

COMMONWEALTH OF PENNSYLVANIA  
HOUSE OF REPRESENTATIVES

HOUSE EDUCATION COMMITTEE HEARING

STATE CAPITOL  
IRVIS OFFICE BUILDING ROOM G-50  
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  
HONORABLE JESSE TOPPER  
HONORABLE CAROL HILL-EVANS  
HONORABLE MARY ISAACSON  
HONORABLE MAUREEN MADDEN  
HONORABLE STEPHEN McCARTER

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**STAFF MEMBERS ALSO IN ATTENDANCE:**

**ALAINA KOLTASH, REPUBLICAN CAUCUS  
CHRISTINE SEITZ, REPUBLICAN CAUCUS  
DANIEL GLATFELTER, REPUBLICAN CAUCUS  
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1 P R O C E E D I N G S

2 \* \* \*

3 MAJORITY CHAIRMAN SONNEY: Good morning.

4 This meeting of the House Education Committee  
5 will come to order.

6 I'd like to welcome everybody for being here.  
7 I'm Curt Sonney. I'm the Majority Chairman of the House  
8 Education Committee. I'd like to remind everyone to silence  
9 their cell phones and remind everyone that the meeting is  
10 being recorded.

11 We're here today to hear testimony related to  
12 Senator Aument's Senate Bill 751 and Representative Topper's  
13 companion bill, House Bill 1607, which would revise the  
14 current teacher evaluation system, which was enacted in Act  
15 82 of 2012.

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

19 MINORITY CHAIRMAN ROEBUCK: Thank you, Mr.  
20 Chairman.

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

25 Thank you.

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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.

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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

1 authorship. However, I have found that humility in  
2 authorship is a far better approach. I think we have a  
3 responsibility as legislators to constantly have our basic  
4 assumptions challenged. And I think it's appropriate to  
5 look back on the work that we've done, get feedback, and  
6 make adjustments as needed.

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

13 The bill I offer for your consideration is the  
14 direct result of those conversations. The concerns with the  
15 current evaluation system, which was enacted into law in  
16 2012, center on five main areas.

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

22 Two, administrators in low-performing school  
23 buildings, usually with high poverty rates, were unable to  
24 attract or keep high-quality teachers due to the building  
25 level component within the system which unfairly decreased

1 teachers' ratings in these schools.

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

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

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

15 The major changes proposed in Senate Bill 751  
16 seek to address those concerns. Specifically, the weights  
17 of the various components have been changed to reflect the  
18 feedback that we've received. The observation, the  
19 administrator observation, becomes a larger component, 70  
20 percent up from 50 percent in the current system. Building  
21 level weight has been lessened, 10 percent down from 15  
22 percent. Teacher specific weight combines current teacher  
23 specific and local elective components 20 percent down from  
24 30 percent.

25 We've included a poverty adjustment to the

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

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

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

21 The new system differentiated rating formulas for  
22 different types of employees. There is a clear reduction in  
23 the reliance on standardized testing in this proposal. By  
24 reducing the building level weight and reducing the number  
25 of employees tied to standardized test scores, the new

1 system lessens the overall reliance on standardized testing  
2 as a component of student achievement.

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

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

24 I provided -- I believe they are in your packets  
25 -- additional copies here, a number of handouts that provide

1 you with a summary of the proposal, as well as a side by  
2 side so you can see the current system, Act 82, the teacher  
3 evaluation as contained in Act 82 of 2012, as compared to  
4 the proposal in Senate Bill 751. We also have pie charts  
5 that pictorially depict that for you.

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

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

20 One, I think a gross deficiency category subverts  
21 the intent of the teacher evaluation system and violates the  
22 integrity of the evaluation system. Administrators under  
23 the proposal before you will receive tremendous flexibility  
24 by increasing the weight of the observation from 50 to 70  
25 percent.

1                   And finally, I'll just mention I think gross  
2                   deficiency puts our administrators at risk of violating Act  
3                   55 of 2017, which authorized new statewide requirements  
4                   containing clear parameters and targeting employees through  
5                   their evaluations, statewide requirements as a result of  
6                   economic furlough and furlough process. I'm happy to  
7                   address any questions that folks may have on that. I know  
8                   you'll hear more about that later.

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

16                  Thank you for your time and attention.

17                  MAJORITY CHAIRMAN SONNEY: Thank you, Senator.

18                  Representative Topper.

19                  REPRESENTATIVE TOPPER: Thank you, Mr. Chairman.

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

23                  I'd like to thank Senator Aument for his work and  
24                  his staff and the work that has been done on this important  
25                  issue.

