

# Comments of the Independent Regulatory Review Commission



## State Board of Education Regulation #6-354 (IRRC #3404)

### Academic Standards and Assessment

August 14, 2024

We submit for your consideration the following comments on the proposed rulemaking published in the June 15, 2024 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (RRA) (71 P.S. § 745.5b). Section 5.1(a) of the RRA (71 P.S. § 745.5a(a)) directs the State Board of Education (Board) to respond to all comments received from us or any other source.

#### 1. Legislative Comments.

Representatives Gleim, D’Orsie, and Scialabba, minority members of the House Education Committee, expressed concerns and objections to several of the provisions in the proposed regulations. Many of their concerns were with the content of specific substrands in Appendix C-1 (Academic Standards for Economics), Appendix D-1 (Academic Standards for Family and Consumer Sciences), Appendix E-1 (Academic Standards for Career Education and Work), and Appendix F (Academic Standards for Personal Finance). Some of the objections and recommendations raised by House members include that:

- Labor unions be removed as an example of a nongovernmental economic institution (**Nongovernmental organizations** Standards 6.4.6-8.F and 6.4.9-12.F);
- A clear connection be made between the fundamental economic term of scarcity and the price of goods and services (**Scarcity** Standards 6.1.3-5.C, 6.1.6-8.C, 6.1.9-12.C); (**Economic Choice** Standards 6.1.6-8.D, 6.1.9-12.D); and (**Supply and demand** Standards 6.2.3-5.D, 6.2.6-8.D and 6.2.9-12.D);
- Price controls mandated by the government are not an example of promoting free markets (**Monopolies** Standard 6.2.9-12.C);
- Certain Economics standards equate government growth with private sector growth. It is suggested that standards be revised to present an analysis that government may use savings from spending cuts to then also cut taxes (**Economic indicators** Standard 6.3.9-12.A); (**Fiscal Policy** Standards 6.3.6-8.C and 6.3.9-12C); and (**Economic Role of Government** Standards 6.3.6-8.G and 6.3.9-12.G);

- Certain Career Education and Work standards may present individuals with intellectual disabilities with a significant disadvantage when assessed under the proposed standards. (**Oral and written communication** Standards 13.2.K-2.B, 13.2.3-5.B, 13.2.6-8.B and 13.2.9-12.B); and
- The phrase “behavioral biases” be clarified in the final standards (**Financial mindset and behaviors** Standards 17.1.6-8.D and 17.1.9-12.D) and (**Investing risk tolerance** Standard 17.4.9-12.K).

The House members also recommended an amendment to clarify Section 4.21(e)(8) (regarding elementary education planned instruction for career education). They believe that the provision would be improved by deleting the phrase “social-emotional learning” and replacing it with “interpersonal skills.” Interpersonal skills are generally considered a broader category that incorporates social-emotional skills along with other practical communication and interaction abilities.

Comments were also received from Senator Lindsey Williams, Minority Chair of the Senate Education Committee, acknowledging the deliberative process undertaken by the Board to develop the standards. The lawmaker emphasized the importance of providing financial education to all students, including those with disabilities. She stated that students with disabilities can and do meet academic standards. She further noted that a student’s Individualized Education Program is the appropriate mechanism to establish accommodations and set personalized goals that allow the student to make progress towards those standards. The legislator believes this also is consistent with the language in Act 35 of 2023 (Act 35).

Her remarks also encouraged the Academic Standards Committee to consider the feedback from the Pennsylvania Association of the Education of Young Children (PENNAEYC) and Trying Together and explore including early child/K-2 educators as an example of a potential career pathway as they develop the final rulemaking.

Under the RRA, the comments, objections, or recommendations of a committee and written comments submitted by current members of the General Assembly are two of the criteria the Commission must consider when determining if a regulation is in the public interest. When this proposal is delivered as a final-form regulation to this Commission and the standing committees for review, we will review the Board’s responses to the issues raised by the legislators in determining whether the rulemaking is in the public interest.

## **2. Fiscal impact.**

In response to Regulatory Analysis Form (RAF) #20, which asks the promulgating agency to provide a specific estimate of the costs and or savings to the local government (in this case school entities) associated with compliance, the Board states:

“...Act 35 requires school entities to offer a half credit course in personal financial literacy aligned with personal finance standards in Chapter 4 and requires all students in Pennsylvania to complete the course during grade 9, 10, 11, or 12. Act 35 further directed the Board to review and, as necessary, update the existing standards for CEW, ECON, and FCS. As such, **costs related to the implementation of the standards**

**updates in this proposed rulemaking are responsive to the requirements established by the General Assembly in Act 35.”** (Emphasis added.)

The Board’s response does not specifically address the costs and or savings incurred by school districts to provide the planned instruction that is aligned to the new academic standards for Personal Finance at the high school level. Act 35 directs the Department of Education (Department) to clarify which certifications are necessary to qualify an educator to provide instruction in personal financial literacy. It is further tasked with reviewing its certification and staffing policy guidelines and revising, if necessary, to implement Act 35. An educator who is assigned to provide this instruction may not bear any costs related to earning an add-on certification necessary to provide the required instruction. §§ 24 P.S. 1551 (b.1) (4) and (5)(ii).

Has the Department revised the certification and staffing guidelines to implement Act 35? If so, what is the fiscal impact of these changes, if any, on school entities? Will school entities need to hire additional personnel or pay for coursework for add-on certifications that may be needed to qualify educators to teach such courses? The Board should revise the Preamble and the RAF to the final regulation by providing a specific estimate of the costs and or savings to school entities to comply with this rulemaking.