

Meaningful Change Under the Every Student Succeeds Act:

RECOMMENDATIONS FROM
PENNSYLVANIA PUBLIC EDUCATION STAKEHOLDERS





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The Every Student Succeeds Act

(ESSA), signed into law in December 2015, is a reauthorization of the federal Elementary and Secondary Education Act (ESEA) and replaces the previous version of the law known as the No Child Left Behind Act (NCLB). Although the ESSA will not be fully implemented nationwide until the 2017-18 school year, NCLB waivers and existing state plans will expire in August 2016. All states, including Pennsylvania, are now in the process of crafting new state plans that are expected to be submitted for approval to the U.S. Department of Education in Fall 2016 and take effect beginning in 2017-18.

The ESSA has been heralded by many for returning accountability to the states. These changes mean that individual states will bear more responsibility for implementing the law and its new requirements. As a leader in public education, the Pennsylvania School Boards Association (PSBA) convened a diverse group of more than 80 school directors, school administrators, subject experts and other education leaders from across the state to discuss ESSA implementation and make recommendations to the Pennsylvania Department of Education and the General Assembly.

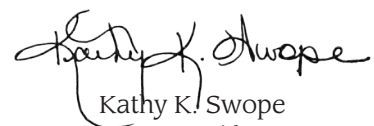
The report is the result of several weeks of discussion and preparation by study group members, culminating in a two-day meeting held March 2-3, 2016, during which attendees reviewed and discussed the new law in subgroups from four perspectives: assessment, schools identified as being in the “bottom 5%,” educator effectiveness, and charter school issues and solutions. Each of the four subgroups consisted of 10 school directors, three superintendents (representing rural, suburban and urban school districts), three school principals (representing high school, middle school and elementary schools), two representatives from district staff, two representatives from other public education groups (EPLC, PASA, charter school, etc.), and support or content experts.

The results of each subgroup were compiled in this document by PSBA, and all study group participants were given the opportunity to see the report and make comments, after which further revisions were made. The formatting of each group’s recommendations is slightly different, given the varying complexities of each subject and the limited time. Not all groups were able to reach consensus on every aspect of their topic and where there were differences of opinion, these were stated in this report. Key points from each group’s recommendations are listed on the following pages.

Pennsylvania’s Department of Education (PDE) is convening stakeholder groups to provide feedback and recommendations for the development of the new state plan for the implementation of ESSA. As these groups meet, it is the hope of PSBA and the association’s ESSA Study Group participants that the recommendations outlined in this report 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.



Nathan G. Mains
PSBA Executive Director



Kathy K. Swope
PSBA President
ESSA Study Group Chair

Executive **Summary**

The following are key points taken from the subgroups' recommendations, which are described in full with accompanying rationale in the report. These recommendations represent the viewpoints of public education administrators and representatives from around Pennsylvania.

KEY POINTS FROM RECOMMENDATIONS

Assessment subgroup

- Assessments can be both formative (for learning) and summative (of learning), with the primary purpose being formative.
- Use multiple, formative measures that can provide targeted instruction and intervention, prior to a summative indication of student progress toward mastery.
- Time used for assessment preparation and administration needs to be significantly reduced.
- Formative assessments need to have immediate turnaround.
- Assessments need to be concise and also need to cover a range of mastery levels of basic, intermediate, and advanced topics.
- Districts need an accountability system that gives them the ability to substitute different assessments to meet the accountability requirements of ESSA.
- Student success should be rooted in a developmentally appropriate approach.
- Tests should be implemented, scored and used in ways to reduce student and teacher anxiety and promote learning.
- Assessment needs to be conducted in a manner that protects every student's privacy, and; data needs to be used in ways that cannot identify individual students outside of their Local Education Agency (LEA).

"Bottom 5%" subgroup

- Start a comprehensive pilot program that addresses low-performing schools by designating them as innovation school zones.
- The local school board of directors must establish an innovation committee for each innovation school in any innovation school zone. The role of the innovation committee is to develop a plan that the local school board shall approve and implement.
- Activities and purposes eligible for implementation by innovation school zones are as follows: school and academic service options, community options, social and wraparound service options.
- Create an Office of School Innovation and Success at PDE to serve as the point of contact and coordination for innovation school zones, innovation schools, and innovation committees.
- Innovation schools may exit the innovation school zone designation if the School Performance Profile (SPP) score of the school building has risen to 65 or above, or it has increased its SPP score by at least five points annually for each of the preceding three years. Schools exiting the innovation school designation may choose to continue to utilize and offer any of the programs, services, incentives and waivers that were part of its innovation plan and which were deemed a successful component of its recent increases in achievement and success.

Educator Effectiveness subgroup

- Maintain the observation/practice component and have it count for 100% of the evaluation for all professional employees (tenured and temporary). The use of SPP scores, building level data, teacher-specific data and mandatory use of elective data should not be used for rating purposes.
- Add “Gross Deficiency” to the observation rating scale and define it as a “0” in any category. The current mathematical scoring prevents Unsatisfactory ratings and this change will enable evaluators to more clearly and easily identify employees with marginal or incompetent performance.
- Temporary professional employees (TPE) should also be rated using 100% observation using the same rubric as professional employees with no use of SPP scores or other data. The mandated use of a Performance Improvement Plan currently required for an employee who receives an overall performance rating of Needs Improvement or Failing should be maintained for professional employees but not be mandatory for TPEs. The Performance Improvement Plan should be allowed to be used at the discretion of the employer for TPEs, since educators new to the profession need time to develop their skills.
- 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.
- Language currently in Section 1122 of the Public School Code must be changed to remove provisions that link dismissal of an employee to an unsatisfactory rating in instructional practice. Employers must be able to dismiss an employee for unsatisfactory behaviors and actions that are not evaluated by the effective teaching evaluation tool.

Charter Schools subgroup

- Revise the charter school authorization and renewal process.
- Strengthen and clarify charter school law on authorization and oversight guidelines, and strengthen the discretion of local school boards to make decisions regarding charter applications, renewal, revocation, and amendment requests.
- Revise the funding mechanism to reduce the adversarial relationship that has been legislatively created between charter schools and school districts.
- Create provisions to increase transparency and accountability.



From No Child Left Behind to the **Every Student Succeeds Act**

On Dec. 10, 2015, President Obama signed into law the Every Student Succeeds Act (ESSA). The ESSA is a four-year reauthorization of the Elementary and Secondary Education Act (ESEA) and it replaces the previous version of the law enacted in 2002 known as the No Child Left Behind Act (NCLB).

The ESEA was originally signed into law by President Johnson in 1965 to establish federal education policy and authorize federal funding for states and school districts. The goal was to improve the academic performance of all public school students by offering grants to districts serving low-income students, grants for textbooks and library books, funding for special education centers, and funding for state educational agencies to improve the quality of elementary and secondary education.

The NCLB provisions signed into law more than a decade ago created the most significant change in the federal regulation of public education. It required more testing and greater academic accountability, rigorous educator qualifications, parent involvement in policy and programs, and school choice for “failing” and unsafe schools. It also included numerous miscellaneous provisions on topics including protections for homeless students, constitutionally protected school prayer, a ban on federal funds for sex education, requirements for schools

to give military recruiters access to student contact information, and a ban on indoor smoking in school facilities.

Assessment and accountability were the centerpieces of NCLB. States were required to have standards-based assessments in place for students in grades 3-8 in reading and math. Assessments in science were required at three grade levels (elementary, middle and high school). States also had to develop measures for Adequate Yearly Progress (AYP), with the lofty goal of all students, meaning 100% of students in every subgroup, reaching a proficient or advanced level of achievement by 2014. NCLB also specified a series of increasingly tough sanctions for schools failing to meet the targets for AYP. States were required to release a state report card containing information for public schools in the aggregate for student academic achievement on state assessments, disaggregated by subgroup; the percentages of students not tested; the names of schools identified for improvement; and the professional qualifications of teachers. School districts had to release reports cards with the same information.

Like all other states, Pennsylvania developed a plan for implementing NCLB. The plan included the use of the Pennsylvania System of State Assessment (PSSA) to measure student achievement in grades 3-11, and the establishment of proficiency percentages that schools and districts had to meet in order to make AYP that steadily rose toward the target of attaining 100% proficiency by 2014, as the law required.

Continuing reform changes

Education reform took another turn in February 2009 when President Obama signed into law the American Recovery and Reinvestment Act (ARRA), a \$787 billion economic stimulus package.

Approximately \$115 billion of that package was targeted for aid to elementary, secondary, postsecondary and early education programs, retention of jobs, infrastructure needs and new reform initiatives. The act provided about \$2.6 billion in education funds for Pennsylvania through several different funding streams.

