one-third of the student's grade is removed. Also, the requirement for students to complete a culminating project in order to graduate is eliminated, beginning with the Class of 2017.

While the proposed rulemaking provides some answers and guidance, it also raises several questions and concerns.

One such fear is that the proposed revisions to Chapter 4 call for the creation of a high-stakes testing system. Specifically, the Keystone Exams will single handedly determine whether or not a student receives a diploma. Wouldn't it make more sense, as PSBA has suggested, to take the Keystone Exams as end of course exams or for AYP purposes, but not make them a requirement for graduation? Or use the Keystone Exams as a graduation requirement, but allow school districts the flexibility to determine the weight of the

Keystone Exams on receiving a diploma?

Additionally, the proposed rulemaking to Chapter 4 calls for replacing the 11th grade PSSA with the new Keystone Exams for AYP purposes. To carry this out, PDE in July of 2012 informed schools they are to implement this change during the current 2012-2013 school year. However, to date, PDE's plan still has not received the necessary approval from USDOE. What happens if the USDOE does not approve PDE's request? Will schools be forced at the last minute to administer the PSSAs to 11th grade students in the spring of 2013?

There is also the enormous and looming question regarding the expense to school districts. The Regulatory Analysis form states that the "proposed regulation will not impose any new costs on school districts." What about costs to schools for adapting curriculum and instruction? Updating text books? Professional developments and training? Providing remediation for students who do not receive proficient scores? Or the costs of monitoring students doing project-based assessments?

Although the official 30-day public comment period has concluded, should you like to comment on such questions and concerns, the State Board has said they will continue to receive comments for a short time. All comments may be sent via email to: [ra-stateboardofed@pa.gov](mailto:ra-stateboardofed@pa.gov).

For a copy of the complete proposed rulemaking, proposed public comments and for information on the status of the proposed rulemaking, please [click here](#).

If you have any questions about the information contained in this Alert, please contact Pamela Halpern at 610.397.7979 or [phalpern@foxrothschild](mailto:phalpern@foxrothschild) or any member of Fox Rothschild's [Education Law Practice](#).



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