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HOUSE OF REPRESENTATIVES

HOUSE EDUCATION COMMITTEE HEARING

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HARRISBURG, PENNSYLVANIA

MONDAY, OCTOBER 28, 2019

IN RE: SENATE BILL 751 AND HOUSE BILL 1607
TEACHER EVALUATIONS

BEFORE:

HONORABLE CURT SONNEY, MAJORITY CHAIRMAN
HONORABLE JAMES ROEBUCK, MINORITY CHAIRMAN
HONORABLE VALERIE GAYDOS
HONORABLE MARK GILLEN
HONORABLE BARBARA GLEIM
HONORABLE DAVID HICKERNELL
HONORABLE MIKE JONES
HONORABLE JERRY KNOWLES
HONORABLE JASON ORTITAY
HONORABLE MEGHAN SCHROEDER
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PROCEEDINGS

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MAJORITY CHAIRMAN SONNEY: Good morning.
This meeting of the House Education Committee will come to order.
I'd like to welcome everybody for being here. I'm Curt Sonney. I'm the Majority Chairman of the House Education Committee. I'd like to remind everyone to silence their cell phones and remind everyone that the meeting is being recorded.

We're here today to hear testimony related to Senator Aument's Senate Bill 751 and Representative Topper's companion bill, House Bill 1607, which would revise the current teacher evaluation system, which was enacted in Act 82 of 2012.

I'd like to thank all of the testifiers that are here today and ask Chairman Roebuck if he has any opening comments.

MINORITY CHAIRMAN ROEBUCK: Thank you, Mr. Chairman.

I certainly, too, would like to thank those that would testify today on this very important topic and look forward to a lively discussion as we move forward in trying to tweak and perfect the legislation we have before us.

Thank you.
MAJORITY CHAIRMAN SONNEY: Thank you.

I'd like to ask the members to please identify themselves. We'll start over on my right.

REPRESENTATIVE KNOWLES: Yes. Representative Jerry Knowles. I represent the 124th District, which includes portions of Schuylkill, Berks, and Carbon County.

REPRESENTATIVE GILLEN: State Representative Mark Gillen. Southern Berks and Northern Lancaster Counties.

REPRESENTATIVE SCHROEDER: Representative Meghan Schroeder from the 29th District in Bucks County.

REPRESENTATIVE HICKERNELL: Dave Hickernell, Lancaster and Dauphin Counties.

REPRESENTATIVE ISAACSON: Mary Isaacson, Philadelphia County.

REPRESENTATIVE GLEIM: Barb Gleim, 199th District, which is Cumberland County.

REPRESENTATIVE HILL-EVANS: Carol Hill-Evans, the 95th District in York County.

REPRESENTATIVE MADDEN: Maureen Madden, 115th District, Monroe County.

REPRESENTATIVE McCARTER: Steve McCarter, 154th District, Eastern Montgomery County.

MAJORITY CHAIRMAN SONNEY: Thank you.

And I see that Senator Aument and Representative Topper are here.
Senator, do you want to explain your bill?

SENATOR AUMENT: Thank you.

Good morning. I'd like to first express my thanks to you, Chairman Sonney, to Chairman Roebuck, and to the members of the Committee for your time here this morning. A special note of thanks to Representative Jesse Topper, who has worked with me and my staff over the course of the last year to develop Senate Bill 751 and House Bill 1607.

I'm grateful to all of those in both Chambers and on both sides of the aisle who have engaged and worked with me on this issue over the last seven years. Additionally, my thanks to the Pennsylvania Department of Education and all the various stakeholder groups. I'm grateful for their time, their engagement, technical expertise, and feedback.

Finally, I want to thank all of those students, families, school administrators, and especially those classroom teachers who have reached out to me to share concerns over the last seven years, often pulling me aside during classroom visits and speaking with me.

Thank you for the civil manner in which you've engaged. And thanks for your patience with me as I considered and sometimes disagreed with their perspective.

As a prime sponsor of the original educator evaluation system in 2012, I must confess some pride in
authorship. However, I have found that humility in authorship is a far better approach. I think we have a responsibility as legislators to constantly have our basic assumptions challenged. And I think it's appropriate to look back on the work that we've done, get feedback, and make adjustments as needed.

It has been a privilege for me to work with our educators over the last two years to develop the proposal before you. I do wish to emphasize that this has been a multi-year process in which stakeholder input and consensus, which at times has been difficult to achieve on key issues, has been sought at each and every step of the way.

The bill I offer for your consideration is the direct result of those conversations. The concerns with the current evaluation system, which was enacted into law in 2012, center on five main areas.

First, administrators in high-performing schools were unable to score their least effective teachers appropriately due to the building level component within the system which artificially raised teachers' ratings in those schools.

Two, administrators in low-performing school buildings, usually with high poverty rates, were unable to attract or keep high-quality teachers due to the building level component within the system which unfairly decreased
teachers' ratings in these schools.

Third, teachers were unhappy with the impact of the building level score on their own rating.

Fourth, teachers were not being rated on factors directly within their control. Those who do not teach a core subject, Math, Science, English and Language Arts, were still being rated on student scores in those subjects on standardized testing.

And fifth, based on guidance from the Department of Education at the time of implementation, administrators set limits on how many teachers could be rated as distinguished and others instituted policies that no teachers would be rated distinguished regardless of their score.

The major changes proposed in Senate Bill 751 seek to address those concerns. Specifically, the weights of the various components have been changed to reflect the feedback that we've received. The observation, the administrator observation, becomes a larger component, 70 percent up from 50 percent in the current system. Building level weight has been lessened, 10 percent down from 15 percent. Teacher specific weight combines current teacher specific and local elective components 20 percent down from 30 percent.

We've included a poverty adjustment to the
building level score. I am extremely proud of this work. And I think it's important to note that when our conversations began, when I began to have conversations with stakeholders, including debate -- and some of the folks on this Committee may recall back in 2011, 2012, I opposed including a poverty adjustment as part of the teacher evaluation.

I was wrong then. And I've become convinced that the lack of a poverty factor serves as a barrier for high-quality educators who seek or who desire to teach in low-performing school buildings in high poverty areas.

We believe that this is historic and groundbreaking territory. We are unaware of any other state that includes a poverty factor as part of their educator evaluation. This new system acknowledges the impact of poverty on student achievement and the overall school environment. By reducing the building level weight and increasing the teacher specific weight, the system further reduces the impact of poverty on a teacher's individual rating.

The new system differentiated rating formulas for different types of employees. There is a clear reduction in the reliance on standardized testing in this proposal. By reducing the building level weight and reducing the number of employees tied to standardized test scores, the new
system lessens the overall reliance on standardized testing as a component of student achievement.

