

COMMONWEALTH OF PENNSYLVANIA  
HOUSE OF REPRESENTATIVES

HOUSE EDUCATION COMMITTEE  
joint with the  
SENATE EDUCATION COMMITTEE  
PUBLIC HEARING

STATE CAPITOL  
HARRISBURG, PA

NORTH OFFICE BUILDING  
HEARING ROOM 1

TUESDAY, APRIL 12, 2016  
9:15 A.M.

PRESENTATION ON  
EVERY STUDENT SUCCEEDS ACT

HOUSE COMMITTEE MEMBERS PRESENT:

HONORABLE STANLEY E. SAYLOR, MAJORITY CHAIRMAN  
HONORABLE ROSEMARY M. BROWN  
HONORABLE HAL ENGLISH  
HONORABLE MARK M. GILLEN  
HONORABLE HARRY LEWIS  
HONORABLE BERNIE O'NEILL  
HONORABLE KRISTIN LEE PHILLIPS-HILL  
HONORABLE THOMAS QUIGLEY  
HONORABLE KATHY L. RAPP  
HONORABLE MIKE REESE  
HONORABLE CRAIG STAATS  
HONORABLE MIKE TOBASH  
HONORABLE DAN TRUITT  
HONORABLE JAMES ROEBUCK, MINORITY CHAIRMAN  
HONORABLE PATRICK HARKINS  
HONORABLE PATTY KIM  
HONORABLE MARK LONGIETTI  
HONORABLE STEVE McCARTER

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SENATE COMMITTEE MEMBERS PRESENT:  
HONORABLE LLOYD SMUCKER, MAJORITY CHAIRMAN  
HONORABLE RYAN AUMENT  
HONORABLE ANDREW DINNIMAN, DEMOCRATIC CHAIRMAN

COMMITTEE STAFF PRESENT:  
JONATHAN BERGER  
MAJORITY EXECUTIVE DIRECTOR  
JESSICA HENNINGER  
MAJORITY SLEGISLATIVE ADMINISTRATIVE ASSISTANT

CHRIS WAKELEY  
DEMOCRATIC EXECUTIVE DIRECTOR  
ERIN DIXON  
DEMOCRATIC RESEARCH ANALYST  
APRIL McCLENTON  
DEMOCRATIC LEGISLATIVE ASSISTANT

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I N D E X

TESTIFIERS

\* \* \*

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PEDRO A. RIVERA SECRETARY OF EDUCATION	6
MATTHEW S. STEM DEPUTY SECRETARY	--
SAMANTHA Z. KOCH EXECUTIVE POLICY SPECIALIST	44

(See submitted written testimony and handouts online.)

## P R O C E E D I N G S

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1  
2  
3 SENATE MAJORITY CHAIRMAN SMUCKER: Well,  
4 good morning. I'd like to call this joint hearing of  
5 the -- this hearing of the joint Senate and House  
6 Education Committee to order.

7 I apologize to everyone for the delay. I  
8 had some business in the district office and hit a lot  
9 of traffic on the way up. So I'm very sorry. I told  
10 Stan he would have been welcome to start without me.

11 So again, good morning. This is our second  
12 joint hearing on the new Federal law, the Every Student  
13 Succeeds Act, which we, I think, have now started  
14 referring to as ESSA.

15 I will say that Senator Dinniman is  
16 expected to join us in a little bit as well. He had  
17 another commitment, and said he will be about 45  
18 minutes late. But we'll go ahead and get started  
19 because I know the House has session, and we want to  
20 give ample time for the members to ask questions.

21 So I'd like to thank all the members of  
22 both the House and Senate Education Committees for  
23 being with us here today, and everyone in the audience  
24 who is joining us as well. It's an important hearing  
25 on a Federal law that we know will have sweeping

1 consequences on State education policy and on students  
2 throughout the State.

3 So the first hearing, we had an expert from  
4 NCSL. Today, we'll be hearing, of course, from the  
5 State Department of Education. We're very fortunate to  
6 have Secretary Pedro Rivera here with us today.

