



**Testimony to the Senate and House Education Committees
Regarding Pennsylvania's Implementation of the
Every Student Succeeds Act (ESSA)**

Presented by
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Good morning. My name is Nathan Mains and I am the executive director of the Pennsylvania School Boards Association. PSBA is a nonprofit statewide association representing the 4,500 elected officials who govern the commonwealth's public school districts. PSBA is a membership-driven organization that is pledged to the highest ideals of local lay leadership for public schools. We work to support reforms for the betterment of public education and to promote the achievements of public schools, students and local school boards.

PSBA appreciates the opportunity to speak to the Education Committees today regarding Pennsylvania's implementation of the federal Every Student Succeeds Act (ESSA). The ESSA presents new opportunities to move away from the prescriptive requirements of the previous No Child Left Behind Act (NCLB) and to strengthen the ability of states and local school districts to set new policies and priorities in the best interests of their students, teachers and communities.

Public school officials are ready to use their expertise to help identify and shape key areas for change in Pennsylvania classrooms. Today I am pleased to present to you the recommendations of the PSBA ESSA Study Group, a diverse group of over 80 school directors, administrators, and other education experts from across the state. The Study Group held a two-day meeting in March to discuss ESSA implementation and make recommendations to the General Assembly and Department of Education for the development of the new state plan. The recommendations focus on the new law from four perspectives:

- Assessment;
- Schools identified as being in the “bottom 5%”;
- Educator effectiveness; and
- Charter school issues and solutions.

I will provide a brief summary of the recommendations for each areas, and I invite you to read more detailed information in the report.

Assessment: Assessments play a vital role in measuring student learning. The ESSA brings greater flexibility to states for creating accountability guidelines in areas including: student achievement measurements, the method and frequency of assessments, the amount of time spent testing, and the role of assessments in an accountability system. This is an appropriate time for Pennsylvania to develop and fund an assessment model that advances achievement for every student.

The Study Group believes the current assessment process seems punitive in nature, and should instead be approached as an evaluation of strengths and weaknesses, in order to enhance student success. An assessment system should be created that is developmentally appropriate, and offers multiple measures used to provide targeted instruction and intervention. Gathering data through multiple measures creates a chance to help each child grow academically and reduces the stress and anxiety imposed by the current testing practices and expectations.

To maximize instructional opportunities for students, the Study Group suggests that time used for test preparation and administration should be significantly reduced. In addition, assessments should have immediate turnaround so that timely feedback can be useful in the current learning process. To achieve a quick turnaround, schools and districts should have local scoring and/or computer implemented assessments along with paper-and-pencil versions.

The Study Group also recommends that assessments be concise and cover a range of achievement levels of basic, intermediate, and advanced topics. To measure both growth and mastery, benchmark assessments could be done at a minimum of three points in time during the same academic year. Tests should be implemented, scored, and used in ways to reduce student and teacher anxiety and promote learning. The benchmark tests could be used to produce a summative score for the state requirement.

In addition, the Study Group suggests that districts have an accountability system that gives them the ability to substitute different assessments to meet the accountability requirements of ESSA, such as the SAT or ACT. Lastly, assessments should be conducted in a manner that protects every student's privacy. Data should be used in ways that cannot identify individual students outside of their LEA.

“Bottom 5%”: Under the ESSA, states must continue to identify and address low-performing schools. However, the law provides greater flexibility for states to design accountability systems and interventions to help low-performing schools. Low-performing schools are defined as those in the lowest-performing 5%: high schools graduating less than two-thirds (67%) of students and those schools whose subgroups are consistently underperforming as determined by the state.

The Study Group emphasized the importance of addressing the performance of schools and students holistically, and suggests that because so many factors affect performance, improvement plans should contain considerations for how to provide services other than academic to students. Each district in the bottom 5% should have a coordinator hired by the

school district and funded by the state. This person should have a knowledge of the district's culture and be able to build helpful connections with community to help provide needed services to students through schools.

In addition, a local advisory committee for the underperforming school should be formed to analyze data to identify why the school is in the bottom 5%, look at weaknesses and available resources. The committee would develop a school improvement plan of action with measurable steps that can be evaluated at regular intervals. Staff should be involved and empowered in implementing this plan and the unique culture of the school should be considered.