1           Look, I believe that in many ways, Act 82 has  
2 worked in the sense that when we develop public policy, we  
3 very seldom get it perfect the first time. But what this  
4 did, it set into motion a standard that we were going to  
5 evaluate our educators. My dad taught public school for  
6 over 30 years. He still has students come up to him to this  
7 day to acknowledge the impact that he had and continues to  
8 have on their lives. So we know the impact that educators  
9 have on our kids. And I speak with two kids in that same  
10 public school system.

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

20           One of the things -- I represent ten school  
21 districts. And every school district that I toured within  
22 my first few years of being in office mentioned this teacher  
23 evaluation system to me and how even though things that were  
24 certainly putting us on the right track were in Act 82 that  
25 there were also some problems that maybe we could not have

1 foreseen at that time. Simply the implementation was not  
2 what we had intended. And at the end of the day, we want  
3 this system to work.

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

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

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

24 Most of us have observed and evaluated employees  
25 in our previous jobs and in our current jobs. We know what

1 that means. And we know it takes input from those employees  
2 to come up with a professional development plan when they  
3 need improvement. And we know that there are certain things  
4 that we can see that are not necessarily reflected in what  
5 could be shown on a piece of paper or standardized test  
6 score. And that's why we're looking to give these  
7 administrators more flexibility as they evaluate their own  
8 employees.

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

13 Thank you, Mr. Chairman.

14 MAJORITY CHAIRMAN SONNEY: Thank you.

15 We've been joined by Representative Gaydos.

16 Any questions for the Senator or Representative?

17 Representative Isaacson.

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

20 SENATOR AUMENT: This issue came up. We had  
21 extensive conversation among the various stakeholder groups  
22 that worked with the legislation as well as conversation in  
23 the Senate. I believe that this system, this new teacher  
24 evaluation system, once enacted into the law should apply to  
25 charter schools.

1 I believe, however, that we should remain  
2 consistent and that should be a part in the charter law and  
3 part of a charter reform conversation and not including the  
4 charters into this section of the School Code.

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

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

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

24 REPRESENTATIVE TOPPER: And it is part of the  
25 charter school reform conversation. It's important to

1 remember that currently our current system does not apply.  
2 And that's what we're trying to address is the current  
3 system. Who it applies to we can also address as we move  
4 forward.

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

7 MAJORITY CHAIRMAN SONNEY: Anyone else?

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

10 SENATOR AUMENT: Thank you.

11 And again, to the members of the Committee, I'm  
12 happy to discuss further after the hearing today.

13 Thank you.

14 MAJORITY CHAIRMAN SONNEY: Thank you.

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

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

24 You can begin whenever you're ready.

25 DR. SHERI SMITH: I'll begin.

1           Good morning, Chairman Sonney, Chairman Roebuck,  
2           and members of the Education Committee. Thank you for  
3           hosting today's hearing and providing us the opportunity to  
4           engage in the critical conversation about the educator  
5           evaluation system used in Pennsylvania's public schools.

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

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

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

23          As I'm sure you'll hear today, the current system  
24          does not align to what we believe was the original intent of  
25          the statewide evaluation system that was put into place.

1 It's critical that educators are provided meaningful  
2 feedback on their job performance. Altering the current  
3 system in a way that reduces the overreliance on achievement  
4 on standardized tests will produce evaluation outcomes that  
5 will more closely reflect teaching and learning.

6 The Department appreciates the work that Senator  
7 Aument and Representative Topper have done to bring  
8 stakeholders together to come to consensus on Senate Bill  
9 751 as well as House Bill 1607 and PDE supports the proposed  
10 changes to the evaluation system.

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

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

22 The Future Ready PA Index was informed by  
23 thousands of stakeholders across Pennsylvania who challenged  
24 State leaders to develop a more comprehensive set of school  
25 quality measures that acknowledge that, like students they

1 serve, schools are more than just a number or result on  
2 standardized tests. The previous school report card, the  
3 School Performance Profile, ranked schools in a way that led  
4 to a variety of unintended consequences such as creating  
5 unhealthy competition, masking underperformance in student  
6 subgroups, and feeding the culture of test performance  
7 preparation and pressure.

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

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

25           This approach, with a commitment to equity,

1 innovation and transparency, is evident in the Future Ready  
2 PA Index and Pennsylvania's school improvement efforts as  
3 well as the enactment of Act 158 of 2018, which broadens the  
4 statewide graduation requirement.