There are a number of other important provisions within the legislation before you, language that includes a mid-year review allowing teachers rated unsatisfactory to be rated more than once a year, decreasing the time needed to remove ineffective teachers from the classroom. There's requirements for professional developments, which I think is a key feature of this legislation. When the initial evaluation system was rolled out in 2012, there was robust training, professional development for administrators and educators, at the time of the initial rollout. That did not continue throughout the life of the program.

This legislation requires the Department of Education to create professional development programs for employees that are rated by and utilize the evaluation system. There is language in the bill clarifying the role of teachers and administrators throughout the evaluation process. And finally, Senate Bill 751 requires the Department of Education to conduct a report on the teacher evaluation system in five years of implementation, which shall be sent to the House and the Senate Education Committees.

I provided -- I believe they are in your packets -- additional copies here, a number of handouts that provide
you with a summary of the proposal, as well as a side by side so you can see the current system, Act 82, the teacher evaluation as contained in Act 82 of 2012, as compared to the proposal in Senate Bill 751. We also have pie charts that pictorially depict that for you.

One final comment that I'd like to make and turn to my colleague, Representative Topper, one of the issues that was brought to our attention by stakeholders throughout the process -- and I think you will hear more about this later today from some of the other folks who will come up and testify -- is an issue around gross deficiency, allowing for a rating of gross deficiency.

And I just want to state, while I have the opportunity to be with you here at the outset of this hearing, there are a number of stakeholders that were opposed to the idea of including gross deficiency. This was not a matter of compromise for me. I disagree and reject the notion of including gross deficiency as part of this educators' evaluation for a number of reasons.

One, I think a gross deficiency category subverts the intent of the teacher evaluation system and violates the integrity of the evaluation system. Administrators under the proposal before you will receive tremendous flexibility by increasing the weight of the observation from 50 to 70 percent.
And finally, I’ll just mention I think gross deficiency puts our administrators at risk of violating Act 55 of 2017, which authorized new statewide requirements containing clear parameters and targeting employees through their evaluations, statewide requirements as a result of economic furlough and furlough process. I’m happy to address any questions that folks may have on that. I know you’ll hear more about that later.

But again, I just want to thank you for your time. I look forward to your questions here this morning. And certainly if any members have additional questions, seek additional clarification at the conclusion of this hearing today, please know I’m a phone call away. I’d be happy to meet with any individual member that may wish to discuss further.

Thank you for your time and attention.

MAJORITY CHAIRMAN SONNEY: Thank you, Senator.

Representative Topper.

REPRESENTATIVE TOPPER: Thank you, Mr. Chairman.

It’s interesting to be on this side of the table for this particular Committee. I’ll be happy to join you again shortly.

I’d like to thank Senator Aument for his work and his staff and the work that has been done on this important issue.
Look, I believe that in many ways, Act 82 has worked in the sense that when we develop public policy, we very seldom get it perfect the first time. But what this did, it set into motion a standard that we were going to evaluate our educators. My dad taught public school for over 30 years. He still has students come up to him to this day to acknowledge the impact that he had and continues to have on their lives. So we know the impact that educators have on our kids. And I speak with two kids in that same public school system.

We want to make sure that every educator is not just simply being identified when they're doing an outstanding job but also when they need improvement. And that's really what the teacher evaluation system is meant to do. It's not punitive in nature. It's meant to make sure that all of our educators have the ability to improve upon their craft, which helps all of us, all of us who send our grandkids, nieces, nephews, and children into the public schools. I think Act 82 set us in that direction.

One of the things -- I represent ten school districts. And every school district that I toured within my first few years of being in office mentioned this teacher evaluation system to me and how even though things that were certainly putting us on the right track were in Act 82 that there were also some problems that maybe we could not have
foreseen at that time. Simply the implementation was not what we had intended. And at the end of the day, we want this system to work.

We can't be philosophically entrenched in the fact that, well, this is the way we thought it was going to work. We have to adapt to the reality of how things actually are working. And that's where I give Senator Aument and his staff a tremendous amount of credit, as we've gone through stakeholder meetings and negotiated this product and come up with what you have before you.

I think that as we move forward, the General Assembly has certainly made a statement over the past few years that we would like to de-emphasize standardized testing and building scores across the board in education. We don't want teachers teaching to tests.

We want to give them the flexibility to do what they need to do to make sure our students are well prepared when they go into the workforce or go on to their next level of education. This simply follows what we've been doing, which is lessening the dependence on these standardized testing scores. It doesn't eliminate it. It just simply gives administrators more flexibility in observing their employees.

Most of us have observed and evaluated employees in our previous jobs and in our current jobs. We know what
that means. And we know it takes input from those employees to come up with a professional development plan when they need improvement. And we know that there are certain things that we can see that are not necessarily reflected in what could be shown on a piece of paper or standardized test score. And that's why we're looking to give these administrators more flexibility as they evaluate their own employees.

I think this is a tremendous step in the right direction. I'm happy to work with the Senator and this Committee on this legislation and would be happy to answer any questions you might have.

Thank you, Mr. Chairman.

MAJORITY CHAIRMAN SONNEY: Thank you.

We've been joined by Representative Gaydos.

Any questions for the Senator or Representative?

Representative Isaacson.

REPRESENTATIVE ISAACSON: Are charter schools going to be subject to this?

SENATOR AUMENT: This issue came up. We had extensive conversation among the various stakeholder groups that worked with the legislation as well as conversation in the Senate. I believe that this system, this new teacher evaluation system, once enacted into the law should apply to charter schools.
I believe, however, that we should remain consistent and that should be a part in the charter law and part of a charter reform conversation and not including the charters into this section of the School Code.

That was the conversation we had within the various stakeholder groups. I am committed to working with you, as I expressed to my Senate colleagues. I had conversations with Senator Lindsey Williams in the Senate to ensure that this evaluation system, once enacted, is part of a broader charter reform conversation.

REPRESENTATIVE ISAACSON: Considering that charter schools are public schools, that there is charters and law that governs them, we're talking about a law that's going to govern teacher evaluations. And whether teachers are at a charter school or whether they're at a traditional public school, they're all public teachers and they should be handled appropriately and equally.

SENATOR AUMENT: Again, we're seeking to remain consistent with the work that was done in Act 82 and consistent with the distinction between the charter law and the School Code. Again, I believe it's an important part of the conversation. I just think it's a matter of where that conversation takes place.

REPRESENTATIVE TOPPER: And it is part of the charter school reform conversation. It's important to
remember that currently our current system does not apply.
And that's what we're trying to address is the current
system. Who it applies to we can also address as we move
forward.

REPRESENTATIVE ISAACSON: Or we could just add
them and take care of it now.

MAJORITY CHAIRMAN SONNEY: Anyone else?

Thank you. Thank you, Senator, for being here to
explain your bill.

SENATOR AUMENT: Thank you.
And again, to the members of the Committee, I'm
happy to discuss further after the hearing today.