Within the requirements for the various grants under the ARRA were four common reform approaches that states had to adopt. Among them were the adoption of common academic standards and assessments, and adopting initiatives related to the effectiveness of teachers and principals, including linking student achievement with teacher and principal effectiveness and using it as basis for compensation, promotions, tenure and dismissals.

These pieces of education reform requirements and federal stimulus funding were strikingly tied together when the U.S. Department of Education (ED) announced the biggest of the federal grant opportunities, called Race to the Top (RTT). To win funds in this competitive program, states were encouraged to adopt many sweeping changes in the four areas of reform outlined in the ARRA.

In June 2009, the National Governors Association (NGA) and the Council of Chief State School Officers (CCSSO) announced a joint initiative for states to collectively develop and adopt a core set of academic standards in mathematics and English language arts. Pennsylvania was among the 48 states and three territories that joined this effort called the Common Core State Standards Initiative. States that agreed to adopt these standards were given preferential consideration in their applications for the federal RTT grants. One year later, in June 2010, the final version of the national Common Core State Standards in mathematics and English language arts for grades K-12

NCLB ALSO SPECIFIED A SERIES OF INCREASINGLY TOUGH SANCTIONS FOR SCHOOLS FAILING TO MEET THE TARGETS FOR AYP.



were released. National consortiums were created to develop common assessments that would be aligned with the Common Core State Standards.

Pennsylvania NCLB transition includes changes to standards, assessments

The Pennsylvania State Board of Education adopted the national Common Core State Standards on July 2, 2010, with a three-year transition plan for implementation. The adoption was completed in conjunction with the state's application at the time for a share of federal RTT money. As an aside, Pennsylvania did not win grants in the first two rounds of RTT; the state later got some RTT money that it used to develop the new teacher/principal evaluation systems.

Further revisions to the standards were made in the following years and the name changed accordingly: Essentially, there were three names used as the standards developed in PA: Common Core Standards (2010), Pennsylvania Common Core (2012), and the current PA Core Standards (2014). The state's standards are based on components of the national standards but are not identical.

The PA Core Standards are incorporated into the Pennsylvania State Board of Education's regulations for academic standards and assessment (PA Code, Title 22, Chapter 4). The regulations also establish the state's assessment system and high school graduation requirements, which attach the use of high stakes tests based on PA Core Standards. The tests include newly revised PSSAs in English language arts, mathematics and science for students in grades 3-8. Newly created Keystone Exams in Algebra I, literature and biology replaced the 11th grade PSSA tests.

The State Board of Education also decided to attach a dual purpose to the Keystone Exams by making proficiency on them a high school graduation requirement as well as using them to meet federal testing and accountability requirements. To be clear, the use of the Keystone Exams for graduation purposes is solely a Pennsylvania decision and is not required by federal law. The requirement was to become effective beginning with the class of 2017, but Act 1 of 2016 established a two-year delay in the use of the Keystone Exams for graduation purposes, although they must still be administered for accountability purposes.

In addition, Pennsylvania developed a new school rating system called the School Performance Profile (SPP) score. The SPP scores are posted on a website and pro-

vide academic performance and demographic data for each school district, school building, comprehensive career and technology center, and cyber charter and charter school. Under the site, each school building receives a performance score that is based upon indicators that PDE selected to define a high-performing school. The building level data is used as a component of the state's teacher evaluation system that was created under Act 82 of 2012.

Moving from NCLB to waivers to ESSA

Meanwhile, the NCLB law was scheduled to be reauthorized in 2007 but was the subject of major criticism with no agreement on how to solve its problems. It had become clear that while the intention of the law to have 100% of students proficient by 2014 may have been worthy, states and schools realized that the NCLB accountability framework was seriously flawed. The law was limiting, unrealistic and punitive in its efforts to raise student achievement, with the unintended consequence of labeling more and more schools as failing rather than providing positive support. What evolved was a measurement framework that based its assessment of school quality on students' performance on only a single assessment (an invalid standard for measuring student progress) and mandated a series of wide-ranging sanctions that did not prove to significantly improve student or school performance.

THE KEYSTONE EXAMS WERE CREATED TO REPLACE THE 11TH-GRADE PSSA TESTS AND TO BE USED AS A GRADUATION REQUIREMENT.

As 2014 and the impossible mandate for 100% proficiency loomed closer, the pressure for a rewrite of NCLB increased and frustrations among the public education community grew. Beginning in 2011, ED allowed states to request waivers from some of the burdensome provisions of NCLB, including the mandate for 100% AYP. In September 2013, Pennsylvania's waiver request was approved by ED and it went into effect immediately for the 2013-14 school year. Under the waiver, Pennsylvania no longer had to use NCLB's Adequate Yearly Progress (AYP) designations and was allowed to create its own accountability system for schools receiving Title I funds that ranked school performance differently and would provide intervention and support services for struggling schools.

PSBA ESSA Study Group **REPORT**

The waivers granted to states were a temporary solution until Congress reached a compromise on a reauthorization bill. But what would be an acceptable replacement to the NCLB? For years, states, education stakeholders and the U.S. Congress debated what a law to replace NCLB would contain. And for years, there was little agreement and the work to reauthorize the law continued slowly. Finally, in the summer of 2015, Congress passed bills out of both chambers. In the House, H.R. 5, the Student Success Act of 2015, was reported by the Education and the Workforce Committee and passed a final vote by the full House. In the Senate, S. 1177, the Every Child Achieves Act of 2015, was passed unanimously by the Senate Health, Education, Labor and Pensions Com-

**ON DEC. 10, 2015,
PRESIDENT OBAMA SIGNED
THE EVERY STUDENT
SUCCEEDS ACT INTO LAW,
WITH THE NEW FRAMEWORK
EFFECTIVE IN THE
2017-18 SCHOOL YEAR.**

mittee, and passed the Senate floor. In December 2015, a conference committee released the Every Student Succeeds Act for consideration in both chambers of Congress. The U.S. House of Representatives passed the legislation on Dec. 2, 2015. The bill passed the Senate on Dec. 9, 2015. On Dec. 10, 2015, President Obama signed the Every Student Succeeds Act into law. The transition for the new law will occur over the next several years and cover fiscal years 2017-20, essentially a four-year authorization.

Key components of ESSA addressed by PSBA

Assessments/Accountability: Overall, there is less emphasis on measuring achievement based only on test scores. AYP is replaced with state-defined measures of student achievement. However, testing is not gone: The ESSA maintains the requirement that 95% of students in grades 3-8 be tested annually and students in grades 10-12 be tested once in reading or language arts and math. Science tests must be administered one time in each of the following grade ranges: 3-5, 6-9, and 10-12.

States must establish long-term goals for student achievement and for disaggregated subgroups that may require additional support. They must align assessments,

involving multiple measures of student performance, to challenging academic content standards which apply to all students in public school. Results still must be disaggregated by the following: racial and ethnic group; economically disadvantaged students compared to those not economically disadvantaged; students with disabilities compared to students without disabilities; English proficiency identification; gender; and migrant identification. States are given flexibility in establishing these assessments and may set a target to limit the aggregate percentage of instructional hours spent on assessments in each grade. The accountability system must allow states to differentiate public schools based on performance of all students and by the disaggregated subgroups. States and Local Education Agencies (LEAs) must publish annual report cards based on these state-defined measures.

Comprehensive support and improvement:

Based on the system of public school and subgroup differentiation, the state must identify schools every three years for comprehensive support and improvement to include at least: the lowest performing 5% of schools; all high schools graduating less than 67% of students; and those schools whose subgroups are consistently underperforming as determined by the state. The states must establish exit criteria for identified schools. Those LEAs whose schools are identified in one of the first two categories must develop comprehensive support and improvement plans for identified schools, subject to state approval. Those whose schools do not demonstrate significant improvement after a period not to exceed four years will be subject to more rigorous requirements established by the state. For schools with consistently underperforming subgroups, plans must be developed for targeted support and improvement based on the indicators and subgroups who are underperforming. States must set aside 7% of their federal funding for school improvement and support.

Teacher quality: The NCLB highly qualified teacher requirements have been eliminated and states will now determine teacher qualifications. States must establish plans to ensure students who are economically disadvantaged or minority students are not disproportionately served by ineffective, out-of-field or inexperienced educators. The federal requirements that educator evaluations be tied to test scores is eliminated, providing an opportunity to consider somewhat different approaches.

Charter schools: The ESSA seeks to expand the quality of and access to charter schools as well as to

assess their impact on student achievement. The ESSA focuses on improving the charter authorization process in order to improve performance, management, transparency, oversight, monitoring, audits and evaluation of charter schools. Charters must serve the needs of underserved students, e.g., those with disabilities and English language learners, to qualify for state grants. States will also work with them to ensure service to students in foster care and unaccompanied homeless students. A major focus will be ensuring that charter schools support all students once they are enrolled to promote retention.