7 As the Federal government hands off much of  
8 its role in education policymaking to the State, the  
9 Department has been tasked with the implementation of  
10 ESSA. We welcome the opportunity to hear the status of  
11 that implementation today, and how the Department will  
12 work to include the General Assembly, stakeholders, and  
13 the public in the process as well.

14 So thank you for joining us. I'd like to  
15 turn the microphone over to my counterpart in the  
16 House, Representative Stan Saylor.

17 HOUSE MAJORITY CHAIRMAN SAYLOR: Thank you.  
18 Just very shortly, Secretary. I thank you.

19 I look forward to working with you. I  
20 think all of us do -- as Chairman of the House  
21 Education Committee -- to help develop this new policy  
22 for Pennsylvania and our children as we move forward,  
23 and we'll just leave it at that.

24 Chairman Roebuck.

25 HOUSE MINORITY CHAIRMAN ROEBUCK: Thank

1 you.

2 I, too, look forward to working with you as  
3 we implement this policy. I hope it's not déjà vu all  
4 over again, but I would look forward to the continuing  
5 discussions as we move forward.

6 SENATE MAJORITY CHAIRMAN SMUCKER: All  
7 right. And with that, Secretary, if you'd introduce  
8 the other member of the panel here with you today, and  
9 then proceed with your testimony.

10 SECRETARY RIVERA: Absolutely. It's a  
11 privilege to introduce to you for the first time up on  
12 the center stage here, with us this morning, Sam Koch,  
13 who's actually from our policy office. And she's  
14 become our resident expert on all things E-S-S-A or  
15 ESSA, as it's now lovingly referred as.

16 So Sam has been pretty much the individual,  
17 along with other members of our office, who have been  
18 collecting, researching, and just mining and, you know,  
19 segregating data around the many changes.

20 So she'll be able to fill in many of the  
21 blanks around the policy implications and changes that  
22 have been taking place over the course of the past  
23 almost year now. And she's also going to help me work  
24 through our presentation.

25 And as I start to share this morning, I

1 also want to take a moment -- there's lots of  
2 information we have here. As always, I want to try to  
3 work through this as quickly as possible so we have  
4 more than enough time to answer any questions, hear any  
5 comments that you may have. But bear with me, as we  
6 work -- as we walk through. This being the first time  
7 through, there is a lot of information to share in a  
8 really condensed period of time.

9 So we'll run through, and then I want to  
10 make sure that we have more than enough time to engage  
11 in dialogue. And we'll do this, you know, with you all  
12 as many times as we have to to build confidence and,  
13 you know, support around the process.

14 So first, of course, it's always important  
15 to start with good morning. Good morning, Chairman,  
16 and members of the General Assembly. Thank you for,  
17 you know, sharing this time with us this morning. We  
18 know time is absolutely valuable this time of the year.

19 And of course, we're going to discuss Every  
20 Student Succeeds Act, or E.S.S.A., or ESSA, as I'm  
21 going to continue to refer to it as we work through  
22 this presentation, and the impact it will have on our  
23 public schools, our students, and our community.

24 We're also going to take some time to  
25 discuss an opportunity that the Department believes

1 exists within this implementation. So I'm going to  
2 take a moment and note that, you know, although our  
3 titles are up here, representing policy and the  
4 Secretary, are a little misleading, because a lot of  
5 the work that we've been engaging in around this  
6 authorization and moving forward, is really the work as  
7 educators and, you know, as parents of students in  
8 districts across the Commonwealth.

9           Because we know that the best policy  
10 intentions -- and ESSA certainly reflects a good  
11 intention -- still requires a very pragmatic approach  
12 and strong implementation and significant -- and not  
13 only from us here in this room, but from teachers,  
14 school leaders, parents, and other stakeholders across  
15 the Commonwealth.

16           So a quick background. ESSA was signed  
17 into law late last year, after a great display of  
18 bipartisan agreement. The effort involved particular  
19 leadership by two U.S. Senators, Democrat Pat Murray,  
20 and Republican Lamar Alexander, who brought very  
21 different perspectives to the process.

22           So Senator Murray of Washington, began her  
23 career in public service as a school board member. And  
24 Senator Alexander was U.S. Secretary of Education under  
25 first-President Bush.