Thank you.

MAJORITY CHAIRMAN SONNEY: Thank you.

Our first panel will be Dr. Sheri Smith, Special
Assistant to Pennsylvania Department of Education; Rich
Askey, President of PSEA, Rachael Curry, high school Math
teacher, Red Lion School District; and Kathy Swope, Board
President of the Lewisburg Area School District.

I would just like to remind the testifiers that,
you know, you have submitted your testimony and we all have
a copy of this testimony so if you could keep it to more of
an overview, it would allow more time for questions.

You can begin whenever you're ready.

DR. SHERI SMITH: I'll begin.
Good morning, Chairman Sonney, Chairman Roebuck, and members of the Education Committee. Thank you for hosting today's hearing and providing us the opportunity to engage in the critical conversation about the educator evaluation system used in Pennsylvania's public schools.

My name is Sheri Smith. I serve as the advisor to Deputy Secretary Matthew Stem in the Office of Elementary and Secondary Education. Both Secretary Rivera and Deputy Secretary Stem send their regards and apologize for not being able to attend this morning.

Before joining the Pennsylvania Department of Education, I completed a 33-year career in public education, most recently serving over 14 years as the Superintendent of Lower Dauphin School District. During my time in education, I was a Special Education teacher working with students and served in many capacities as Principals, Assistant Superintendents, and Superintendents prior to becoming the Superintendent at Lower Dauphin.

The Department of Education and Wolf Administration greatly appreciate the leadership of Senator Aument and Representative Topper in taking a close look at the current educator evaluation system.

As I'm sure you'll hear today, the current system does not align to what we believe was the original intent of the statewide evaluation system that was put into place.
It's critical that educators are provided meaningful feedback on their job performance. Altering the current system in a way that reduces the overreliance on achievement on standardized tests will produce evaluation outcomes that will more closely reflect teaching and learning.

The Department appreciates the work that Senator Aument and Representative Topper have done to bring stakeholders together to come to consensus on Senate Bill 751 as well as House Bill 1607 and PDE supports the proposed changes to the evaluation system.

Secretary Rivera and Deputy Secretary Stem have had conversations with members of the Legislature since 2015 regarding the importance of taking a close look at how we evaluate our schools and educators.

Over the past five years, PDE has worked diligently to improve public measures of school performance in preparing students for success beyond high school graduation. In November 2018, PDE launched the Future Ready PA Index as Pennsylvania's primary public-facing school progress report and moved away from measuring schools based on a single summative score.

The Future Ready PA Index was informed by thousands of stakeholders across Pennsylvania who challenged State leaders to develop a more comprehensive set of school quality measures that acknowledge that, like students they
serve, schools are more than just a number or result on standardized tests. The previous school report card, the School Performance Profile, ranked schools in a way that led to a variety of unintended consequences such as creating unhealthy competition, masking underperformance in student subgroups, and feeding the culture of test performance preparation and pressure.

However, the dashboard approach employed by the Future Ready PA Index provides a more holistic view of school performance by emphasizing student growth measures that are less sensitive to out-of-school factors, eliminating the unequal weighting of content areas from previous school report cards, measuring English language acquisition among English learners, not simply performance on tests of grade-level English Language Arts standards, and measuring chronic absenteeism. And we measure that, folks, on the Future Ready through regular attendance.

That's not to say academic achievement isn't an important accountability tool; however, assessment results alone should not be used to judge an entire school system. In recent years, the Administration and General Assembly have pivoted from focusing on point in time measurements of achievement as a primary measure of success toward a more holistic vision of education.

This approach, with a commitment to equity,
innovation and transparency, is evident in the Future Ready PA Index and Pennsylvania's school improvement efforts as well as the enactment of Act 158 of 2018, which broadens the statewide graduation requirement.

A key aspect of the Federal Every Student Succeeds Act, ESSA, is a focus on using evidence-based approaches and continuous improvement to drive better outcomes for schools for all students. For many years, school improvement in Pennsylvania and nationwide revolved around sweeping labels of failure based on limited data and one-size-fits-all interventions that failed to consider local context or community input.

Pennsylvania's current school improvement plan recognizes that no two schools are alike and allows schools and communities to select the interventions that best meet their needs and priorities.

Senate Bill 751 and House Bill 1607 incorporate graduation rate and regular attendance in the educator evaluation system, aligning to key indicators of student success included in the PA State ESSA plan.

In 2016 PDE convened four stakeholder work groups charged with developing recommendations to inform the ESSA State Consolidated Plan. As a local Superintendent at that time, I served on the Educator Evaluation Work Group. Like the proposals before you, the work group recommended
increasing the weight of the professional practice measure, the observation measure, and concluded that the current system gives too much weight to student growth and achievement measures that may lie outside of an educator's immediate control.

The effects of poverty are among those factors outside of the immediate control of an educator. Yet so many of our educators go above and beyond each day by addressing these effects while simultaneously maintaining an excellent record of teaching and leading.

Still, it is unfair to hold educators accountable for the effects of poverty. Therefore, the Department appreciates the proposal's recognition of the need to take into account the challenges poverty can have on a teacher's ability to teach and the overall school environment.

Against a backdrop of declining enrollments in our teacher preparation programs, as well as significant turnover rates among teachers and principals, we simply cannot denigrate the profession by imposing unrealistic expectations and unfair evaluation practices. We remind you that teaching is a unique and complex job.

Education scholar David Labaree reminds us that teaching is a noble and challenging profession. Ultimately, we expect educators to motivate cognitive, moral, and behavioral change in a group of involuntary and frequently
resistant clients. The 120,000 educators that get up each
day to effect change in the lives of Pennsylvania's students
deserve an evaluation system that is fair and meaningful.

We need a system that not only helps us to
identify our strongest educators, regardless of the school
system they serve in, so that we can reward them and have
them help us to identify where more resources are necessary
to augment teaching and learning.

Thank you for engaging in a serious discussion on
this important topic. I hope the comments offered here
today will prove helpful to the Committee as it considers
the merits of Senate Bill 751 and House Bill 1607.

I am happy to field any questions you may have.

MAJORITY CHAIRMAN SONNEY: Thank you.

You can begin.

PSEA PRESIDENT RICH ASKEY: Good morning.

I would like to thank Chairman Sonney and
Chairman Roebuck and the members of the Committee for this
time this morning to talk about this very important subject.

And I brought with me Rachael Curry, who is a
secondary Math teacher, a tested subject, to speak to this
bill as well.

The bill represents two years of work by Senator
Aument, Representative Topper, and stakeholders, but more
than that, they represent compromise. PSEA strongly
supports the bills and appreciates the commitment of everyone who worked on the bills.