The Study Group suggests that this concept could be developed as a comprehensive pilot program that addresses low-performing schools by designating certain buildings as *innovation school zones*. Within innovation school zones, a variety of community-based, supplemental supports and services could be offered to the school, its students, parents and community members. Innovation schools and their corresponding committees will have increased authority, flexibility and access to resources to meet the academic and social needs of the surrounding community. The state Department of Education would provide support by serving as the point of contact and coordination for innovation schools. With a model placing emphasis on increased options and services in schools, and a dedicated committee to provide guidance and oversight, the school's academic, operational and community goals could be achieved.

Educator Effectiveness (evaluation of teachers and principals): The ESSA gives states more flexibility in designing an evaluation system, and removes the requirement to link student achievement with evaluations. This change gives Pennsylvania an opportunity to revisit its current system established under Act 82 of 2012 and the rating tools adopted through state regulation. The system links student achievement to the evaluation process through the state's School Performance Profile (SPP) which rates the academic achievement data of public school buildings. The building-level data is a component of an individual's evaluation rating. Because of the way the state's system has been established, a change in both law and regulation are required to revise or develop a new evaluation process.

The Study Group identified various problems with the current evaluation system and believes that it should be unlinked to student test score. The use of SPP scores, student test data and value-added data as a factor in evaluations can lead to unfair or inaccurate ratings. Further, the use of SPP scores delays the evaluation process because school districts only get the necessary building-level data in October, which result in evaluations being completed in the school year following the evaluation period.

The use of data and SPP scores also raises questions regarding temporary professional employees (new teachers) or other employees who need midyear review. The current system limits evaluation to instructional practices and does not take into account other employee behaviors, such as absenteeism, conduct with peers, professional image, etc. The existing process also makes it difficult to terminate a professional employee for unsatisfactory performance, resulting in significant delays in dismissing such employees.

The Study Group recommends that the current process be changed so that observation of the educator counts for 100% of the evaluation. The use of SPP scores, building-level data and other specific data should not be used for rating purposes. In addition, the Study Group suggests that modifications be made to the observation rating scale to enable evaluators to more clearly and easily identify employees with marginal or incompetent performance. The current provisions that link dismissal of an employee only to an unsatisfactory rating in instructional practice be changed. Employers must be able to dismiss an employee for unsatisfactory behaviors and actions that are not evaluated by the current evaluation tool.

Finally, the Study Group recommends that the state's evaluation system should be applied equally to educators and principals in all public school entities, including those in charter and cyber charter schools.

Charter Schools: One of the ESSA's goals is to promote greater cooperation between school districts and charter schools. It also recognizes that multiple public education opportunities must afford every student with a high-quality education and emphasizes the need for all schools to meet the needs of all populations of students. The law sets high expectations regardless of type of public education. The framework also incentivizes charter school accountability, transparency, and community engagement practices in order to receive grants.

In the nearly 20 years since brick-and-mortar charters and the 14 years since cyber charters were established in Pennsylvania law, our knowledge of charter school education and technology are significantly different. The Study Group believes that time is past due for a thorough examination of the law to bring charter school requirements in line with the accountability required of all public schools in the commonwealth.

The Study Group recommends the existing processes under the state law for authorization and renewal be revised. The law should be revised to strengthen the discretion of local school boards to make decisions regarding charter applications, renewal, revocation, and amendment requests. In addition, the process and timelines used by the Charter School Appeal Board should be improved.

The Study Group also recommends that the law be strengthened to create provisions for increased transparency and accountability of charter school operations. Open and available access to records (operational and financial, contracts) should be required to be provided on the charter school's website. Access to education management organizations' (EMOs) contracts and fees should be included as public record when such entities provide a service to a charter school.

Additionally, the Study Group believes the state should revise its funding mechanism to reduce the adversarial relationship that has been legislatively created between charter schools and school districts. This could be achieved specifically by:

- Reinstating the state's reimbursement to districts to assist with the cost of charter schools;
- Revising the rules and process for invoicing, payment, reconciliation and handling disputes;
- Developing a system to verify enrollment that minimizes administrative expense and time;
- Maintaining the mutually agreed-to enrollment caps provision in charter school law; and
- Revising the calculation of special education funding for charter schools to better reflect the actual costs of providing services.

Closing

In closing, I would like to emphasize our belief that public schools serve to provide meaningful academic instruction that engages students to be well-prepared for success in college and career. It is the intent of PSBA and the association's ESSA Study Group participants that the recommendations outlined for you today will be taken into consideration as a collective effort of professionals who have a vested interest in, and day-to-day experience with, Pennsylvania students and schools.

Thank you again for this opportunity to speak with you today, and I am pleased to answer your questions.