1           So a new framework under ESSA, largely goes  
2 into effect in 2017-'18, with 2016-'17 serving as a  
3 transition year. So we want to make the General  
4 Assembly aware that negotiated rulemaking is currently  
5 in process. So there's lots of discussions taking  
6 place right now.

7           As stated, as a State education agency, we  
8 have a great sense of urgency regarding this work, and  
9 are moving forward with engaging stakeholders. So this  
10 is a very critical year, as we move forward around the  
11 '16-'17 transition date.

12           So just to set the stage for our  
13 presentation, we're going to focus our remarks on four  
14 key areas, which are extremely important to many of  
15 you, as we've had conversation over the course of the  
16 year: assessments, accountability, educator  
17 certification, and educator evaluation.

18           So after providing a quick overview of  
19 ESSA's impact in these areas, we're going to take a few  
20 minutes to highlight our work to engage stakeholders in  
21 our planning process, including how those efforts will  
22 improve recommendations from our team, the Governor,  
23 the General Assembly, and then ultimately, a submission  
24 of our State ESSA plan.

25           So afterwards, Sam and I will look forward

1 to engaging in questions, comments, and will hopefully  
2 be able to answer any questions you may have.

3 So before we dive in, I want to note that  
4 there are other critical elements of ESSA, that while  
5 important, are not the primary focus of today's  
6 presentation for our formal stakeholder engagement  
7 process.

8 So one example is, the new law grants  
9 States more discretion in setting academic standards,  
10 retiring the submission and approval process in place  
11 under ESEA waivers. So there will be no more waivers  
12 moving forward.

13 Even more, ESSA specifically prohibits the  
14 U.S. Department of Education from mandating or  
15 endorsing specific standards. However, States would  
16 still have challenging academic standards in place.  
17 And I will share, the Pennsylvania course standards are  
18 extremely challenging academic standards.

19 On another important front, ESSA provides  
20 new and expanded funding opportunities that impact  
21 several areas of the Department's work. For example,  
22 new resources are available to support high-quality  
23 early education.

24 In addition, ESSA provides increased  
25 flexibility to States and schools in allowing an

1 allowable spending, which would require further  
2 examination and guidance.

3           As a final example, we have to be attentive  
4 to provisions of Federal law that relate to homeless  
5 students and students awaiting foster care. And while  
6 we won't be covering these topics today, we wanted to  
7 acknowledge their importance and, you know, share --  
8 we're going to have continuous conversations around  
9 those areas and those points as we move on throughout  
10 the course of the year, and the planning here.

11           So what it means for a State agency, the  
12 State education agencies, the law provides enormous new  
13 flexibility. So flexibility in setting standards and  
14 choosing assessments, flexibility in designing systems  
15 to gauge school and district performance, and  
16 flexibility in how and when to deliver  
17 school-improvement strategies.

18           Because of the acknowledged constraints  
19 proposed -- or posed by No Child Left Behind, this  
20 flexibility is absolutely welcome, as shared earlier by  
21 the Chairman.

22           Let me take a quick drink here.

23           So while we continue to transition PDE away  
24 from a focus on strict compliance and towards  
25 collaboration and assistance, and also taking a look at

1 holistic accountability for schools, but it also  
2 presents a great challenge, especially when it comes to  
3 the great work of school turnaround, which is also very  
4 imperative for a more robust technical assistance.

5 So whereas, there is a great opportunity  
6 for flexibility, it's also important that we take into  
7 account the need to be very strategic and very  
8 deliberate in how we support school improvement across  
9 the Commonwealth.

10 So as you know, there's been a fair amount  
11 of attention to this subject lately. The work facing  
12 State education agencies is growing in scope and  
13 complexity, while available resources are dwindling.  
14 Even States that have received significant Federal  
15 guidance -- assistance under Race to the Top grants,  
16 report capacity issues in implementation.

17 At PDE, our work -- our workload is up.  
18 And of course, as we've shared on a number of  
19 occasions, complement is down, but we're going to  
20 continue to move forward. And, you know, obviously,  
21 not a complaint, but just sharing with you why  
22 opportunities like this are important as we assess the  
23 challenges that are before us.