Next steps to implementation: federal rules, state plans

The ESSA provides time and authority for ED to work with state and local partners to ensure a smooth transition from NCLB and ESEA flexibility to ESSA. Federal regulations will be developed, but that process will take many months. Since the ESSA became law in December, ED has continued to issue guidance in this changeover phase in the forms of various documents and “Dear Colleague” letters to states that are available on its website at www.ed.gov/essa.

States, including Pennsylvania, also have much work to do to implement ESSA. Although the new framework becomes effective in 2017-18, all state waivers will expire by Aug. 1, 2016, and states must submit new implementation plans that are likely due in the fall and will be reviewed by ED. States must develop plans “with timely and meaningful consultation” with the

governor and other state policymakers, school districts, representatives of teachers, principals, other school staff, and parents. Further, the plans must be made available for public comment at least 30 days prior to submission to ED for approval.

PDE is continuing to review ESSA’s details and has created a timeline to develop a state plan that will be centered on four areas: accountability, assessment, educator evaluation and educator certification. PDE is convening four stakeholder groups to provide feedback and craft recommendations that will be used to write a comprehensive report that may serve as a framework for what will become the state plan. The groups will meet four times between March and August in order to have thoughtful discussion and create meaningful recommendations that would be ready by fall. Given the statutory and regulatory implications, PDE’s report and recommendations will be shared with the General Assembly for consideration.

In addition, PDE is aware and supportive of PSBA’s efforts to provide comprehensive input. The recommendations of the PSBA study groups that are represented in this report will be shared with PDE and the General Assembly with the intent of being incorporated into a final state plan as well as proposed changes to state law and regulations.







Study Subgroup: Assessment

As stated earlier, the passage of ESSA brings greater flexibility and responsibility to the states in regards to assessment. Specifically, states are now responsible for accountability guidelines in these areas:

Student achievement measurements – Adequate Yearly Progress, the means by which the federal government defined student achievement under the No Child Left Behind Act, is replaced by state-defined benchmarks. Assessments do not have to be aligned with Common Core; however, they must be aligned with the state’s “challenging academic standards,” which apply to all students in public school statewide.

Opt-out options for testing – These are left up to the state, although required assessments must have a 95% participation rate. ESSA leaves it to states to determine how the 95% requirement will factor into state accountability systems. Pennsylvania’s existing regulations are currently covered under PA Code, Title 22, Chapter 4.

Method and frequency of assessments – Grades 3-8 must be tested annually and students in grades 10-12 be tested once in reading or language arts and math; science tests must be administered one time in each of the following grade ranges: 3-5, 6-9, and 10-12; and English language learners must be assessed on English language proficiency; however, which assessments are used and how often is left up to the states. ESSA gives local school districts the opportunity to use nationally recognized tests at the high school level with state permission (SAT, ACT). Opportunities exist for states to pilot competency-based assessments. Assessments that measure student growth are permitted. Although there is freedom in assessment style, the system must allow states to differentiate public schools based on performance of all students and by disaggregated subgroups. States and LEAs must publish annual report cards based on these state-defined measures.

PSBA ESSA Study Group **REPORT**

The amount of time spent testing – The new law specifically states that states will have the freedom to cap the amount of instructional hours spent on assessments.

Assessment's role in accountability – The makeup of the overall accountability system is up to the states, however, goals must address, in part, proficiency on assessments.

PSBA Study Group Discussion

Overall, the group's discussion focused on several perceived shortcomings of the current assessment system and how these might be addressed.

The group felt that the current assessment system is too focused on achievement rather than on informing instruction. The **primary purpose of assessment should be formative** – to inform the educational process; therefore, results should be obtained in a timely manner and educators should be able to use them to inform instruction for the benefit of students throughout the year.

Scoring should be local if possible, which would reduce turnaround

time for results, save money on shipping/processing costs and help restore a culture of trust with teachers. The secondary purpose of assessment is to give a summative picture of achievement. In summary, assessments should show both growth and mastery.

Although the use of computer-administered tests for a quick turnaround was discussed, there was criticism that not all schools would have the technology to be able to implement this type of testing, so there would need to be a pencil-and-paper version as well.

A widespread feeling among group members was that the current assessment process seems punitive in nature, and they emphasized the need to minimize test-related stress for both students and educators. **Testing shouldn't be punitive but approached as an evaluation of strengths and weaknesses, to enhance student success.** Assessments can be used to determine which districts fall into the "bottom 5%," not as a punitive measure, but as a means to better support those schools.

The group felt strongly that assessments should evaluate student achievement and growth, not teacher performance, although any modifications to the educator evaluation system would require a change in law and regulation. One reason given for the requested change is that the current assessments were not designed with educator evaluation in mind and as such, shouldn't be used for those purposes. Again, changes in Pennsylvania requirements should reflect ESSA's lifting of federal requirements tying teacher evaluation to student performance on standardized assessments.

For the benefit of students, the group requested the state come up with a way to determine whether the assessments being used are accurate indicators of college and career readiness. Because the recommended assessments are formative, if readiness could be tracked, curriculum could be modified to help better prepare students for success after graduation.

The group raised criticism that **current assessments are too long, too frequent and/or not developmentally appropriate.** As a solution, the group championed the use of a series of concise, interim formative assessments as permitted by the ESSA. These benchmark assessments, possibly three, would be developed by the PDE and reflective of the PA Core Standards. They would also be hybrid, fulfilling needs currently met by



schools' benchmark tests – to show growth and inform instruction – and also requirements of state testing – to show achievement/mastery – eliminating the need to conduct both assessments and thereby saving instructional hours. Research supports the idea that shorter, more frequent tests are more effective in the learning process.

Members of the group asserted that frequent assessment does not necessarily equal formative assessment. Formative assessment allows teachers to shape instruction and learning through regular informal assessment and rapid feedback about students. Instead, the current assessments primarily have been used to monitor teachers' instruction and are not useful to teachers as formative tools. Change is needed to make these assessments truly formative.

There was some diversity of thought in the group as to what the final assessment of the school year would look like and whether it would be summative in nature, or a formative one that could be used to give a summative score. One suggestion was for three benchmark assessments: the first testing on a variety of standards, the second building upon the first and adding in other standards, and the third building upon the first two, to be given at the end of the school year and used as a benchmark to show growth and produce a summative score for the state requirement. Concern was voiced that having the third assessment close to the year's end would not enable this benchmark to be used for placement through the scheduling process. The group did not reach a conclusion about which standards should be tested in the benchmarks – individual assessments could test only the standards that have been taught up to that time or they could test all standards at different levels of depth to more readily measure growth. In any case, the assessments would need to be comparable across levels of mastery.

Other suggestions were that the math PSSA be used in place of the Keystone Exam in eighth grade and that nationally recognized assessments such as the SAT or ACT should be sufficient to fulfill high school graduation requirements rather than the keystones.

Since the ESSA requires that a minimum of 95% of students be assessed, the group noted that if tests were geared to be formative and used to enhance individual student education, then more parents who are educated about this would not choose to opt their children out of the assessments.

Rationale and recommendations for modifying the current system

In addition to the discussion above, the group collectively created the following statement, which includes rationale and recommendations for how the assessment portion of ESSA should be implemented in Pennsylvania:

Assessment Through A New Lens

In order to pursue continuous improvement in student achievement and growth that enhances college and career readiness, the culture of assessment in the Commonwealth of Pennsylvania should be grounded in best-practices that are focused on a feedback cycle that allows for progress toward student success.

With the goal of student mastery of the PA Core Standards, our schools need to thrive in an environment where punitive measures are a thing of the past! The goal is to create a climate where assessment offers multiple, formative measures that can be used to provide targeted instruction and intervention, prior to a summative indication of student progress toward mastery of Standards. This is a new atmosphere for assessments that will go beyond a single, summative moment in time. Gathering data through multiple measures creates a chance to help each child grow academically and reduces the stress and anxiety imposed by the current practices and expectations.

Student success shall now be rooted in a develop-

**MEMBERS OF THE GROUP
ASSERTED THAT FREQUENT
ASSESSMENT DOES NOT
NECESSARILY EQUAL
FORMATIVE ASSESSMENT.**

mentally appropriate approach that responds to the varying needs of students, schools, and school districts. This provides opportunities to demonstrate student mastery through authentic assessments coupled with assessments that are paper and pencil.

Assessments can be both for learning (formative) and of learning (summative). The primary purpose should be assessments for learning (formative). To achieve this goal we need assessments that have multiple interim assessments that focus on both growth and mastery. Every district in the Commonwealth should have access to these formative assessments.

To maximize optimal opportunity for instruction of students, the time used for assessment preparation and administration needs to be significantly reduced. In addition, formative assessments need to have immediate turnaround to ensure timely feedback can be applied to the current learning process. To achieve a quick turnaround, schools and districts would need to have local scoring and/or computer implemented assessments.