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

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

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

21 In 2016 PDE convened four stakeholder work groups  
22 charged with developing recommendations to inform the ESSA  
23 State Consolidated Plan. As a local Superintendent at that  
24 time, I served on the Educator Evaluation Work Group. Like  
25 the proposals before you, the work group recommended

1 increasing the weight of the professional practice measure,  
2 the observation measure, and concluded that the current  
3 system gives too much weight to student growth and  
4 achievement measures that may lie outside of an educator's  
5 immediate control.

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

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

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

22 Education scholar David Labaree reminds us that  
23 teaching is a noble and challenging profession. Ultimately,  
24 we expect educators to motivate cognitive, moral, and  
25 behavioral change in a group of involuntary and frequently

1 resistant clients. The 120,000 educators that get up each  
2 day to effect change in the lives of Pennsylvania's students  
3 deserve an evaluation system that is fair and meaningful.

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

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

13 I am happy to field any questions you may have.

14 MAJORITY CHAIRMAN SONNEY: Thank you.

15 You can begin.

16 PSEA PRESIDENT RICH ASKEY: Good morning.

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

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

23 The bill represents two years of work by Senator  
24 Aument, Representative Topper, and stakeholders, but more  
25 than that, they represent compromise. PSEA strongly

1 supports the bills and appreciates the commitment of  
2 everyone who worked on the bills.

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

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

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

23 Two, recognizing the impact of poverty. The bill  
24 includes a modest challenge multiplier to recognize  
25 poverty's impact on the system. The control does not mean

1 economically disadvantaged kids can't succeed. Let me tell  
2 you, as a 30-year urban educator, no one should ever, ever  
3 think that about our kids. It simply means that we must  
4 recognize and control for the impact of poverty in our  
5 school buildings if we are going to continue to use measures  
6 derived from standardized tests.

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

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

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

1 overarching authority.

2 So in concluding, I just want to thank you again.

3 This is an important subject. I appreciate your time.

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

6 MAJORITY CHAIRMAN SONNEY: Thank you.

7 MS. RACHAEL CURRY: Good morning.

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

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

25 Obviously, starting 21 years ago, I started

1 teaching before the PSSA was the end-all be-all for student  
2 achievement. And then obviously eventually we turned that  
3 into also part of the teacher evaluation.

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

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

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

19 I have a colleague who teaches 7th graders the  
20 9th Grade curriculum for the Keystone. And 98 percent of  
21 his students were advanced or proficient on the Keystone  
22 test but his score is red because they did not achieve high  
23 enough on the test to achieve the growth that was expected.  
24 So they took the 6th Grade PSSA and then took the 9th Grade  
25 Keystone and despite the fact that they are proficient or

1 advanced, he can no longer get a distinguished teacher  
2 because the score is too low.

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

11 When I started teaching, we did discovery  
12 learning units. We did cross curriculum units. We did  
13 things where, you know, we could mix up with Science and the  
14 English class and see what we could do. There's just not  
15 time for that when, at the end of the day, I know that I  
16 have to be on page 27 on Thursday because if I'm not on page  
17 27, I'm going to be behind for the test.

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

24 The other piece that is a little bit of a  
25 struggle for some teachers is that if you're in a district

1 where furlough could be a concern, your evaluation is part  
2 of that furlough.

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

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

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

1 good and what we can work better on.

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

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

9 MAJORITY CHAIRMAN SONNEY: Thank you.

10 You may begin.

11 MS. KATHY SWOPE: Good afternoon.

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

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

25 The whole point of what we have attempted to do

1 in every group that I have been a part of was to ensure that  
2 we have highly effective teachers in the classrooms working  
3 with our children.

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

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

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

20 The new system was intended to create a more  
21 comprehensive and consistent evaluation that would provide  
22 better feedback. That was key. And I think that was  
23 mentioned previously, better feedback to the educator and  
24 for school leaders to be able to use a variety of measures  
25 that would reflect the performance.

1                   But it's difficult, as you've heard, for  
2 high-performing teachers in low-performing schools to be  
3 recognized as distinguished or for a struggling teacher in a  
4 high-performing school to receive a needs improvement rating  
5 because of the inclusion of building level data and SPP  
6 scores. Those are just some of the issues with the current  
7 system.

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

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

22                   I think another one that hasn't been mentioned  
23 today is allowing temporary professional employees to be  
24 evaluated entirely on observation is a further significant  
25 improvement. These would be our newest teachers that have

1 just come into the profession. And it's really important to  
2 give them time to hone their skills and learn their craft.  
3 And it also allows their supervisors the flexibility and the  
4 oversight to guide their development effectively.