24 So getting this right will require hard  
25 work as well as expert implementation to ensure

1 efficient use of time and resources.

2           So I'm now going to turn to our four focus  
3 areas that will make up most of our State plan. For  
4 each area, again, of course: assessment,  
5 accountability, teacher prep, and teacher evaluation.  
6 All highlight the key similarities and differences  
7 between NCLB, or No Child Left Behind, and ESSA, and  
8 highlight the likely impact of those similarities and  
9 differences for Pennsylvania students and educators.

10           So first, let's begin with what's still in  
11 place. ESSA maintains a core tenet of No Child Left  
12 Behind, annual testing of students in grades three  
13 through eight, and once in high school, for English,  
14 language, arts, and math; grade span testing in  
15 science, three to nine, six to nine, and ten to twelve  
16 is also required under the law.

17           The administration of the NAEP is also  
18 required for States and districts receiving Title I-A  
19 funding. And the law continues to require adaptation  
20 and accommodations to ensure that to the greatest  
21 extent possible, special needs students take part in  
22 the annual assessment.

23           So there's a great deal new. While annual  
24 assessment is still required, States have broad  
25 discretion in what that assessment looks like. While

1 this is by no means an exhaustive list, here are a few  
2 highlights.

3           Assessment administration can occur at a  
4 single point in time, as is our current practice, or we  
5 can involve formative assessments across the school  
6 year, that result in a singular score for  
7 accountability purposes.

8           Assessments can also vary by type. We can  
9 include computer-adaptive testing and competency-based  
10 assessments, designed to allow students to demonstrate  
11 knowledge through performance tasks in a variety of  
12 contexts. So we can move from the one-time testing, as  
13 we currently have, or move to a much more formative  
14 assessment across the school year.

15           Another notable change is that States can  
16 permit districts to administer, in lieu of a statewide  
17 high school assessment, a locally selected,  
18 nationally-recognized high school assessment that has  
19 been approved for use by the State and peer review  
20 through the U.S. Department of Education. So this  
21 provision specifically mentions as examples, the ACT  
22 and the SAT, as a high school assessment.

23           So just to be clear, significant additional  
24 guidance is needed on this aspect of the law. This is  
25 absolutely one of the major conversations taking place

1 at the Federal level. And implementation changes would  
2 still be considerable.

3 For us, specifically, here in the  
4 Commonwealth, we would have to take into account the  
5 fact that Act 82 requires the use of PSSA and the  
6 Keystone Exams exclusively. So there are some areas  
7 that we would have to revisit locally, should we want  
8 to take this opportunity on, moving forward.

9 In terms of assessments for students with  
10 the most significant cognitive disabilities, students  
11 of special needs, ESSA imposes a 1-percent  
12 participation cap for students with disabilities, so  
13 one of the rare examples of where ESSA is actually  
14 imposing a more prescriptive standard than applied to  
15 NCLB. So this is another area, we have to do a deeper  
16 dive around and start to really engage in dialogue with  
17 the U.S. Department of Education.

18 So here's what some of that means for our  
19 Commonwealth. So mainly, they will further focus the  
20 work that we are already doing to ensure that a  
21 statewide system of assessment supports fair,  
22 meaningful, and valid measures of students'  
23 performance. And we've been having many conversations,  
24 leading up to this point around, you know, ensuring our  
25 standards of assessment are fair, meaningful, and

1 valid.

2 And as members know, we're already starting  
3 the important questions around SB 880, which, you know,  
4 derives from Act 1 of 2016, and State-level high school  
5 graduation requirements. So ESSA provides context for  
6 that effort and will help ensure that our entire  
7 assessment system is working as intended.

8 It also provides a moment in time to ensure  
9 that we don't have a disproportionate focus on  
10 assessment. So again, it's the single measures, you  
11 know, to assess how well students are doing across the  
12 Commonwealth.

13 And that specific aspect of State test  
14 administration allows educators to get timely feedback  
15 on their teaching and student learning, and that we  
16 don't attend to some vital technical considerations  
17 concerning Act 82. And we'll share a little more about  
18 that shortly.