Recognizing time constraints today, I'm going to briefly highlight the four most important reforms of the bill. One is to reduce standardized testing's influence by increasing the weight of the observation practice components to 70 percent. They decrease the student performance weight to 30 percent, thereby reducing standardized testing's influence on the system.

What we've discovered since 2012 is that student achievement data for an entire school building has overshadowed the performance of individual educators causing artificially inflated or deflated scores. As a result, great teachers in challenging school buildings oftentimes have lower ratings than struggling teachers in higher performing buildings. This is unfair to both. And, yes, it's unfair to our students as well.

It is mathematically impossible for the teacher in the challenging school to achieve a distinguished rating and the struggling teacher doesn't receive the support of an improvement plan that would help them to become better at their craft.

Two, recognizing the impact of poverty. The bill includes a modest challenge multiplier to recognize poverty's impact on the system. The control does not mean
economically disadvantaged kids can't succeed. Let me tell you, as a 30-year urban educator, no one should ever, ever think that about our kids. It simply means that we must recognize and control for the impact of poverty in our school buildings if we are going to continue to use measures derived from standardized tests.

Three, not limiting distinguished ratings. Proponents of Act 82 in 2012 theorized that the new system would recognize and support the best and brightest teachers. That did not happen. The dictate to administrators during the trainings back in 2012 and 2013 was distinguished as somewhere you visit, not somewhere you live.

Members reported to us that the districts limited the number of people who could achieve distinguished ratings each year. Senate Bill 751 and House Bill 1607 would prohibit school entities from instituting caps on distinguished ratings through official or unofficial practices or policies.

And 4, improving collaboration. One of the positive aspects of Act 82 is that it sometimes helped foster greater collaboration and conversation between educators and administrators. This is something that PSEA sought to strengthen by ensuring that employees can provide input on their improvement plans and provide evidence to their evaluators, all while maintaining administrators'
overarching authority.

So in concluding, I just want to thank you again. This is an important subject. I appreciate your time.

I'd like to hand it over to my colleague, Rachael Curry, with your permission.

MAJORITY CHAIRMAN SONNEY: Thank you.

MS. RACHAEL CURRY: Good morning.

My name is Rachael Curry. And I teach high school Algebra 1A, which is an introduction to Algebra for freshmen. And I teach a comprehensive-level Geometry, which is our struggling students for Geometry that are not planning to go to a four-year college. And I teach that at Red Lion School District. I also taught middle school level Math for 18 years prior to that. So I've been teaching for about 21 years and spent the majority of my time in the junior high, which everyone is tested in the junior high.

Over that time, I also worked with PDE and DRC to work on some of the scoring of PSSA questions, helping to determine whether field-test questions were appropriate or not and some alignment of questions for their CDT Test, Classroom Diagnostic Tool Test, to make sure it was aligned with the curriculum and grade level and things like that. So I've kind of been all over the place with looking at different things for standardized testings over the years.

Obviously, starting 21 years ago, I started
teaching before the PSSA was the end-all be-all for student achievement. And then obviously eventually we turned that into also part of the teacher evaluation.

The distinguished rating really is more or less out of reach for me in my position. As a teacher of students who are typically struggling, it's not very easy to reach that with a standardized test.

Even though there's the piece of it that is to be for growth, when you have a student who has not passed or not been proficient at a grade level prior to the grade level you're teaching, it's a little hard to show growth for the grade level that they're on when you have to spend a lot of time picking up the pieces that were left behind in the grade level prior. So there is a struggle.

There's another struggle for the opposite end of the spectrum. If you are a teacher who teaches students who are advanced, they're already advanced. There's not a lot of room for growth.

I have a colleague who teaches 7th graders the 9th Grade curriculum for the Keystone. And 98 percent of his students were advanced or proficient on the Keystone test but his score is red because they did not achieve high enough on the test to achieve the growth that was expected. So they took the 6th Grade PSSA and then took the 9th Grade Keystone and despite the fact that they are proficient or
advanced, he can no longer get a distinguished teacher because the score is too low.

So while I realize that standardized testing should be a piece of it, there has to be some sort of benchmark. You can't just say we're going to just see how it looks. We do recognize that that's important. But we don't think that that should be half of our evaluation because there's a lot more that goes into it and there's a lot more behind teaching than just how students score on a single test.

When I started teaching, we did discovery learning units. We did cross curriculum units. We did things where, you know, we could mix up with Science and the English class and see what we could do. There's just not time for that when, at the end of the day, I know that I have to be on page 27 on Thursday because if I'm not on page 27, I'm going to be behind for the test.

So the emphasis on testing has taken away some of the creativity the teachers had. It's taken away some of that chance to let students learn it at their pace. You know, it has now become much more rigid, like, be here. Be here. And that does take away a lot for us as educators.

The other piece that is a little bit of a struggle for some teachers is that if you're in a district
where furlough could be a concern, your evaluation is part of that furlough.

    Well, if I know that my evaluation could be part of that furlough, then I definitely don't want to teach the lower-level kids that I'm pretty sure aren't going to meet the cut. And if the teacher next to me is struggling and wants to know what I'm doing that's making things go well, do I really want to share my secrets and then what if then they're doing better than I do and then I end up being furloughed anyway. So it created, I think, unfortunately, a little bit of competition sometimes between teachers and some of our struggling schools where furloughs could be an issue.

    So we think that this bill is definitely moving us in the right direction. We realize that it's important and you can't just throw it out. You know, the testing has to be a piece and we understand that. But I like the idea that that testing is, you know, being stepped back a little bit and that there are other factors.

    I do enjoy that we're keeping the type of evaluation. That conversation between administrators and teachers has been quite different than it used to be in the past. And I think that there are a lot of good things that are coming out of that in ways that teachers are becoming better and are reflecting more on what we're doing that's
good and what we can work better on.

So that I think those are all things that are included in this bill the way that it's written. I think those are things that can strengthen teachers and help the student achievement at the end of the day.

So I thank the Committee members for the opportunity to share my story and the story of some of my colleagues. And I'll be happy to answer any questions.

MAJORITY CHAIRMAN SONNEY: Thank you.

You may begin.

MS. KATHY SWOPE: Good afternoon.

I'm Kathy Swope. I'm President of the Lewisburg Area Board of School Directors, which is located in Union County, where I have served on the School Board for over 20 years.

I hold a BA in Elementary Education. And if you had a chance to look at the written testimony, you can see that I am no stranger to today's topic. I have been part of this discussion for nearly a decade, beginning with my participation in the PDE Team Pennsylvania Teacher and Principal Model Evaluation Project back in 2010. And my involvement has continued over the last decade on a number of PDE committee s, including the ESSA workgroup on teacher evaluation.

The whole point of what we have attempted to do
in every group that I have been a part of was to ensure that we have highly effective teachers in the classrooms working with our children.

In addition, I am a past President of the Pennsylvania School Board Association who represent 4,500 elected officials who I represent on behalf of them today before you.