Assessments would need to be concise and also need to cover a range of mastery levels of basic, intermediate, and advanced topics. This would include basic understanding of key concepts and assessments of higher-order thinking skills.

TESTS SHOULD BE IMPLEMENTED, SCORED, AND USED IN WAYS TO REDUCE STUDENT AND TEACHER ANXIETY AND PROMOTE LEARNING.

To measure both growth and mastery we have the following recommendations. We recommend that assessments would be done at a minimum of three points in time. For an assessment to accurately estimate growth these three assessments would need to be performed and scored during the same academic year¹. Each interim assessment should be comparable across levels of mastery in a format that can be easily understood by students, parents, and teachers².

Time spent on assessments should be used effectively through developmentally appropriate assessments that lead to timely feedback for teachers, students and families

that can be used to make individual instructional classroom decisions.

Districts need 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.

Tests should be implemented, scored, and used in ways to reduce student and teacher anxiety and promote learning. To achieve this, teachers could have one-to-one conferences after each of the interim assessments and help students understand their strengths and where they need to grow. If teachers are involved in the scoring and/or also have access to detailed areas of mastery this test will have immediate use to help improve instruction. There would need to be a standard training for inter-rater reliability of local scoring. Local scoring can also be more efficient and save money. Local scoring values teachers as professionals and demonstrates a trust of teachers which leads to improved morale³. These recommendations ensure that the data is used to drive instruction and the data can be a motivation for student learning.

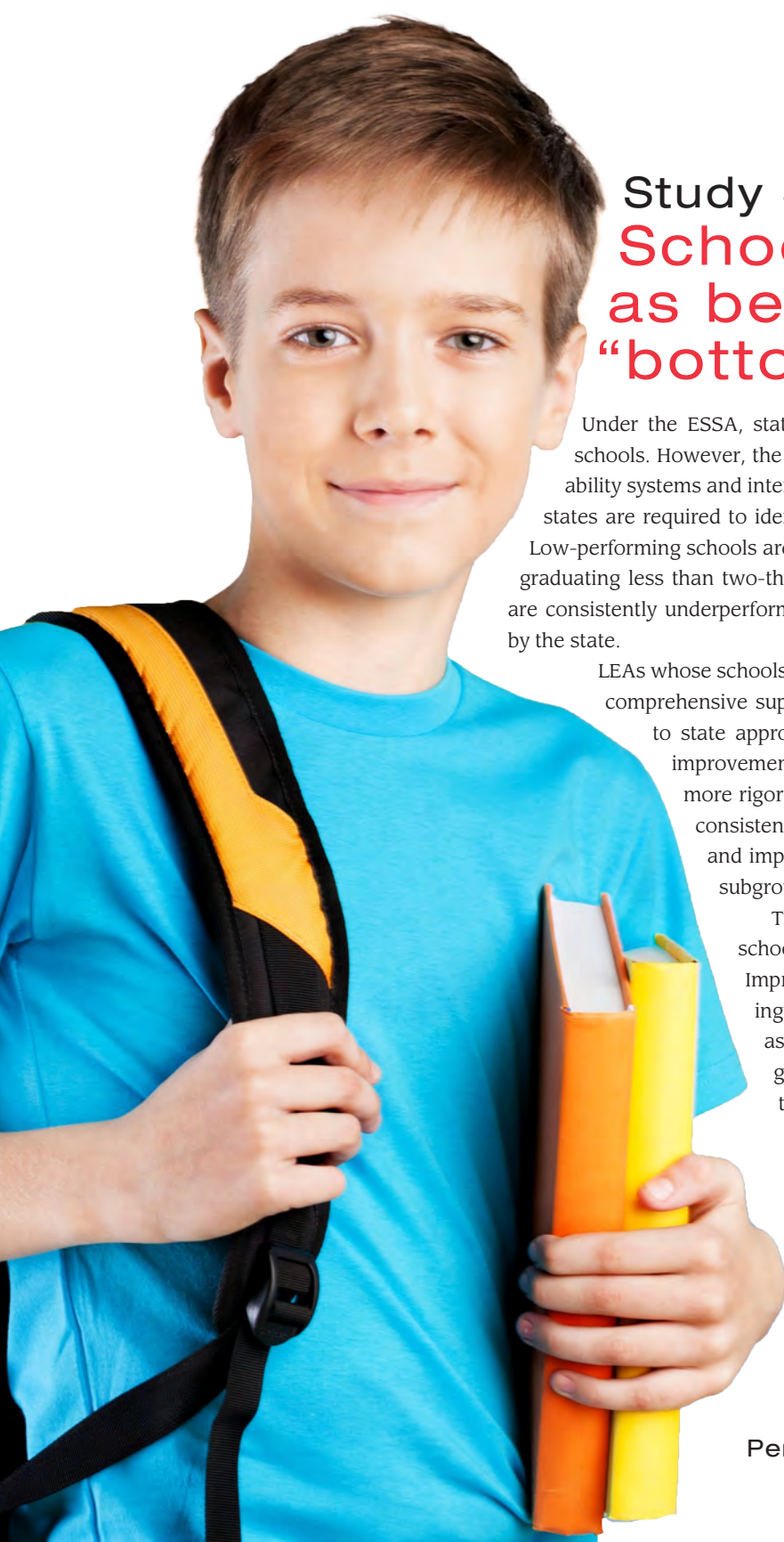
Lastly, assessment needs to be conducted in a manner that protects every student's privacy, and; data needs to be used in ways that cannot identify individual students outside of their LEA.

Assessments play a vital role and important in student learning of PA Core Standards and curriculum development for school districts. With approval of ESSA, it is an opportune time in Pennsylvania to develop and fund an assessment model that advances student achievement for every student.

¹ Measuring growth by comparing tests within an academic year allows teachers and administrators to estimate growth overtime in a clear and accessible to all parents, teachers, and administrators without the need to refer to specialized psychometric or statistical skills.

² A good example is the comparison across multiple levels of mastery in the NAEP see p.9 on (<http://nces.ed.gov/nationsreportcard/subject/publications/main2012/pdf/2013456.pdf>)

³ Local scoring has been used effectively and efficiently in other states. For example the NY state regents has been scored by teachers for decades. Local scoring would also save money in shipping and the costs of processing fees.



Study Subgroup: Schools identified as being in the “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. Every three years, states are required to identify schools for comprehensive support and improvement. 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. Exit criteria is determined by the state.

LEAs whose schools are identified in one of the first two categories must develop comprehensive support and improvement plans for identified schools, subject to state approval. Those whose schools do not demonstrate significant improvement after a period not to exceed four years will be subject to more rigorous requirements established by the state. For schools with consistently underperforming subgroups, plans for targeted support and improvement should be developed based on the indicators and subgroups who are underperforming.

The ESSA changes the funding process for low-performing schools. Under the No Child Left Behind Act, there were School Improvement Grants – fixed, limited funding to aid low-performing schools. To replace these grants, ESSA directs states to set aside at least 7% of their Title I funds for school improvement, giving states more freedom to determine how and where these funds are used.

PSBA Study Group Discussion

An overarching theme in the ESSA “Bottom 5%” Study Group discussion was the importance of addressing schools’ low performance holistically. Discussion centered around the idea that when schools struggle to meet standards of student achievement and graduation rates, outside factors such as poverty, health, community, culture, and language

barriers also are part of the cause. Therefore the problem requires a holistic approach to meeting the needs of schools, families and communities. Schools need to target not only these factors, but the mindset of some students who, because of poverty or other disadvantages, may attend school believing that they will fail or have no future. The group said that past state mandates such as charter school law have made it difficult for schools to reach students. But school improvement plans under ESSA must begin by addressing students' attitudes toward school and their behavioral, social and emotional needs.

AN OVERARCHING THEME IN THE ESSA "BOTTOM 5%" STUDY GROUP DISCUSSION WAS THE IMPORTANCE OF ADDRESSING SCHOOLS' LOW PERFORMANCE HOLISTICALLY.

The group questioned whether only looking at the lowest-performing 5% of schools was the best way to achieve overall school improvement. ESSA does target underperforming subgroups, but these could also exist in schools not in the bottom 5% and should be identified and addressed.

Overview of rationale and recommendations for modifying the current system

Because so many factors affect a school's 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 dis-

trict's culture and be able to build helpful connections with community to help provide needed services to students through schools.

For every underperforming school an advisory committee at the district level should be formed which includes the superintendent, an administrator at the school, a board member, a teacher and a community representative. The committee will analyze data to identify why the school is in the bottom 5%, look at weaknesses and available resources. Teachers should be included in this process of evaluation. Then, a school improvement plan of action should be developed by the committee with measurable steps that can be evaluated at regular intervals. Staff should be involved in implementing this plan and the unique culture of the school should be considered. Teachers should be empowered to control their own environments, using evaluation to help students learn.