19 Under NCLB, assessment results drove  
20 State-accountability provisions, and with some  
21 important caveats that still remain true for ESSA.  
22 ESSA requires State to develop accountability systems.  
23 These systems must again include annual assessment  
24 results, along with additional academic indicators,  
25 such as four-year graduation rate for high schools, and



1 a State-determined student growth academic indicator  
2 for elementary and middle schools.

3 So the results of these academic  
4 indicators, in aggregate, must carry a greater weight,  
5 so much more weight to be precise. It's significantly  
6 more weight than non-academic indicators measuring  
7 school quality. Educator engagement is also included,  
8 school safety, or other indicators.

9 States are required to select at least one  
10 of these non-academic indicators and can in fact add an  
11 unlimited number of non-academic indicators. And this  
12 continues to align with the many conversations we're  
13 having around, you know, the school performance profile  
14 and how to take non-academic indicators into account  
15 when assessing accountability for schools.

16 So ESSA also continues the annual public  
17 reporting of school process -- of school progress. As  
18 has been one of the conversations that has come up a  
19 number of times, we will still provide annual reporting  
20 of how our schools are doing across the Commonwealth  
21 and detailing these data -- this data, by student  
22 groups, which now includes for reporting purposes,  
23 homeless-status students with parents in the military,  
24 and students who are in foster care.

25 So a few words about accountability. So we

1 want to take a look at what's new in ESSA. So ESSA  
2 eliminates both adequate yearly progress determinations  
3 and the 100-percent proficiency requirement. It also  
4 affords States much more flexibility in the design of  
5 accountability systems.

6 So as we noted in our last slide, academic  
7 indicators are required to make up the bulk of the  
8 State accountability framework, but the exact weighting  
9 of academic factors is left to the States, along with  
10 decisions about the addition of non-academic or school  
11 quality factors.

12 So equally important, is that ESSA turns  
13 authority for the design and implementation of specific  
14 school-improvement strategies back to our States. So  
15 there is an opportunity to discuss and build  
16 flexibility around school improvement.

17 So we see this as a significant win for the  
18 Commonwealth because it aligns to many of the  
19 conversations that we've been having over the course of  
20 the past year. And more importantly, it allows us to  
21 move away from this one-size-fits-all approach to  
22 school improvement, to much more research-based  
23 strategies aligned to the specific needs of the  
24 schools, their communities, and the needs of the  
25 students they serve.

1           So as we engage with our stakeholders and  
2 ultimately with the General Assembly, we'll be focusing  
3 specifically on what this means for the Commonwealth.  
4 We discussed criteria for a statewide accountability  
5 system, including how we'll measure and define the  
6 State's lowest and high-performing schools, strategies  
7 for best practices for school improvement, strategies  
8 for local flexibility, and what PDE's role in this  
9 process should look like.

10           And I think that's an important indicator.  
11 This is going to give us the flexibility in how to  
12 support and build accountability around our struggling  
13 schools; how to look at our high-performing schools and  
14 use them as examples of best practice; and altogether,  
15 what our role in supporting school improvement across  
16 the Commonwealth is.

17           So by becoming, by being less descriptive,  
18 we can work very hard together to provide a  
19 differentiation, much like we would in specific school  
20 settings, but now we'll be able to provide that same  
21 level of differentiation for our students, leaders, and  
22 community members across the Commonwealth.

23           So another area that I think is very  
24 exciting for us -- and this again, aligns to many of  
25 our conversations around, you know, our teacher

1 shortage, the need for highly qualified teachers, and  
2 the need for teachers in general.

3           So under ESSA, States must still provide  
4 assurances that all teachers and para professionals are  
5 participating in programs that receive Federal tax  
6 dollars, meet certification requirements.

7           In addition, the Federal law mandates State  
8 responsibility to ensure that poor minority students  
9 are not taught by inexperienced or ineffective teachers  
10 at higher rates than other students. And there's a  
11 requirement that PDE has been addressing and has  
12 addressed in the State plan for ensuring equitable  
13 access to excellent educators across the Commonwealth.