I want to begin by thanking Chairman Sonney and Chairman Roebuck and the members of the Education Committee for this opportunity to present testimony. And I really look forward to sharing with you some comments on the proposals introduced by Senator Aument and Representative Topper.

I'm sure you're all familiar with the current system. If not, I would direct you to page 3. There's a chart on page 3 of my testimony that outlines the current system. So despite the changes that were made to address the criticisms of the previous system, as you know, there are concerns that have arisen.

The new system was intended to create a more comprehensive and consistent evaluation that would provide better feedback. That was key. And I think that was mentioned previously, better feedback to the educator and for school leaders to be able to use a variety of measures that would reflect the performance.
But it's difficult, as you've heard, for high-performing teachers in low-performing schools to be recognized as distinguished or for a struggling teacher in a high-performing school to receive a needs improvement rating because of the inclusion of building level data and SPP scores. Those are just some of the issues with the current system.

I really want to address the reformed bills introduced by Senator Aument and Representative Topper. So if you take a look at the graphic on page 5 of my testimony, this depicts the system under the proposed revisions. So after a thorough review of the proposed reforms, PSBA has found that the bills contain many very positive improvements over the current system.

In particular -- and I think everybody has agreed on that -- the change in the observation student performance ratio from 50/50 to the 70/30 split is very much welcomed and I think a tremendous improvement. Although PSBA has been advocating for the 80/20 split, we are very grateful for that increased emphasis on observation in the evaluation process.

I think another one that hasn't been mentioned today is allowing temporary professional employees to be evaluated entirely on observation is a further significant improvement. These would be our newest teachers that have
just come into the profession. And it's really important to give them time to hone their skills and learn their craft. And it also allows their supervisors the flexibility and the oversight to guide their development effectively.

The other thing that is really a super addition to this is the reduction of the evaluation system's reliance on the standardized assessment results. And that's something PSBA has been advocating for and it really will create a more fair and accurate evaluation system.

Instituting the five-year review by PDE following the implementation is a significant provision that aligns with PSBA's recommendations. And I think it's very clear from the lessons learned over the past years that any system that is implemented really requires monitoring to ensure that it's working as intended.

And finally, maintaining the ability of school districts to use alternative rating tools that align with the required measures and are approved by PDE is a vital provision that we fully support maintaining. So thank you for that.

There are many positive changes in the bill that is before the Committee today. However, I would like to discuss with you four areas of concern and some additional recommendations for improvements that we would like you to consider because we believe it would make the proposals
stronger and more likely to stand the test of time.

First, restricting the ability of an administrator to re-evaluate an underperforming professional employee during the year is the most significant area of concern which PSBA has identified. Under the current law, when a professional employee is rated as needs improvement or failing, the employee is required to participate in an improvement plan and the evaluator may choose to evaluate the employee again after a minimum period of four months.

Under the proposed legislation, when an employee receives a rating of needs improvement, the administrator would have to wait an entire year before re-evaluating that employee. This would result in two school years that an ineffective educator would be in front of students and the educator would still need another negative evaluation before they could be removed from the classroom. As a result, this process would require about two and a half years to complete. That's important.

It also erodes the authority of evaluators. And PSBA recommends that the Legislature retain the authority for additional evaluations that currently exist in the statute.

Second, requiring that a performance improvement plan be designed with documented input from the underperforming employee just seems counterintuitive and an
increase in the burdensome paperwork. We would recommend removing these provisions.

And third, increasing paperwork to document input from each employee to meet the additional teacher-specific data measures guidance adds more work to already overloaded evaluators.

And finally, the proposed legislation does not apply the evaluation system requirements to all public schools. We believe these requirements should, as was discussed earlier, apply equally to the charter school sector. And we recommend that change be considered to the legislation.

In closing, I just want to say that I am honored that you have allowed me to testify and again to thank Senator Aument and Representative Topper for their efforts to reform the educator evaluation system.

PSBA believes that the proposed legislation represents a substantial forward progress in addressing the deficiencies in the current system but the inclusion of the recommendations offered in my testimony will generate an even greater positive impact on the education of the children in our Commonwealth.

Thank you so much. I’m happy to entertain questions.

MAJORITY CHAIRMAN SONNEY: Thank you.
Mr. Askey, you said that some school districts were limiting the number of distinguished?

PSEA PRESIDENT RICH ASKEY: Yes.

MAJORITY CHAIRMAN SONNEY: And then of course we heard from Ms. Curry the difficulty in your particular situation to be able to achieve that distinguished. Easily understandable. Why would a district limit the amount of distinguished teachers?

PSEA PRESIDENT RICH ASKEY: Well, it probably doesn't make any sense at all because I saw that experience myself when I was in the classroom. In my situation, the administrators believed that they have to keep on working and striving and that there was only so much of a distinguished. And it didn't make much sense. I think your point is well taken, to be honest with you.

MAJORITY CHAIRMAN SONNEY: Thank you.

Any other questions?

Representative McCarter.

REPRESENTATIVE McCARTER: Thank you very much, Mr. Chairman.

Again, thank you all for being here today. Obviously, as a former teacher myself of 35 years of teaching and happily retired from teaching, by the way, because I know the problems that obviously go along with that. I do have a couple of questions though. And again,
let me kind of back up.

Dr. Smith, if you could comment on -- I know you made a comment in your testimony that basically Pennsylvania's current school improvement plan recognizes that no two schools are alike and allow schools and communities to select the interventions that best meet their needs and priorities.

Shouldn't that apply also to the evaluation system?

DR. SHERI SMITH: That's true.

REPRESENTATIVE McCARTER: And yet it doesn't. It doesn't in many different ways because the evaluation system that is set up within school districts -- and I go back to a time when we were able to negotiate evaluation systems at the local level, that we were able to set those particular needs, whether they be the poverty needs that we're all talking about today or they deal with other needs within the local school district.

The current system that was passed back in Act 82 does not allow that. It doesn't. And if I'm not mistaken -- and, again, it's the second question I have about contracts and what we can do with evaluation systems within contracts is very limited today. And as a result, there is no local control over the evaluation system. That is something that we are imposing from this level down on to
DR. SHERI SMITH: Can I respond to that?

REPRESENTATIVE McCARTER: Yes.

DR. SHERI SMITH: On the school improvement side, so true. But remember that we always have benchmarks of what we meet for all schools. So in our implementation of school improvement practices with our schools that have been identified, we take a look at their factors within their communities and with their stakeholders and have an impact on them deciding on what parts of their school improvement they do.

As a Superintendent for the educator plan, even the current one that we have under Act 82, you still have the leverage as an observer, as a principal going in and observing the classrooms and looking through the four domains of the observation model to assessing that.