Advisory committees should receive coaching from PDE on how to evaluate what contributes to schools' low rating and develop effective action plans to improve low-performing schools. The coaching should cover best practices and the opportunities that ESSA brings.

States should allow LEAs to develop broad, flexible improvement plans with an expedited approval process. Plans should be simplified and evaluated on a regular basis so that if something isn't working from one year to the next, it can be corrected. A tracking system should be created that involves both the state and local levels to ensure that schools are progressing according to established checkpoints. The plans also should outline equitable ways to distribute the allocated Title I improvement funds.

The improvement program should continue even after the school exits the bottom 5% for a total of seven years, with funding. The purpose is to ensure that the district stays out of the bottom 5%.

Policy proposal

To provide additional structure, the group further refined the overview into 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 are 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. With a model placing emphasis on increased options and services in schools, along with a dedicated innovation committee to provide leadership, guidance and oversight, the school's academic, operational and community goals are achieved.

Innovation School

An innovation school is any individual school building that has had an SPP score below 60 in all of the three most recent years. PDE must publish a list of these Innovation Schools annually. The State Board of Education may evaluate the threshold during year three of the pilot program, and there is an appeal process for a school entity that wishes to appeal an innovation school designation.

A school also has the option to self-identify and apply to PDE as an innovation school with a majority vote of its local school board. PDE will consider applications based on the following needs:

- The school's SPP score has fallen below 60 in any of the most recent three years.
- The school justifies academic challenges based on a high aid ratio, high student poverty rates, and/or a significant population of students that are English language learners.

Innovation School Zone

An innovation school zone is the geographic area from which a school building that is designated an innovation school draws its students. Schools that serve special populations cannot be included in the zones.

Powers of Innovation School Zones

The local board of school directors governing an Innovation School has all of the authority granted under law, plus additional authority that includes the following:

- Developing a school innovation plan via an innovation committee
- Entering into agreements with education management service providers to operate the school entity, individual schools or provide services within the school
- Suspending employees without regard to Sections 1124 and 1125.1 of the PA Public School Code
- Flexibility to prohibit collective bargaining on certain subjects, such as contracts with third parties for the provision of goods or services, including educational services, decisions related to reductions in force, staffing patterns and assignments, academic schedules, academic calendar, places of instruction, pupil assessment and teacher preparation time
- Applying to PDE for mandate waivers
- Increasing the school day as well as increasing the school year
- Entering into agreements with other school entities to enroll students
- Contracting with community partners, other agencies or individuals to provide products or services in an innovation school zone

Charter School Entities

A charter that meets the qualifications to be included in an innovation school zone is subject to nonrenewal of its charter if upon the end of the term of the charter following the original designation as an innovation school zone, the charter school's SPP score remains below 60. The nonrenewal may not be appealed to the state Charter School Appeal Board (CAB).

Innovation Committee

The local school board of directors must establish an innovation committee for each innovation school in any innovation school zone. The committee is comprised of one representative of PDE, three members of the local school board, the superintendent of the school district, three parents of children enrolled in the innovation school at the time of designation and three individuals with expertise in school business administration, curriculum development, leadership, staff development, organizational change or community development.

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The role of the innovation committee is to develop a plan that the local school board shall approve and implement. The plan will include recommendations in developing the school innovation plan and providing increased services and activities within the school zone that will increase the academic achievement of students in the innovation school zone.

School Innovation Plan

The innovation committee initially must conduct a comprehensive review of all academic programs, management and operations of the innovation school, as well as evaluate other needs for services and access to assistance that are applicable to the students, parents and members of the Innovation school zone community. The innovation committee must then develop a school innovation plan, which must be approved by PDE and the local school board, and contain the following:

- Performance goals consistent with SPP benchmarks and timetables to improve academic performance
- Revisions to curriculum or instructional practices
- A system of academic accountability for students and administrators
- Activities that will increase parent and community engagement
- Policies to provide individual schools greater personnel management authority, budgetary and operational flexibility and authority
- A seven-year strategic plan with annual goals and measurable objectives
- Clear delineation of the responsibilities of the board, the innovation committee and school leadership

- A plan to formally evaluate the performance and cost of major educational and operational programs
- A plan for professional development and leadership development to assist teachers and administrators in executing their objectives for school innovation and help students reach academic goals
- A plan for any resources allocated to the innovation school zone that emphasizes the implementation of services and programs that are characteristic of a full-service school

Activities and purposes eligible for implementation by innovation school zones

The following activities are eligible for implementation by the local school board of directors of an innovation school zone. If the board of directors representing an innovation school would like to implement an activity or service not listed, the local school board for that school may apply to PDE with a detailed plan and justification on why the activity or service will make a positive impact on the academic performance of the students in that school or zone.

School and Academic Service Options

- Implement or improve pre-kindergarten programs (birth through age 5) with full funding from the state that prioritizes innovation zones.
- Streamline compliance and reimbursement procedures for early learning program operators.
- Develop improved processes for intervention and detection between the early childhood education program providers and primary care physicians.
- Prioritize innovation zones in state level education grants and services.
- Implement partnerships with local career and technical education centers.
- Implement partnerships with local and state universities and community colleges and local businesses into which innovation zone students will have increased post-secondary opportunities for success.
- Develop, implement or improve upon existing before- and after-school programs, tutoring, academic supports, and student success programs.



- Develop, implement or improve academic programs to include experiential or cross-curricular learning, including but not limited to: second language and English language immersion or dual-language immersion; business, Science, Technology, Engineering Arts and Math (STEAM), and music education; leadership, personal development, or global awareness education.
- Develop, implement and provide funding for technology purchased for the purpose increasing the quality of instruction, access to computers, tablets and related hardware and software for students and school personnel.
- Develop, implement or improve upon existing remediation programs, especially in English literacy and math.
- Authority and funding to create and fill professional support positions that fulfill a need of the student population, including but not limited to parent volunteer coordinator, social services staff, school counselor, school nurse, etc.
- Provide leadership training and resources for administrators and school employees.
- Prioritize construction reimbursement if construction is tied to providing a full-service school model and/or exemption from prevailing wage.
- Provide incentives to local nonprofits and businesses to aid in academic success programs and community development within the school building and innovation zone.
- Establish partnerships and/or mentoring with high-achieving schools or school districts throughout the commonwealth.
- Evaluate and revise curriculum, academic schedules, testing requirements and procedures, textbooks and/or technology, and access to academic resources and materials that students need.
- Maintain flexibility within state requirements with respect to standardized testing requirements, upon the creation and approval of an alternative plan by PDE.
- Revise curriculum requirements for superintendent certification programs to include and/or improve required training in the areas of human resources, financial operations, arbitration and labor negotiations, facilities management and construction, governmental subsidies, and legal issues.

- Develop improved professional development opportunities for school leaders in the areas of human resources, financial operations, arbitration and labor negotiations, facilities management and construction, governmental subsidies, data usage, and legal issues.
- Develop specialized training for superintendents, school employees and school governance on how to develop and implement the numerous facets of full-service school models.
- Allow local school boards to implement a professional staff evaluation system that incorporates extensive input from experienced education professionals and uses multiple measures of assessment.

Community Options

- The innovation committee should empower community members in taking part in school innovation and improving academic performance among their youngest citizens.
- Provide in-school access to family health services, employment services, social services, streamlining of services and entry points.
- Provide professional development and job training for community members.
- Provide language and literacy classes for adults and young adults.
- Develop, implement or improve upon community job placement, economic development and investment programs with an emphasis on hiring from within the community to build the community.
- Provide incentives for community groups to participate in full-service programs:
 - Additional funding
 - Streamlined reporting or application procedures
 - Priority status for grants and resources

Social and Wraparound Service Options

- Provide funding for parent coordinator position to encourage parental involvement in the school community and activities.
- Provide counseling and increased social and county services for students and community members within the school environment.
- Provide before- and after-school care with emphasis on academic success, youth leadership development, team building, community service, etc.

- Implement a food insecurity program, especially for community children that emphasizes providing nutritional meals during nights and weekends.
- Develop a sustainable food program in which students, school employees, and community members work together to cultivate food for the school, its students and community members in need.
- Establish the provision of any necessary county service to be provided in the innovation school or other critical community location to improve access to needed programs and services.

Pennsylvania Department of Education

- Create an Office of School Innovation and Success at PDE to serve as the point of contact and coordination for innovation school zones, innovation schools, and innovation committees.
- The state will work with each innovation school zone to contract a community resource coordinator as well as a fiscal officer to work with the school and support the work of the school plan.
- Develop PATTAN trainings for administrators and educators on academic achievement and delivering a comprehensive full-service school model.
- Develop professional resources to be made available to superintendents in the areas of human resources, financial operations, arbitration and labor negotiations, facilities management and construction,

governmental subsidies, data and data usage, and legal issues.