14           This is one of the areas that we're going  
15 to be focusing specifically on in terms of educator  
16 effectiveness and our work groups. The most  
17 significant change under ESSA, related to educator  
18 certification is the elimination of the highly  
19 qualified teacher HQT requirements, established under  
20 NCLB.

21           This represents a significant shift in the  
22 scope and authority of the Federal government in  
23 relationship to educator certification standards. So  
24 it's referring instead to State law in regards to  
25 subject matter competency.

1           It also provides competitive grants --  
2 provides for competitive grants to create teacher  
3 preparatory academies, teacher residency programs, and  
4 other program improvements at the State and local  
5 level.

6           And you know, equally as important, ESSA  
7 will also bring changes to the Title II funding formula  
8 for States. So this new formula is going to provide  
9 more weights for poverty counts than overall population  
10 and will take effect gradually over the next several  
11 years.

12           So given the retirement of HQT, or Highly  
13 Qualified Teacher status, as a Federal requirement, PA  
14 has an opportunity to explore a number of questions  
15 related to educator certification, including -- and you  
16 know, many of these questions are questions that have  
17 come from the General Assembly to us, and we've engaged  
18 in them over the course of the past year.

19           Should any State licensing certification  
20 areas be revisited? Are there any unnecessary barriers  
21 to placing effective teachers in classrooms that can be  
22 addressed through our certification and staffing  
23 program guidance? Does ESSA foster any opportunities  
24 to address teacher shortages? And how do we continue  
25 to ensure equitable access to effective educators for

1 all students? And again, just a quick reminder, this  
2 is one of our four specific work groups that we'll be  
3 engaging with.

4 We also have an opportunity through  
5 educator evaluation. So while equitable distribution  
6 of rules and State assurances concerning teachers and  
7 para professionals in Title I-A programs remain as a  
8 significant -- as a significant departure from the  
9 waiver provisions and other Federal initiatives that  
10 tie teacher evaluation decisions to student assessment  
11 results. So requirements are originally articulated.  
12 ESEA waiver guidelines are not part of ESSA, and the  
13 new law prohibits USDE from mandating, controlling, or  
14 directing State process.

15 So in the area of educator evaluation,  
16 there are a number of considerations that we'd also  
17 like to take into account for the evaluation and  
18 effectiveness process that can be explored, given the  
19 changes to Federal mandates.

20 So some that we'd like to absolutely engage  
21 around are opportunities for discussions with lawmakers  
22 and other stakeholders about possible revisions to the  
23 existing Act 82, which dictates our educator  
24 effectiveness provisions; whether there are  
25 opportunities to improve the efficiency and

1 effectiveness of Pennsylvania's current system, while  
2 still maintaining educator accountability for student  
3 success; and if there are any additional ways to  
4 address the complexities of teaching and learning,  
5 while maintaining educator accountability for student  
6 success. And, again, we were very strategic in  
7 choosing this area because we know it's an area of  
8 concern for you and our stakeholders across the  
9 Commonwealth.

10 So as required by ESSA, Pennsylvania has to  
11 develop and submit a State plan to the U.S. Department  
12 of Education, detailing our implementation strategies.  
13 PDE is tasked -- was tasked by ESSA with developing the  
14 State plan with timely and meaningful consultation with  
15 the Governor, members of the State legislature, the  
16 State Board of Education, local educational agencies,  
17 including -- and we're being specific, including those  
18 located in rural areas -- teachers, principals, and  
19 other school leaders, as well as administrators, staff,  
20 and parents.

21 So the State plan is also going to align  
22 with programs covered under ESSA as well as other  
23 Federal laws, including IDEA, or Individuals with  
24 Disabilities Education Act, the Rehabilitation Act of  
25 1973, Perkins, Workforce Innovation and Opportunity

1 Act -- the WIOA, as we all know it -- the  
2 McKinney-Vento Homeless Assistance Act, and the Adult  
3 Education and Family Literacy Act, among many others.