Where I think it curtailed us a little bit and what we're talking about is the other 50 percent, which is the student results side of it on assessments. That kind of took away our capacity, I think, whether on a very positive end or a problem with a teacher that was struggling to do that. But remember, under Act 82 we still took a look at that breakdown and I think they're continuing that method in the new Senate bill that's here. So if you're a teacher outside of a classroom that has assessments or if you're,
you know, a guidance counselor and a school nurse, there are different rubrics and such for assessing those educators that are different.

So there is, I think, an alignment to the types of positions that you have in school districts under the current system that will follow through in this new Senate bill.

REPRESENTATIVE McCARTER: Well, thank you for that.

If I can turn to Mr. Askey for one second, too. Do any contracts at all address the evaluation system currently and either within a scope of the system itself or within salary considerations?

PSEA PRESIDENT RICH ASKEY: I would have to get you that information, but I do not believe so, to be honest with you, sir. I think since the evaluation system is set by law, I believe that it's just simply done that way. It's not something that I've seen at the bargaining table in recent years.

REPRESENTATIVE McCARTER: So there is no one who is rated distinguished and so forth getting supplemental pay as a result of the evaluation system?

PSEA PRESIDENT RICH ASKEY: Not that I have -- no. I would be pretty confident in answering no to that question.
REPRESENTATIVE McCARTER: And the last question, again, going back to Ms. Swope, has there been any recent evaluation of the Danielson System at all as how effective it has been in Pennsylvania in comparison to previous systems used across the State as an evaluation tool in recent years?

MS. KATHY SWOPE: I wouldn't know whether there has been. My own district, we are one of -- I don't know -- I think it's something like about what, 8 percent, Sheri, that use an alternative system in the State?

DR. SHERI SMITH: Correct.

MS. KATHY SWOPE: My district has applied for and uses an alternative system that aligns with the educational philosophies and systems that we use in our own district.

REPRESENTATIVE McCARTER: Okay. Thank you very much.

MS. KATHY SWOPE: Thank you.

MAJORITY CHAIRMAN SONNEY: Representative Topper.

REPRESENTATIVE TOPPER: Thank you very much, Mr. Chairman.

Just to comment on the employees' input, written input, into the improvement plans. I actually believe this is a very important piece of the legislation. As we look to evaluate even our employees, that is something that we require here in the House, which I think is interesting. We
want our employees' feedback on their evaluation system. It was always the modus operandi when I worked in my previous employment in managing employees. I think it's a very important piece because they're the boots on the ground every day. They can give us some feedback on what's going on.

Now, I just want to make it very clear though, we're not allowing employees to write their own performance plans. And it clearly says, page 6 in the bill, line 30, that section we're talking about, the employer shall consider the documented input from the employee in the inclusion of the plan.

So I just want to make it very clear that in terms of what we're doing here in having valued input from the employee that's being evaluated, they're not turning around and writing their own performance improvement plan. So I think that's important to consider that this is something that will be part of the consideration just like everything else in the observation.

Just a question also for Ms. Swope on the ability for the bid years, which I know Senator Aument talked about a little bit in his testimony and the compromise that we reached. Right now -- and I think this was kind of a failure probably under the previous Administration after we passed Act 82, there was a failure to publish any midyear
rating form.

So are you aware of any midyear ratings that are going on now with the current system?

MS. KATHY SWOPE: I wouldn't have that knowledge. I'm sorry.

REPRESENTATIVE TOPPER: Okay.

MS. KATHY SWOPE: I think that the opportunity is there to conduct those. But whether there's a special form or they're using just the same form, I don't know. But I know that the opportunity is there and is utilized.

REPRESENTATIVE TOPPER: Under this legislation after an employee receives an annual unsatisfactory form, there was a compromise put back in that there could be then a midyear evaluation. You're not satisfied with that particular inclusion in the bill?

MS. KATHY SWOPE: My understanding -- and maybe I do have a misunderstanding you could correct for me. But it was my understanding that there was language that I read in the bill that said that a formal evaluation could only occur once a year. Am I misreading that?

REPRESENTATIVE TOPPER: Well, no. The bill says the first annual evaluation at the completion of that. Then there would be -- for an unsatisfactory rating.

MS. KATHY SWOPE: Oh, okay. The problem that I was trying to raise really is with the needs improvement in
particular. Because that -- and when we put someone with a
needs improvement on an improvement plan, to be able to come
back and follow that up with a follow-up evaluation is very
important. Because without that component, it would take
about two and a half years to get through the process.

REPRESENTATIVE TOPPER: And I think that's the
other reason why the employee -- during the evaluation
process the employee input is also valuable. I mean, I
think it speaks to what Ms. Curry said that at the end of
the day, teachers and administrators alike, their jobs are
on the line now. Administrators' jobs are on the line, you
know, if a School Board decides they're no longer doing the
job for their students. Teachers are now on the line
because we eliminated LIFO. I mean, we took
last-in/first-out away.

And now it is going to be based on this
evaluation system. I think that's why we really needed to
make sure we came back to the table to get it right. And
all of the stakeholder groups were certainly involved in
these discussions. And while I know that there is some
tweaking that everybody wants to occur all the time right up
until the end, I do believe we were able to hit those two
issues pretty well.

So thank you, Mr. Chairman.

MAJORITY CHAIRMAN SONNEY: Thank you.
Any other questions?

Thank you.

PSEA PRESIDENT RICH ASKEY: Thank you.

MS. KATHY SWOPE: Thank you.

MS. RACHAEL CURRY: Thank you.

DR. SHERI SMITH: Thank you.

MAJORITY CHAIRMAN SONNEY: The next panel will be Dr. Eric Eshbach, Superintendent of Northern York County School District; Dr. Paul Healey, Executive Director of the PA Principals Association; Dr. Alyssa Ford-Heywood, Office of Human Resources, Pittsburgh Public Schools.

Dr. Eshbach, whenever you're ready.

DR. ERIC ESHBACH: Good afternoon, Chairman Sonney, Chairman Roebuck, and distinguished members of the House Education Committee.

I am Eric Eshbach. I'm Superintendent of the Northern York County School District where I have served in that position -- this is my eighth year. I've been a public school Superintendent for 15 years.

I'm here today representing the Pennsylvania Association of School Administrators. Our members include more than 900 School District Superintendents, Assistant Superintendents, and other public school system leaders from across Pennsylvania.

Let me just say that I share Representative
McCarter's past. I'm in Year No. 31 as a public school employee. So I remember the Debbie 333, the PDE 5501, and in 2010 joined Mrs. Swope and other leaders from around the State to be a part of the committee that was looking at teacher evaluations.

Let me just say that Act 82 really made some significant and meaningful changes to the way we evaluate. It's not perfect. And that's why we're glad that we're here today testifying. But we have seen more meaningful conversation about what good teaching is about and how we can improve that benefit the students of the Commonwealth than we ever saw.