- Establish adapted assessment options (in addition to the Pennsylvania Alternative System of Assessment (PASA) in all schools for students with Individualized Education Plans.
- Provide more comprehensive training and preparation resources.

Exiting the Innovation School designation

Innovation schools may exit the innovation school zone designation if the SPP score of the school building has risen to 65 or above, or it has increased its SPP score by at least five points annually for each of the preceding three years. Upon exiting the innovation school designation, a local school board in coordination with their innovation committee will evaluate the school innovation plan and determine which aspects of the program have been successful or not and will submit a final five-year plan to PDE on how it will maintain progress.

Schools exiting the innovation school designation may choose to continue to utilize and offer any of the programs, services, incentives and waivers that were part of its innovation plan and which were deemed a successful component of its recent increases in achievement and success.



Study Subgroup: Educator Effectiveness

As explained earlier, in order to secure federal Race to the Top (RTT) funding and waivers from certain requirements of the No Child Left Behind Act, the U.S. Department of Education required states to adopt initiatives related to the effectiveness of teachers and principals, including linking student achievement with teacher and principal effectiveness.

Pennsylvania received RTT money that was used to create new teacher/principal evaluation systems that would replace all existing state and local systems being used. In 2010 the Pennsylvania Department of Education (PDE) began work to develop a new structure based on the domains and components of the *Danielson Framework for Teaching*, a model developed by education consultant Charlotte Danielson and marketed by the Danielson Group of Princeton, New Jersey. The Danielson framework is used in many other states and is well respected.

However, because the prior evaluation system was grounded in statute through Section 1123 of the Public School Code, legislation was needed to redesign evaluation policy, tools and processes that would allow for the use of student achievement data as a component of performance ratings. Under this proviso, PDE continued its work in conjunction with the General Assembly, resulting in the enactment of Act 82 of 2012. The law created a new framework for a statewide educator evaluation system for teachers, educational specialists, nonteaching professionals and principals.

Act 82 also required PDE to develop the process for implementation and the corresponding rating forms for the new evaluation system. The department adopted regulations and rating forms under PA Code, Title 22, Chapter 19. The new rating tools were effective in the 2013-14 school year for professional and temporary professional educators. Separate sets of rating tools for principals/CTC directors and nonteaching professional employees were added to Chapter 19 in 2014, effective in the 2014-15 school year.

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In conjunction with this effort, PDE developed a system for rating the academic achievement data of public schools. The PA School Performance Profile (SPP) includes performance data for school districts, school buildings, comprehensive career and technology centers, and charter and cyber charter schools. The profiles on the SPP website (<http://paschoolperformance.org>) contain the building-level data that is a component of evaluation system.

PSBA Study Group Discussion

The PSBA study group began its deliberations with the understanding that the new ESSA removes federal oversight of how educators are evaluated, giving states more flexibility in designing an evaluation system. This presents an opportunity for Pennsylvania to revisit the structure and administration of its current method for evaluating educator effectiveness. Because of the way Pennsylvania's system has been established, any modifications will require a change in both law and regulation in order to revise or develop a new evaluation system.

The chart explains the state's current system for educator effectiveness created under Act 82 and the Chapter 19 regulations. It is shown here because much of the group's discussion focused on the components of the "left

side of the pie" versus the "right side of the pie" under the existing system.

As shown by the left side of the pie chart, at least 50% of the annual evaluation is based on observation and practice. The rating tool includes descriptions of the four domains set forth in Act 82 for teacher observation and practice. The four domains are as follows: planning and preparation (20% of the overall score); classroom environment (30%); instruction (30%); and professional responsibilities (20%). The Chapter 19 regulations provide descriptions of educator performance or behavior in the four domains.

The right side of the chart shows that the other 50% of the evaluation is based on three measures of student performance. The measures are: building-level rating using the SPP score (15%); teacher specific data that consists of measures based on student performance on assessments and value-added assessment system data (15%); and elective data which may include measures of student performance selected from a list provided annually by PDE. LEAs must select and develop measures using a Student Learning Objective process (20%).

For nonteaching professional employees, the system requires 80% of the overall rating to be based on observation and practice, and 20% on student performance. For principals, the system requires 50% of the overall rating to be based on leadership observation and practice (50%); building-level rating (15%); correlation rating (15%) and elective rating (20%).

The system requires evaluators to use specific forms to calculate the performance rating of the individual educator. The form is used to record the results of the data collection process which provides for a potential overall rating of Failing, Needs Improvement, Proficient or Distinguished. The rating form sets numeric values for these four rating levels on a 0-3 point scale, and the regulations provide descriptions of performance or behavior for each category. Based on this performance rating, the employee then receives a final rating of Satisfactory or Unsatisfactory.

Measuring Educator Effectiveness

Pennsylvania Department of Education

Teacher Effectiveness System in Act 82 of 2012

Teacher Observation/ Practice

Planning and Preparation
Classroom Environment
Instruction
Professional Responsibilities

Building Level Data/School Performance Profile

Indicators of Academic Achievement
Indicators of Closing the Achievement Gap, All Students
Indicators of Closing the Achievement Gap, Historically Underperforming Students
Indicators of Academic Growth/ PVAAS
Other Academic Indicators

Building Level Data 15%

Teacher Specific Data 15%

Teacher Specific Data

Student Performance on Assessments
PVAAS 3-Year Rolling Average
IEP Goals Progress*
LEA Developed Rubrics*

Elective Data*

District Designed Measures and Examinations
Nationally Recognized Standardized Tests
Industry Certification Examinations
Student Projects Pursuant to Local Requirements

Observation/
Practice 50%

Elective Data 20%

*Student Learning Objective Process

isfactory. When an employee receives a Needs Improvement rating twice within a 10-year period, the overall rating of the employee will be considered Unsatisfactory. An employee cannot receive a Failing rating based solely on test scores, and an employee who receives a Needs Improvement or Failing rating must participate in a performance improvement plan.

Rationale and recommendations for modifying the current system

The group discussed the challenges that school administrators and educators face under the current system, and agreed that changes are necessary to improve the validity and purpose of the rating methods used. A revised system can provide opportunity for teachers and principals to have constructive dialogue about areas of success as well as areas where improvement is needed to ensure that every child has an effective teacher in the classroom. Changes can also provide clarity and reduce delays in taking action on a personnel matter, including dismissal for incompetency or unsatisfactory performance.

In considering the effect of moving from the previous system to the current one, the group noted that in spite of changes made to address criticism, the vast majority of teachers remain rated Satisfactory. The previous system was criticized because it used only observation and provided only Satisfactory or Unsatisfactory rating choices, resulting in about 98% of teachers rated Satisfactory. It did not provide the depth needed to appropriately rate the effectiveness of an employee or take action to terminate an employee, if necessary. The new system under Act 82 was

intended to create a more comprehensive and consistent evaluation that would provide better feedback to educators and school leaders using various measures to reflect performance. And while the new process uses four performance categories and is more complex in its mathematical calculations, the end result is that the system still uses a final rating of either Satisfactory or Unsatisfactory, with about 98% of teachers still rated Satisfactory.

Looking at the current system, the group had an overarching concern that the mathematical calculations in the four domains for overall performance contain sta-

A REVISED SYSTEM CAN PROVIDE OPPORTUNITY FOR TEACHERS AND PRINCIPALS TO HAVE CONSTRUCTIVE DIALOGUE ABOUT AREAS OF SUCCESS.

tistical weaknesses that make it harder to address underperforming or meritorious performance in a fair and timely manner. The group spoke in favor of retaining a model using the Danielson or similar type of framework and agreed that the observation piece of the evaluation on the left side of the pie chart is the most important. The observation piece provides opportunities for evaluation in four key areas, and educators report rich conversations and professional growth based on these components.

While emphasizing the value of observation and practice, the group felt the three measures on the right side of the chart should be eliminated or revised in a new evaluation process.

The members raised these specific issues as rationale for the need to change:

There are concerns with using student test scores and value-added data as a factor in evaluations.

Test scores are often influenced by the socio-economic conditions of the community and the school district, with poverty and other factors leading to lower test scores. Inequities in school funding translate into varying resources for schools. Lower test scores translate to lower school building-level scores on the SPP ranking. Student, family and community demographics also impact assessment outcomes. Low building-level data and SPP scores are indicators beyond the control or influence of the teacher and are not really an accurate indicator of his or her performance in the classroom.

In addition, cautions have been raised regarding the use of value-added measures (VAMs) for high-stakes decisions related to teachers. The American Statistical Association issued a statement in 2014 noting that because VAMs are generally based on test scores, they do not directly measure potential teacher contributions toward other student outcomes. VAM scores and rankings can change substantially when a different test or model is used. The statement also notes that using multiple years of data does not help problems caused when a model systematically undervalues teachers who work in specific contexts or with specific types of students, since that systematic undervaluation would be present in every year of data. A VAM score may provide teachers and administrators with information on their students' performance and identify areas where improvement is needed, but it does not provide information on how to improve the teaching.

