



COMMONWEALTH OF PENNSYLVANIA  
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SECRETARY OF EDUCATION

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The Honorable Richard L. Alloway  
Senate of Pennsylvania  
187 Main Capitol, Senate Box 203033  
Harrisburg, PA 17120

Dear Senator Alloway:

Over the past few weeks there has been much concern expressed regarding the Pennsylvania Department of Education (PDE) entering into a contract with Data Recognition Corporation (DRC) to develop a voluntary model curriculum, diagnostic tools, and standard final exams. I would like to provide some clarity on this matter.

First, I would like to remind you why business leaders across the Commonwealth, the State Board of Education, and many of our educational leaders believe there is such a sense of urgency in addressing the need to better prepare our high school students for college and the work force:

- Approximately 50,000 students graduate each year from a Pennsylvania public high school without demonstrating proficiency on the PSSAs.
- Penn State's College of Education has found that only 18 of Pennsylvania's 500 school districts – comprising less than 3 percent of the state's total public school enrollment – appropriately measure whether their students can read and do math at the 11th grade level in order to award high school diplomas, according to a study released today.
- In 2007-08, 20,394 public high school graduates who enrolled in a public higher education institution required some form of remediation, with a total cost to taxpayers, students, and parents of \$26,388,018

For this reason, I have been disappointed – and somewhat confused – by the suggestion that awarding this contract somehow scuttles the emerging consensus on the need for stronger graduation requirements. Every proposal on this policy question – the State Board's initial proposed regulations, the Department/State Board/PSBA agreement, and the recently-announced "Keystone 2.0" approach – provided for the development of standard final exams. It seems to me that freezing the development of these exams for voluntary use by districts only delays our efforts to move from compromise toward a solution and ultimately progress for our students.

### **The Contract is more than exams.**

Although opponents of graduation requirements have focused exclusively on the contract's provision for the creation of standard final exams, I want to remind you that it has three pieces – all of which are important:

1. Design of voluntary model curriculum that can be put in the hands of teachers. Just like blueprints are essential to the successful construction of a building, a curriculum is the blueprint for a successful education. The curriculum tells us what students need to know and be able to do at a given grade level in a particular subject. The model curriculum will include sample lesson plans, essential questions and vocabulary.
2. Creation of tools that will enable teachers to figure out exactly where their students are having trouble and come up with ways to address each student's learning needs. These diagnostic tools are, in essence, online pre-tests that provide real-time information to teachers about each student's strengths, weaknesses, knowledge, and skills in a particular content area.
3. The 10 standard final exams to be made available to school districts.

In terms of the assessments, we structured the contract in response to the concerns we heard from educators, policymakers, and other stakeholders. Keystone exams will not be simple, fill-in-the-bubble tests that measure recall of isolated facts. They *will* be high-quality, internationally-benchmarked course finals that assess understanding, problem solving, and critical thinking – critical 21<sup>st</sup> century skills. In addition, the contractor will provide computer-based testing to ease administration and speed results. We are designing the assessments to withstand scrutiny by the U.S. Department of Education so that keystones can eventually replace the 11<sup>th</sup> grade PSSA, which will reduce the testing burden on students and offset current costs to the state.

Under the federal No Child Left Behind (NCLB) Act, each state is to develop and implement a single, statewide accountability system (20 U.S.C. § 6311 (b)(2)) and Pennsylvania has done so. However, the purpose of this system is to ensure that all local education agencies and all public elementary and secondary school make adequate yearly progress (AYP) and that all students are proficient by 2014 (20 U.S.C. § 6311(b)(2)(C)) . The diagnostic tools, curricula and assessments to be developed under this contract will be designed to assist school districts in their efforts to increase the academic proficiency of their students, such that AYP will be achieved by 2014.

### **Continued Funding of the Contract Will Be Subject to the General Assembly's Constitutional Appropriation Authority**

The DRC contract covers the remainder of the 2008-09 fiscal year as well as fiscal years 2009 through 2014. For the remainder of this fiscal year, we would spend a

maximum of \$8 million, money which was included in the budget that the General Assembly enacted last summer.