I would go back to the question about distinguished, why wouldn't we want to allow for distinguished. Back when we were evaluating teachers using the Debbie 333 and PDE 5501, there were school districts that gave everybody the top rating.

And so the purpose behind Act 82 in this new evaluation system was really to have those good, strong conversations about what good teaching is and what good teaching -- how that impacts student performance.

There are many things that we like about this piece of legislation. You'll notice in our testimony that we come out as neutral. I don't want you to misinterpret that, that we don't think that there are meaningful things,
very positive things about this legislation. But as in any negotiation, you know, they always say a good negotiation is when both sides walk away and aren't 100 percent happy with everything. We're not 100 percent happy with everything. But we are very happy with a majority of this.

Changing the percentages to the 70/30 is very positive. Changing the -- or adding the challenge multiplier, I just commend Representative Topper and Senator Aument for that. That in and of itself is a huge impact on teaching and on student performance in some of our most challenged schools.

We agree with the Representative from PSBA about the needs improvement. I understand Representative Topper's remarks about that. I think that what we look at as evaluators and as leaders of leaders is that when we identify a teacher in need of improvement, we shouldn't go for a year without touching base with that teacher again and having the opportunity to have further conversation and further evaluation.

I think the other area that we have concern with that was brought up is the fact that the teacher has a part in the writing of the performance improvement plan. I really appreciate your comments. I, too, have a part in my own evaluation and part of the self-evaluation process. I think that's really important for teachers to have a part in
that self-evaluation. It's a 360 evaluation.

The concern we have is really how this would -- might be handled in an arbitration when we're trying to work through a discrepancy or a dismissal process. Would an arbitrator hold our hands tied because they don't believe that we've adequately included the teacher in that?

So again, it's an issue that we're cautious about. We understand the reason that it's written that way. But we just wanted to lend those concerns.

And finally the gross deficiency. Again, gross deficiency is something that prior to Act 82 we had available to us. If there was any part of a teacher evaluation that was unsatisfactory, the entire evaluation could be deemed unsatisfactory by the professional that was administering that.

I understand some of Senator Aument's concerns as to why that wasn't included. We still -- a majority of our membership still has concerns that when you know that there is a gross deficiency in a professional, why shouldn't you be able to move forward with efforts to get that professional out of the classroom?

That being said, it's a concern of ours but it's definitely not something that will hold us from thinking the majority of this legislation is great. We thank Representative Topper and Senator Aument for their work on
this, especially the people that work with them that have put in the huge hours of time and effort to get us to this point.

So thank you for your time.

MAJORITY CHAIRMAN SONNEY: Thank you.

Dr. Healey.

DR. PAUL HEALEY: Good afternoon.

My name is Paul Healey. I'm the Executive Director of the Pennsylvania Principals Association and a former Superintendent of the schools in Adams County.

I would like to thank Chairman Sonney and Chairman Roebuck and members of the Committee for the opportunity to address you this afternoon on this very important topic.

You have my written testimony so I'm not going to read that but I'm going to take a few moments just to point out some salient points. I, too, also over the last seven years, along with my colleagues, I've served on various stakeholder groups in looking at the evaluation system, one conducted by PDE and one conducted by PSBA.

Seven years ago the Legislature passed Act 82 and a new evaluation system was implemented across the Commonwealth. And I would remind members not only for teachers but also for school leaders. The system replaced a more subjective system that was in place at that time. And,
yes, there are positive aspects associated with Act 82. I'd like to focus on the positive aspects of Act 82 that are present today and that will be maintained in the system going forward.

On the positive side, 50 percent of the evaluation is based on direct connections to the classroom in the form of on-stage components, such as instruction in classroom environment and the other two domains are planning and preparation and professional responsibilities.

These four domains are associated with Charlotte Danielson's work on an evaluation and the field has widely accepted domains in the rubrics link to each area.

I'd like to address Representative McCarter's comment on Danielson's work. And I would like to remind folks that prior to Act 82 we also had Charlotte Danielson's work in the form of evaluation in Form 426 and Form 428. And if you were in the system at that time, what wasn't apparent was there were no rubrics associated with Danielson's work at that time. So it was very subjective in nature.

And since Act 82, those rubrics have been established from various professional employees across the continuum and now are more embedded across the country as well.

Because of these aspects, teachers and their
supervisors have engaged in critical conversations about instruction, curriculum, student subgroups, and data-driven instruction to name just a few of the benefits that exits.

However, the field has also discovered some flaws with Act 82 once implemented. You've already heard about some of those, especially those connected with schools, the SPP scores, the School Performance Profile, that each school receives. When the SPP score is added to the domain scores, we have proven over the past that this score can significantly alter the overall evaluation score resulting in elevating an otherwise ineffective teacher or school leader's evaluation to an effective status.

The inverse is also true in that a low SPP score deprives a truly effective teacher or school leader from receiving a distinguished rating. None of us here want ineffective teachers or school leaders in our buildings. And the research is very clear on how this affects student's growth.

Over the past couple years, we have been meeting with Senator Aument and his staff in an effort to point out the flaws of the system and to seek some remedies. We thank Senator Aument for recognizing these flaws and for engaging with the professional organizations to make some changes.

The Pennsylvania Principals Association has approximately 3,600 active members mostly compromised of
principals and assistant principals. No other group is more impacted by Act 82 than our members. Why? Principals touch every single evaluation that is conducted for their professional employees in their schools. And also, they are also evaluated by the same system by their immediate supervisor.

The Pennsylvania Principals Association is in support of the proposed changes as we feel they improve the current system. The 50 percent weight on the domains would increase to 70 percent, which provides less impact of the SPP score and puts more weight on those factors that teachers and school leaders can control. In addition, the proposed changes set forth a process for evaluating school leaders which provides a more fair and equitable process that does not exist today in Act 82.

In summary, we support the proposed changes to the evaluation system. Is SB 751 perfect? No. But we are hopeful as the system is implemented that we can continue the dialogue in the future for additional improvements in the system.

There is no more important charge than making sure that our children have effective teachers and principals in our schools. The field has been waiting for seven years to improve the evaluation system. And we ask for your support to finally make it happen.
Thank you for your time.

MAJORITY CHAIRMAN SONNEY: Thank you.

Doctor, you may begin.

DR. ALYSSA FORD-HEYWOOD: Good morning.

And thank you to Representative Sonney and Representative Roebuck for your time today to speak about Senate Bill 751 and how it's impacted Pittsburgh Public Schools.

You all have my testimony so I won't read that but there are a few points that I wanted to call out regarding my written testimony. Specifically, I would like to call to attention for the Committee the uniqueness that Pittsburgh has brought to this work in order that you might consider some additional provisions for our district.