Use of building-level data (SPP scores) can lead to unfair or inaccurate ratings.

Use of building-level data in a low-performing school may make it impossible for an excellent teacher to receive a rating of Distinguished, making it difficult to differentiate and recognize excellent professional employees. In fact, it could cause the teacher to receive a low score that could result in a Needs Improvement rating. On the other side, the use of SPP scores makes it too difficult for a teacher to receive a Needs Improvement rating in a high performing school. Further, it is mathematically impossible in very high-performing buildings to rate a teacher as failing, the only rating which is considered Unsatisfactory when given the first time.

Use of SPP scores delays the evaluation process.

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.

Pause in use of SPP scores causes problems, questions.

For the 2015-16 school year, PDE sought and received permission from the federal ED to institute a one-year pause in furnishing SPP scores to schools that administered the PSSA, which was newly aligned to the PA Core Standards. Because the tests had changed in 2015, the results could not be compared to those in previous years. Schools with an 11th grade received an SPP score because they administered Keystone Exams.

This created a problem because the SPPs are used to create the building-level data, and ED ruled, consistent with its regulations, that building-level data must still be used for evaluation purposes. PDE, with regard to the pause and in other circumstances, advised districts that it is appropriate to use old data when the new data is not available, and told districts to use the 2013-14 SPP scores to complete 2014-15 evaluations for teachers in elementary and middle schools. However, this has been challenged by at least one statewide teachers' organization.

Use of data, SPP scores raises questions regarding temporary professional employees (TPEs) or other employees who need midyear review.

The use of data and SPP scores for the evaluations of temporary professional employees, teachers with one to three years of experience who do not yet have tenure, raises questions because they are required to be evaluated twice a year. Teachers will challenge ratings that are based on older data. How does this impact the midyear evaluation for TPEs? What is the impact of being unable to do an end of year evaluation for TPEs who complete a third year of teaching with no evaluation given until October of their fourth year of teaching if that October evaluation is an Unsatisfactory rating? Will it be necessary to focus more intensely on the TPE's second year of service again to avoid the automatic transition to tenure? What if a tenured employee is put on a performance improvement plan as a result of a needs improvement evaluation? May the district evaluate this person again after a four-month period even if new data is not available? This, too, will be challenged.

It is difficult to terminate an employee for Unsatisfactory performance. The current system has resulted in significant delay in terminating professional employees when the only basis for this is Unsatisfactory performance. Under the School Code, only a Failing rating is Unsatisfactory for purposes of termination (24 P.S. §11-1122). A tenured employee needs two consecutive Unsatisfactory ratings with a performance improvement plan of at least four months in place in order to be discharged. Those TPEs receiving a Needs Improvement rating cannot be separated for Unsatisfactory performance unless a second Needs Improvement rating is issued before tenure is granted.

In addition, 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.

Using this rationale, the group offered the following recommendations for change:

Recommendation 1:

Maintain the observation/practice component and have it count for 100% of the evaluation for all professional employees (tenured and temporary). The performance measures on the right side of the pie chart should not be used for rating purposes.

- Eliminate the use of SPP scores and building-level data from evaluations.
- Eliminate the use of teacher-specific data from all evaluations.
- Eliminate the mandatory use of elective data from all evaluations.

Using only observation/practice to evaluate educators eliminates the need for using mathematical calculations that can skew the rating, and makes the system more accurate, fair and transparent. In addition, using only observation will allow evaluations to be completed in a timely manner, rather than a span of two years.

Recommendation 2:

Add "Gross Deficiency" to the observation rating scale and define it as a "0" in any category. The current mathematical scoring prevents Unsatisfactory ratings and this change will enable evaluators to more clearly and easily identify employees with marginal or incompetent performance.

Recommendation 3:

Temporary professional employees (TPEs) should also be rated using 100% observation using the same rubric as professional employees with no use of SPP scores or other data. The mandated use of a Performance Improvement Plan currently required for an employee who receives an overall performance rating of Needs Improvement or Failing should be maintained for professional employees but not be mandatory for TPEs. The Performance Improvement Plan should be allowed to be used at the discretion of the employer for TPEs, since educators new to the profession need time to develop their skills. This allows supervisors to guide the development of TPEs without creating anxiety about potential dismissal issues.

Recommendation 4:

The group also noted that, although an early draft of the legislation that became Act 82 called for the requirements to apply to charter and cyber charter schools, that language was removed from the final version of the legislation. The members believe 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.

Recommendation 5:

Language currently in Section 1122 of the Public School Code must be changed to remove provisions that link dismissal of an employee to an unsatisfactory rating in instructional practice. Employers must be able to dismiss an employee for unsatisfactory behaviors and actions that are not evaluated by the effective teaching evaluation tool.







Study Subgroup: Charter Schools

The ESSA includes provisions to expand the charter school program by investing in new charter school models, as well as allowing for the replication and expansion of high-quality charter school models. The framework also incentivizes charter school accountability, transparency, and community engagement practices in order to receive grants.

Every state has its own laws governing the establishment and operation of charter schools. Pennsylvania's charter school law was adopted in 1997, and amended in 2002 to authorize the existence of cyber charter schools. Currently there are 174 charter schools in Pennsylvania: 151 brick-and-mortar, 10 regional, and 13 cyber charter schools. Both charter schools and regional charter schools are authorized by the local school board; cyber charter schools are approved by PDE.

In the years since the charter school law was first enacted, no updates have been made to bridge the gap between the concept of the charter school experiment in 1997 and the reality of charter school education in 2016. In the 19 years since brick-and-mortar charters came on the scene in Pennsylvania and the 14 years since cyber charters were acknowledged in law, education, technology, and our knowledge of charter school education are significantly different. The 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 General Assembly has wrestled with this issue for several years as various legislative proposals have been introduced and debated with little agreement on an acceptable reform measure.

The enactment of the ESSA can be the catalyst that enables legislators and public education stakeholders, including school districts and charter school operators, to find a solution.

PSBA Study Group Discussion

The PSBA study group included representatives from the school district and charter school communities in an effort to have a well-rounded discussion of the issues. Members recognized the original vision for Pennsylvania was to establish

a system of charter schools that could provide new opportunities and innovation within the public school structure. The key was to craft a law that balances a degree of independence for charter schools with the need to ensure accountability for the public funds that support them.

Yet, as experience over the years has demonstrated, there have been serious problems with the implementation of the existing law. The need for reform in numerous areas of the law and current practice is pressing, with these issues identified:

- A need to create a stronger authorization and oversight processes, with increased support and expertise from PDE;

**THE KEY WAS TO CRAFT
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- A need to revise the appeals process for denied applications to include more quality checks and balances;
- A need to increase accountability for charter schools to meet the goals contained in their charter applications as well as the academic and operational requirements applicable to all public school entities;
- A need to establish a funding system that appropriately reflects the actual costs of providing regular and special education services to school districts and charter schools; and
- A need to increase transparency by requiring various charter school records to be available to authorizers and the public.

The group believes that the funding provisions of the charter school law have inadvertently caused an adversarial relationship to develop between school districts and charter schools. Much of the problem is due to the existing arbitrary funding mechanism that requires school districts to fund charter schools, rather than the state, through a formula where actual costs to provide instruction are not considered. The problem was magnified in 2010-11, when the state stopped providing school

districts partial state reimbursement for charter school costs. For districts, the reimbursement was the state's acknowledgement that the transfer of students from a school district to charter does not equate to a per-student reduction in cost. The group supports the enactment of the proposed funding formula recommended by the Basic Education Funding Commission in June 2015 as the base of transition to a system of fair and predictable funding. In addition, the group believes that the state needs to recognize that the charter authorization and oversight process also incurs significant costs, time and administrative resources.

Other concerns were expressed regarding transparency and access to operational, financial, and other records of charter schools, and the group noted that meaningful accountability measures are lacking in the current law. Governance and many records are not required to be posted publicly. Charter schools are privately managed by boards of trustees that vary in number and may set their own rules of operation. They often contract with for-profit or non-profit companies to operate their schools. These entities, which are generally referred to as education management organizations (EMOs) operate, provide curriculum and courses, and offer other services to charter schools. Although contracts, audits and financial statements of the charter school, as well as payments to the EMO, can be requested from the charter school through the Right-to-Know Law, and records that relate to the EMO's management of a charter school may be subject to the Right-to-Know Law under some Pennsylvania case law, concerns arise when charter schools are not responsive to requests for such information.