Beyond this amount, not one cent of state funding is obligated until you and your colleagues approve the expenditure. The termination for non-appropriation language in the contract's Request for Proposals underscores this fact:

***NON-APPROPRIATION:** The Commonwealth's obligation to make payments during any Commonwealth fiscal year succeeding the current fiscal year shall be subject to availability and appropriation of funds. When funds (state and/or federal) are not appropriated or otherwise made available to support continuation of performance in a subsequent fiscal year period, the Commonwealth shall have the right to terminate the Contract or a Purchase Order....*

### **The Contract Award followed a Transparent, Competitive Bidding Process**

The contract with DRC was awarded after a competitive bidding process – the Department issued a Request for Proposals in September 2008, received bids from three qualified vendors, and reviewed and scored proposals based on established criteria:

1. *Can the vendor deliver a high-quality product on schedule?*
2. *What is the cost to the taxpayers?*
3. *What is the vendor's commitment to partnering with women- and minority-owned firms?*

On each of these three criteria, DRC received the highest score.

The DRC contract was awarded through the same independent, transparent process used for most state contracts – an open request for proposals, careful examination of each on the merits, independent tabulation of scores, negotiations to arrive at the lowest possible cost, and a final approval process spanning offices across the Department of Education, the Department of General Services, the Comptroller's office, the Office of General Counsel and the Attorney General's office.

But *unlike* most state contracts, the process behind this contract was covered routinely by the media and received careful scrutiny from the legislature.

### **The Contract Is Consistent With the 1-Year Regulatory Moratorium Enacted Last Summer**

Some critics of stronger high school graduation requirements have alleged that current state law blocks the Department from proceeding with the creation of standard final exams that will be made available to school districts on a voluntary basis. That assertion is simply inaccurate, and I would like to direct your attention to the relevant language from this year's School Code:

NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, IN THE 2008-2009 FISCAL YEAR, A REGULATION TO CHANGE OR ESTABLISH HIGH SCHOOL GRADUATION REQUIREMENTS SHALL NOT BE FURTHER PROMULGATED, APPROVED OR PROPOSED.

Therefore, Department's contract with DRC – again, the purpose of which is to develop instructional resources and end-of-course assessments as tools for schools to use voluntarily – is not in violation of the moratorium on regulatory changes. And again, the General Assembly included funding for the first year of this contract in the 2008-09 budget.

I hope that this information has clarified both the content and purpose of the DRC contract. I know that we share the same goal – an excellent education for every young person in Pennsylvania; one that prepares students for college or other post-high school training, a meaningful career, and active citizenship. I think we can also agree that perhaps the most important decision educators make in a student's career is whether to award a high school diploma.

The Penn State study proves that the state has not done enough to provide educators with instructional resources that can ensure graduation decisions are based on real evidence of student achievement and made in a fair and consistent manner. But even more compelling is what we are hearing from Pennsylvania citizens –


A survey of business leaders released just last week reinforces the importance of moving forward. Sixty-six percent of those surveyed think it is a high priority that new employees be able to demonstrate that they have the basic skills to enter the workforce. As one small business president from Chester County states, "I think it [statewide graduation requirements] helps address concerns about improving the workforce in Pennsylvania."

And in a letter published May 26, 2009 in the Butler Eagle, Steve Santucci, a recent graduate from a school district in Westmoreland County, states,

"After enrolling at Slippery Rock University, I found I had to take a remedial algebra course. If statewide graduation requirements had been in place three years ago, I don't think I would have gotten my diploma without being ready to take college classes... To me, it just makes sense for the state to make sure everybody graduating from high school is ready to take college courses, or go to work."

As always, please do not hesitate to contact me or the Department's Office of Government Relations at 717-787-7575 with additional questions.

Sincerely,



Gerald L. Zahorchak, D.Ed.