4 So PDE, like many other State agencies, is  
5 awaiting Federal guidance regarding specific timelines  
6 for the State plan. This is probably most of -- our  
7 most exciting work as we move forward. So, you know,  
8 in contemplating and having worked together, how to  
9 meaningfully engage with critical groups in developing  
10 the State plan that's rooted in real experience of  
11 educators and students across the Commonwealth, PDE  
12 designed a stakeholder engagement process that relies  
13 on participation from a group of diverse thought  
14 leaders and practitioners from the Commonwealth and  
15 beyond.

16 So in partnership with the Council of Chief  
17 State School Officers, which is CCSSO -- and I'll  
18 continue to just refer to them as CCSSO moving forward  
19 -- PDE has planned a series of stakeholder sessions and  
20 work group meetings designed to explore those four key  
21 areas again.

22 So two groups of stakeholders will drive  
23 this process. First, we're going to have a general  
24 stakeholders group, which will participate in the first  
25 and final session, to learn about ESSA and the



1 opportunities and challenges it presents for PA.

2           And then secondly, we're going to create a  
3 work group of members that will bear significant  
4 responsibility for exploring and developing  
5 recommendations for consideration as part of PDE's work  
6 to develop a State plan.

7           I think it's important to note that we're  
8 not looking at creating and updating this plan in a  
9 vacuum, in silos. We're looking to bring practitioners  
10 from multiple stakeholder groups to engage in both a  
11 bigger, broader work group, but then specific work  
12 groups, to address the four areas of importance.

13           And it's also, you know, important to share  
14 that we're very, extremely pleased to have CCSSO join  
15 as a lead partner in our efforts to leverage their  
16 perspective and expertise of our work groups and the  
17 general stakeholders over the next six months.

18           The Chief State School Officers is  
19 recognized as a national leader and has advanced  
20 productive thinking and planning in the field related  
21 to ESSA and its potential impact on States. As our  
22 subject matter experts, CCSSO's team will help guide  
23 our work group discussions, provide critical background  
24 materials, and will help bring a national perspective  
25 to Pennsylvania's conversation around ESSA

1 implementation.

2           And I have to share, they've already  
3 brought a national perspective. They have a direct  
4 line to the U.S. Department of Education in relation  
5 to, you know, what guidance is coming out. And the  
6 work that we're doing here in the State has actually  
7 already been a useful tool in driving some of the  
8 stakeholder engagement across the nation. So we're  
9 really -- we're extremely proud of having been  
10 recognized for that distinction.

11           So given the significant level of work and  
12 responsibility that our four work groups will have  
13 ahead of them, PDE designed a nomination application  
14 and selection process, with the end goal of identifying  
15 15 to 20 expert practitioners with diverse, relevant  
16 experience for each of our four work groups.

17           So on March 3, we sent invitations for  
18 nominations to legislative leaders as well as education  
19 associations and leaders across the Commonwealth. We  
20 were pleased to receive nearly 400 nominations from a  
21 range of stakeholders. Earlier this month, PDE  
22 contacted nominees to invite them to apply for  
23 participation in work groups, and we received  
24 approximately 200 applications by last night's deadline  
25 and will now begin the challenging work of reviewing

1 the credentials, statements of interest, and other  
2 qualifications of these applicants.

3 So we believe that ESSA work groups should  
4 first and foremost reflect the practical experience and  
5 expertise of educators who are tasked with implementing  
6 State policy. As such, we reserve significant portions  
7 of each work group for an active and diverse cross  
8 section of educators and administrators.

9 And in addition, we pulled representation  
10 from educational associations, community organizations,  
11 local and State government, as well as business and  
12 industry leaders. PDE also plans to notify select work  
13 group members of their approval by this Friday, April  
14 15, and looks forward to hosting our first whole group  
15 session here in Harrisburg on April 28.

16 And I thank you for bearing with me while  
17 -- we'll run through the next few slides and open it up  
18 for conversation. So over the next six months, the  
19 Department looks forward to collaborating with PA's  
20 diverse education stakeholders through in-person  
21 sessions, work group meetings, and electronic  
22 communications.