The group believes that the records of EMOs and charter schools need to be available to authorizers and the public, potentially via a state database or through some other vehicle for guaranteed access. Further, the group suggested that school districts could provide their documents in the same database. It is also problematic that EMOs are not subject to the state's Right-to-Know Law, leaving authorizers without necessary information. State law and regulations should provide authorizers with clear and simple access to charter school data and guidance on the use of it. Further, the law should expressly prohibit charter operators, especially corporate EMOs, from using public taxpayer dollars to make a profit or to subsidize non-charter-related aspects of the operations of the non-profit.

In addition to the concerns described above that apply to all charter schools, the group discussed concerns unique to cyber charter schools, which are authorized by PDE. One issue of concern is attendance and participation in these schools, because there is currently no definitive mechanism required under the law to verify that the specific enrolled students are taking classes and are being held accountable for completing the work. Are special education services being adequately provided to eligible students, and are these students able to participate in activities?

Cyber charter schools have had little success in meeting any of the state benchmarks for academic achievement on state assessments. Members of the group believe that high enrollments coupled with the lack of appropriate state oversight has contributed to the negative success rate. The state should take greater responsibility for better authorization and oversight processes.

Members also noted the increasing number of successful online courses and programs operated by school districts. As the number of district cyber offerings be-

A REVISED SYSTEM CAN PROVIDE OPPORTUNITY FOR TEACHERS AND PRINCIPALS TO HAVE CONSTRUCTIVE DIALOGUE ABOUT AREAS OF SUCCESS.

comes more widely used and student access to such programs grow, should districts be able to require students to utilize their programs or not be required to pay student tuition to a cyber charter school for the same offering? Said another way, what happens when online education becomes so mainstream that the courses provided by cyber charters are no longer the “innovative programs” originally intended in the law?

Rationale and guiding principles for modifying the current law

The group noted that the ESSA supports and encourages the existence of high-performing charter schools, and that the federal law can act as the catalyst to substantially reform current charter school law in Pennsylvania. A revised charter school law can fix the current provisions



that have not worked as intended and that generate undesirable fiscal and educational outcomes. The group believes that Pennsylvania would greatly benefit from an examination of best practices in charter school law, funding and oversight across the state and nation.

A new state charter school law should relate back to the original intent of innovation and support models for public education to learn and grow. Just as important, it should include effective governance processes at multiple levels and the effective use of taxpayer dollars. It should provide clarity and equity in the cost of providing education and services to students.

Experience has shown that the current authorization process presents a burden on school boards. The state, through PDE, could provide guidance and professional standards for the authorization process, looking at best practices in other states for creating such frameworks.

The law's current appeal process does not set expectations strongly enough for high-quality schools, reinforce accountability or create and enforce penalties for poor performance. It has often served to overturn local school board rejections of weak charter applications, defeating the quality assurance intended to result from a rigorous application process. The law should include a default closure mechanism where closure is the expected outcome for errant operating and perpetually failing charter schools.

In driving the conversation toward the creation of specific recommendations, the group asked: What does the ideal school environment look like under the ESSA and what can be achieved in practical terms regarding changes to Pennsylvania's charter school law? Can the ESSA encourage momentum among lawmakers to promote more sensible funding, quality in planning and governance, better fiscal and educational accountability, and more transparency in operations?

Members formed these guiding principles that would be used to make their recommendations:

- One of the ESSA's goals is to promote greater cooperation between the school districts and charter schools. It also recognizes the endurance of charter schools over time, acknowledging that 21st-century learning encompasses multiple public education opportunities that must afford every student with a high-quality education.

- It is important to recognize that education and learning environments must be dynamic in response to the rapidly changing economy. A new state law must be better aligned with federal law and national best practices in order to achieve the ideal school environment imagined under the ESSA.
- The ESSA highlights the need for inclusive education and for all schools to meet the needs of all students, including low-income and underserved populations, those with disabilities and English language learners. The law sets high expectations regardless of type of public education.
- The legislative intent of Pennsylvania's charter school law was to 1) improve pupil learning; 2) increase learning opportunities for all students; 3) encourage the use of different and innovative teaching methods; 4) create new professional opportunities for teachers; 5) provide an expanded choice available within the public school system, and 6) hold the school established under the act accountable for meeting academic standards. However, the implementation of the law has not always matched the intention. A revised charter school law could better align practical implementation with original intent.
- The state's funding system has unintentionally fostered the creation of adversarial relationships between the traditional public schools and charter schools. In order to create a well-functioning school district/charter school relationship in Pennsylvania, sufficient and predictable state level financial support is necessary. Funding issues must be addressed that recognize the concerns of both school districts and charter schools.
- It would be beneficial to examine national best practices in providing charter school programs and operations and consider them in crafting a new charter school law.
- How will innovation be defined within a new charter school law and how should that impact the implementation of the law? For example, if a school district begins to offer the same innovation or program as the charter school, is the charter's program still defined as a unique offering?

The recommendations

To meet these challenges and to better align with the original intent of PA's charter school legislation, the study group offered these specific recommendations for change in the following areas:

Recommendation Area 1:

Revise the charter school authorization and renewal process

Revise the process used by the Charter School Appeal Board (CAB):

1. The appeal process needs to be improved for both application denial and nonrenewal/revocation.
2. Streamline and shorten the process to make a decision.
3. If the charter is truly a contract, this must be a basis for upholding a school district revocation of a charter by CAB.
4. The process needs to have specific timeframes on the right of the charter school to appeal to CAB after a decision by the authorizer.
5. The process needs a specific timeframe within which CAB must act.

Strengthen and clarify charter school law on authorization and oversight guidelines, and strengthen the discretion of local school boards to make decisions regarding charter applications, renewal, revocation, and amendment requests:

1. Expand, explain, and update standards for charter application and criteria for approval.
2. Innovation must play a more significant role in the authorization process/reason for applying for a charter/population being served.

3. Align Pennsylvania charter school law with ESSA regarding expanding opportunities for children with disabilities, ELLs and other underserved populations.
4. Require PDE to perform its role, and expand its capacity to perform its duties and responsibilities, with respect to statewide charter school administrative oversight and authorization and oversight duties specific to cyber charter schools.
5. Establish criteria for the evaluation of the impact of charter schools on student achievement, families, and communities, and sharing best practices between charter schools and other public schools. School districts need access to charter schools' aggregate academic data overall and for pertinent subgroups that align with ESSA.
6. Establish default closure criteria for mandating the nonrenewal or revocation of a charter.
7. Legislate an administrative fee to authorizers to assist in the cost of authorization and monitoring and related responsibilities.
8. Implement statewide data collection and public database showing all charter school applicants/applications, status, decisions and outcomes.



Recommendation Area 2:

Revise the funding mechanism to reduce the adversarial relationship that has been legislatively created between charter schools and school districts.

1. Reinstate the state's reimbursement to school districts that previously existed to assist with the cost of charter schools.
2. Revise rules and process for invoicing and payment, reconciliation and payment disputes, including requiring PDE to hold timely hearings to resolve disputes.
3. Develop a system for verifying enrollment that minimizes the administrative expense and time, such as immediate access to any system developed by the state with information related to charter school enrollment.
4. For thoughtful financial planning for all schools, maintain the mutually agreed-to enrollment caps provision in charter school law or enforce the enrollment projection in the original application. Eliminating enrollment caps can adversely affect a school district's ability to control costs and appropriately budget.
5. Revise the calculation of special education funding for charter schools to better reflect the actual costs of providing services.

Recommendation Area 3:

Create provisions to increase transparency and accountability

1. Provide open and available access to records (operational, financial, EMO contracts) on the charter school's website.
2. Revise inclusion of access to EMO contracts and fees as public record when such entities provide a service to a charter school.
3. The law needs to include stronger standards for ethical, fiduciary and other governance-related matters among charter schools, management companies, outside vendors and other related entities.
4. The law needs to establish clear parameters under which charter schools can undertake long-term financing that includes assurances for local taxpayer protection from liability in the event of financial default.
5. The law needs to implement clear requirements for charter schools to comply with the Sunshine Act, Ethics Act, and Right to Know Law; apply respective sanctions for failure to comply with legal and ethical requirements, short of revocation or nonrenewal, to better enforce the law.
6. A study should be implemented on how the outdated Charter School Law matches the national best practices for charter schools and the ESSA requirements. In accordance with "high-quality charter schools" as identified in ESSA, Pennsylvania must consider whether any new charter school applications should be filed or granted pending that study and reform legislation, through the adoption of a temporary moratorium or some other legislative conditions related to the grant of new charters.

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Bottom 5%

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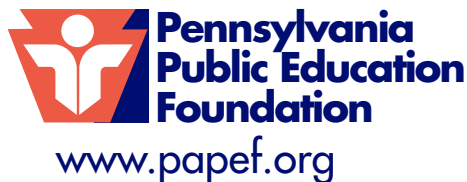
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The Pennsylvania School Boards Association is a nonprofit statewide association representing the 4,500 elected officials who govern the commonwealth's public school districts. PSBA is a membership-driven organization that is pledged to the highest 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.



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