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

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

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

21 There are many positive changes in the bill that  
22 is before the Committee today. However, I would like to  
23 discuss with you four areas of concern and some additional  
24 recommendations for improvements that we would like you to  
25 consider because we believe it would make the proposals

1 stronger and more likely to stand the test of time.

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

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

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

23 Second, requiring that a performance improvement  
24 plan be designed with documented input from the  
25 underperforming employee just seems counterintuitive and an

1 increase in the burdensome paperwork. We would recommend  
2 removing these provisions.

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

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

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

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

23 Thank you so much. I'm happy to entertain  
24 questions.

25 MAJORITY CHAIRMAN SONNEY: Thank you.

1           Mr. Askey, you said that some school districts  
2 were limiting the number of distinguished?

3           PSEA PRESIDENT RICH ASKEY: Yes.

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

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

16           MAJORITY CHAIRMAN SONNEY: Thank you.

17           Any other questions?

18           Representative McCarter.

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

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

1 let me kind of back up.

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

8 Shouldn't that apply also to the evaluation  
9 system?

10 DR. SHERI SMITH: That's true.

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

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

1 the system; is that correct?

2 DR. SHERI SMITH: Can I respond to that?

3 REPRESENTATIVE McCARTER: Yes.

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

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

17 Where I think it curtailed us a little bit and  
18 what we're talking about is the other 50 percent, which is  
19 the student results side of it on assessments. That kind of  
20 took away our capacity, I think, whether on a very positive  
21 end or a problem with a teacher that was struggling to do  
22 that. But remember, under Act 82 we still took a look at  
23 that breakdown and I think they're continuing that method in  
24 the new Senate bill that's here. So if you're a teacher  
25 outside of a classroom that has assessments or if you're,

1 you know, a guidance counselor and a school nurse, there are  
2 different rubrics and such for assessing those educators  
3 that are different.

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

8 REPRESENTATIVE McCARTER: Well, thank you for  
9 that.

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

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

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

23 PSEA PRESIDENT RICH ASKEY: Not that I have --  
24 no. I would be pretty confident in answering no to that  
25 question.

1           REPRESENTATIVE McCARTER: And the last question,  
2 again, going back to Ms. Swope, has there been any recent  
3 evaluation of the Danielson System at all as how effective  
4 it has been in Pennsylvania in comparison to previous  
5 systems used across the State as an evaluation tool in  
6 recent years?

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

11           DR. SHERI SMITH: Correct.

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

15           REPRESENTATIVE McCARTER: Okay. Thank you very  
16 much.

17           MS. KATHY SWOPE: Thank you.

18           MAJORITY CHAIRMAN SONNEY: Representative Topper.

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

21           Just to comment on the employees' input, written  
22 input, into the improvement plans. I actually believe this  
23 is a very important piece of the legislation. As we look to  
24 evaluate even our employees, that is something that we  
25 require here in the House, which I think is interesting. We

1 want our employees' feedback on their evaluation system. It  
2 was always the modus operandi when I worked in my previous  
3 employment in managing employees. I think it's a very  
4 important piece because they're the boots on the ground  
5 every day. They can give us some feedback on what's going  
6 on.

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

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

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

1 rating form.

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

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

6 REPRESENTATIVE TOPPER: Okay.

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

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

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

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

24 MS. KATHY SWOPE: Oh, okay. The problem that I  
25 was trying to raise really is with the needs improvement in

1 particular. Because that -- and when we put someone with a  
2 needs improvement on an improvement plan, to be able to come  
3 back and follow that up with a follow-up evaluation is very  
4 important. Because without that component, it would take  
5 about two and a half years to get through the process.

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

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

24 So thank you, Mr. Chairman.

25 MAJORITY CHAIRMAN SONNEY: Thank you.

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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

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

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

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

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

22 There are many things that we like about this  
23 piece of legislation. You'll notice in our testimony that  
24 we come out as neutral. I don't want you to misinterpret  
25 that, that we don't think that there are meaningful things,

1 very positive things about this legislation. But as in any  
2 negotiation, you know, they always say a good negotiation is  
3 when both sides walk away and aren't 100 percent happy with  
4 everything. We're not 100 percent happy with everything.  
5 But we are very happy with a majority of this.

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

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

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

1 that self-evaluation. It's a 360 evaluation.