Specifically, Pittsburgh has been early adopters of Act 82 in the work advanced by Senator Aument. Early on we recognized that there were some unique factors of Pittsburgh. And for that reason we engaged in a process to develop an alternate rating form.

We've been involved in a two-year cycle implementing that rating form. And so I wanted just to remind the Committee about some of the things that we've already undertaken as a district in reference to the Act 82 work.

Specifically, we have invested significant time
and financial resources in the development of our alternate rating tool. We were awarded a Bill and Melinda Gates Foundation Grant, as well as engaged in a highly collaborative process with your Pittsburgh Foundation of Teachers to develop our framework for evaluation.

Our journey goes back to 2009 where we engaged in a process of reviewing over eight evaluation frameworks that aligned with our priorities as a district around equity and around student achievement as well as to ensure alignment with the requirements of Act 82.

We also as a part of our work wanted to make sure that we were holding teachers to higher weights of factors that were most in their control. So if you look at our model, it reduces the building level component to five and increases teacher level measures to 30 percent just because we wanted to make sure that those things were reflective of what teachers could most control.

We also wanted to make sure that teachers were treated equitably across our district within Pittsburgh. We have over 50 schools with different student populations, teachers teaching different subject matters. And so we wanted to make sure that we included factors in our evaluation that considered growth over attainment. If you look at our current model, we include a unique measure that we've applied to our teacher level measures.
And additionally we wanted to make sure that student voice was represented in our model. And so we also include the results of Tripod to assess students' experience in our classrooms.

And then finally, we wanted to make sure that teacher voice was included in our model. So as I mentioned before, we engaged in a collaborative partnership with PFT but we also included teachers as representatives on various committees as we developed our model and advanced this work.

So I think my key message is that Pittsburgh has a unique system that we don't want to lose as a part of this bill. We're hoping that the Committee and Representatives will consider the work and the investment that Pittsburgh has made and consider some special provisions in the bill that would allow Pittsburgh to maintain its existing model.

Thank you.

MAJORITY CHAIRMAN SONNEY: Thank you.

Representative Topper.

REPRESENTATIVE TOPPER: Thank you so much.

Thanks for all the work that everyone has done as stakeholder groups and then testifying today.

Dr. Eshbach, I want to go back and respectfully challenge again on this input, the documented input, because this seems to be my baby here this morning and this afternoon.
You mentioned arbitration, going to an arbitrator, feeling like your hands are tied because the teacher is saying, look, I didn't have that kind of input.

That's specifically why I wanted the documented piece in. I believe that actually helps you because if it's documented, the input from the employee at arbitration, you can say, look, we did consider it. Here it is in writing. Whereas if it's not, as it is now, which is just the input, they can give it, they cannot give it, or they can give it verbally but it's not in writing anywhere. Wouldn't this system actually help your concern?

DR. ERIC ESHBACH: Have you ever been through an arbitration hearing?

REPRESENTATIVE TOPPER: Oh, they're miserable. But my point is, they're going to be miserable. Now they are miserable.

DR. ERIC ESHBACH: I think my response to that would be, a role sometimes is to look for the worst possible scenario that could happen and try to plan for that and try to plan for how we could make sure that the legislation is written so that that wouldn't tie our hands.

Perhaps you're right. Perhaps it would strengthen our argument. And I think some of that has to do with the specifics of the case. Personally, as a Superintendent, I think it's important to have the teacher
and the PSEA Rep there with me writing up that evaluation so there's buy-in.

REPRESENTATIVE TOPPER: Right.

DR. ERIC ESHBACH: I mean, I don't disagree with that. We're just always cautious about the what-ifs.

REPRESENTATIVE TOPPER: Sure. And look, that's always -- when we write law, when we make public policy, that's always, you know, a concern. Where will it be when it gets in the hands of the lawyers, right?

But in this case I think we're actually improving that. And I also -- and I know you believe this. You know, you've been a Superintendent. I know we've had a lot of school administrators here. Certainly again, in the many school districts that I represent, I have the honor to represent a bunch of them, private schools, public schools, charter schools, the whole nine yards. When we do find teachers that are in need of improvement, I don't think anything in this legislation prohibits -- I mean, we have to lay out, as we talk to stakeholders, when the evaluations have to take place and then upon that, what it needs, what you need to have a midyear evaluation.

And I understand that we have to do all that with a lot of stakeholder groups. But at the end of the day, we also know that you have a teacher that's out there and you feel they're struggling, you're going to be in that
classroom a lot.

DR. ERIC ESHBACH: Yes.

REPRESENTATIVE TOPPER: I mean, as an administrator, that's going to be something that your principals, your supers, you're going to take that very seriously. I've seen that at work. I've seen that in practice. And I believe that that evaluation will be ongoing whether there's a -- the law says you have to have a review here at this point or not.

So it's the work that I've seen you guys do.

DR. ERIC ESHBACH: And I believe that it's just in the optics of that where we say someone is in need of improvement and doesn't have that same required timeline.

REPRESENTATIVE TOPPER: Right.

DR. ERIC ESHBACH: I think it's just the optics. I think we can work through the logistics of that.

REPRESENTATIVE TOPPER: Thank you.

Thank you, Mr. Chairman.

I thank all of you.

MAJORITY CHAIRMAN SONNEY: Thank you.

Any other questions?

Do the evaluations follow the professional or do they stay at the district?

DR. ERIC ESHBACH: They stay at the district.

MAJORITY CHAIRMAN SONNEY: And, Dr. Heywood,
Pittsburgh currently, you know, took an alternative route, correct?

DR. ALYSSA FORD-HEYWOOD: Correct.

MAJORITY CHAIRMAN SONNEY: And was approved by the Department?

DR. ALYSSA FORD-HEYWOOD: Correct.

MAJORITY CHAIRMAN SONNEY: You know, to go that route. So is your biggest concern today with this legislation that you would just basically have to redo that process and go through that process again?

DR. ALYSSA FORD-HEYWOOD: So my concern is more about we know that the law includes a provision for an alternate waiver. However, that is at the will of the PDE and whoever is in office at that time. So we would just like to be able to submit kind of our model, our options to include a unique model.

MAJORITY CHAIRMAN SONNEY: Okay. Thank you.

Representative Topper.

REPRESENTATIVE TOPPER: And, Mr. Chairman, that is something that we did consider. We believe that in our conversations with PDE that this is absolutely something that will continue. It's always a concern. You don't know, you know, as Administrations change, policies change, right, and ideas on education change.

We feel, however, that we're putting in place
something and that Pittsburgh has something going that is absolutely not only going to be well received by this Department but departments in the future, which is why we included that flexibility in this legislation.

MAJORITY CHAIRMAN SONNEY: Thank you.

Thank you very much. This hearing is done.

(Whereupon, the hearing concluded.)
I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me on the within proceedings and that this is a correct transcript of the same.

Jean M. Davis
Notary Public