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

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

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

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

22 That being said, it's a concern of ours but it's  
23 definitely not something that will hold us from thinking the  
24 majority of this legislation is great. We thank  
25 Representative Topper and Senator Aument for their work on

1 this, especially the people that work with them that have  
2 put in the huge hours of time and effort to get us to this  
3 point.

4 So thank you for your time.

5 MAJORITY CHAIRMAN SONNEY: Thank you.

6 Dr. Healey.

7 DR. PAUL HEALEY: Good afternoon.

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

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

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

21 Seven years ago the Legislature passed Act 82 and  
22 a new evaluation system was implemented across the  
23 Commonwealth. And I would remind members not only for  
24 teachers but also for school leaders. The system replaced a  
25 more subjective system that was in place at that time. And,

1 yes, there are positive aspects associated with Act 82. I'd  
2 like to focus on the positive aspects of Act 82 that are  
3 present today and that will be maintained in the system  
4 going forward.

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

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

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

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

25 Because of these aspects, teachers and their

1 supervisors have engaged in critical conversations about  
2 instruction, curriculum, student subgroups, and data-driven  
3 instruction to name just a few of the benefits that exists.

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

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

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

24           The Pennsylvania Principals Association has  
25 approximately 3,600 active members mostly comprised of

1 principals and assistant principals. No other group is more  
2 impacted by Act 82 than our members. Why? Principals touch  
3 every single evaluation that is conducted for their  
4 professional employees in their schools. And also, they are  
5 also evaluated by the same system by their immediate  
6 supervisor.

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

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

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

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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

1 and financial resources in the development of our alternate  
2 rating tool. We were awarded a Bill and Melinda Gates  
3 Foundation Grant, as well as engaged in a highly  
4 collaborative process with your Pittsburgh Foundation of  
5 Teachers to develop our framework for evaluation.

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

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

18 We also wanted to make sure that teachers were  
19 treated equitably across our district within Pittsburgh. We  
20 have over 50 schools with different student populations,  
21 teachers teaching different subject matters. And so we  
22 wanted to make sure that we included factors in our  
23 evaluation that considered growth over attainment. If you  
24 look at our current model, we include a unique measure that  
25 we've applied to our teacher level measures.

1                   And additionally we wanted to make sure that  
2                   student voice was represented in our model. And so we also  
3                   include the results of Tripod to assess students' experience  
4                   in our classrooms.

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

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

16                  Thank you.

17                  MAJORITY CHAIRMAN SONNEY: Thank you.

18                  Representative Topper.

19                  REPRESENTATIVE TOPPER: Thank you so much.

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

22                  Dr. Eshbach, I want to go back and respectfully  
23                  challenge again on this input, the documented input, because  
24                  this seems to be my baby here this morning and this  
25                  afternoon.

1                   You mentioned arbitration, going to an  
2 arbitrator, feeling like your hands are tied because the  
3 teacher is saying, look, I didn't have that kind of input.

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

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

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

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

22                  Perhaps you're right. Perhaps it would  
23 strengthen our argument. And I think some of that has to do  
24 with the specifics of the case. Personally, as a  
25 Superintendent, I think it's important to have the teacher

1 and the PSEA Rep there with me writing up that evaluation so  
2 there's buy-in.

3 REPRESENTATIVE TOPPER: Right.

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

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

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

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

1 classroom a lot.

2 DR. ERIC ESHBACH: Yes.

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

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

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

14 REPRESENTATIVE TOPPER: Right.

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

17 REPRESENTATIVE TOPPER: Thank you.

18 Thank you, Mr. Chairman.

19 I thank all of you.

20 MAJORITY CHAIRMAN SONNEY: Thank you.

21 Any other questions?

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

24 DR. ERIC ESHBACH: They stay at the district.

25 MAJORITY CHAIRMAN SONNEY: And, Dr. Heywood,

1 Pittsburgh currently, you know, took an alternative route,  
2 correct?

3 DR. ALYSSA FORD-HEYWOOD: Correct.

4 MAJORITY CHAIRMAN SONNEY: And was approved by  
5 the Department?

6 DR. ALYSSA FORD-HEYWOOD: Correct.

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

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

17 MAJORITY CHAIRMAN SONNEY: Okay. Thank you.

18 Representative Topper.

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

25 We feel, however, that we're putting in place

1 something and that Pittsburgh has something going that is  
2 absolutely not only going to be well received by this  
3 Department but departments in the future, which is why we  
4 included that flexibility in this legislation.

5 MAJORITY CHAIRMAN SONNEY: Thank you.

6 Thank you very much. This hearing is done.

7 (Whereupon, the hearing concluded.)  
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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