23 In particular, we look forward to  
24 collaborating with the General Assembly through  
25 meaningful consultation with both our House and Senate

1 Education partners. So this timeline was designed with  
2 a few key goals and assumptions in mind.

3 First, we wanted to provide ample  
4 opportunity for meaningful consultation with  
5 stakeholders and the development of recommendations  
6 related to assessment, accountability, educator  
7 certification, and educator evaluation.

8 We also wanted to be conscious of the  
9 important discussions happening in Washington, D.C. as  
10 part of the U.S. Department of Education's negotiated  
11 rulemaking process. So those discussions, which began  
12 in March, will take -- will shape the final regs  
13 promulgated by USDE, including those related to  
14 assessment, and also, which is very important, the  
15 Supplement Not Supplant Provisions.

16 So I'd also like to take a moment to note  
17 that while PDE engages in the field -- in this field,  
18 in a comprehensive dialogue around ESSA, the goal posts  
19 around these areas may shift and evolve as a rulemaking  
20 process advances and additional Federal guidance is  
21 shared.

22 And then, finally, in developing this  
23 timeline, PDE assumes that the State plan will be  
24 submitted in spring of 2017, giving the Department  
25 adequate time to consider the final recommendations

1 proposed by the work groups and stakeholders and to  
2 engage in follow-up discussions with State  
3 policymakers, the administration, and of course,  
4 inclusive of you, here in the General Assembly.

5           So the principle, vision of -- vision  
6 guiding PDE stakeholder-engagement activities was to  
7 develop a process that was productive and inclusive and  
8 transparent. So both we at PDE, and our partners, will  
9 be documenting the dialogue that takes place at either  
10 of the upcoming stakeholder sessions. So we're going  
11 to have work group meetings, and we'll provide open  
12 resources to the field.

13           Importantly, because we understand that  
14 there are many stakeholders out throughout the  
15 Commonwealth who really want to be informed in this  
16 process, we're also going to make publicly available,  
17 information that was posted -- that will be posted on  
18 PDE's website. Interested individuals will be able to  
19 stay connected to the work of the Department and work  
20 groups through electronic updates. We're also going to  
21 welcome additional feedback and suggestions regarding  
22 ESSA's implementation from other practitioners,  
23 policymakers, and community members across the  
24 Commonwealth.

25           To advance the goals of inclusiveness and

1 transparency, we're going to provide frequent updates  
2 to the field before, during, and after each stakeholder  
3 session. The background material that the members  
4 receive ahead of each meeting will also be mailed --  
5 e-mailed to interested stakeholders. During our  
6 sessions, a summary of scheduled topics will be shared  
7 electronically with stakeholders, and the public will  
8 also -- can also follow along with the day's discussion  
9 on social media.

10           So, finally, PDE will provide  
11 content-specific updates of the progress of each work  
12 group after each stakeholder session. So we're going  
13 to work very hard to just engage stakeholders, even  
14 those that aren't currently -- aren't in the room at  
15 that time, to provide the information available --  
16 that's available to the group to others that are  
17 interested electronically before.

18           We're going to provide updates during the  
19 sessions and after the sessions, and we're going to  
20 work very hard to keep folks actively engaged and  
21 involved through social media. So, you know,  
22 individuals not in that room will be able to sit home  
23 or at work or in the chambers and really stay actively  
24 engaged in the process.

25           Beginning on April 28, and in the months

1 that follow, work groups and partners will explore  
2 opportunities, challenges, and consider potential  
3 impact of recommendations in each of the focus areas.  
4 A draft report will be shared with general stakeholders  
5 in the field during the final session on October 18.

6 And as I mentioned earlier, these  
7 recommendations will inform the development of  
8 Pennsylvania's ESSA State plan ahead of the anticipated  
9 2017 deadline.

10 So, finally, to conclude, ESSA provides a  
11 once-in-a-decade opportunity for education policy in  
12 PA. And we at the Department absolutely take this  
13 responsibility seriously and will engage stakeholders  
14 early and often to promote alignment between policy and  
15 practice.

16 Over the course of the upcoming weeks and  
17 months, PDE will continue to review ESSA and monitor  
18 Federal rulemaking. The Department will also determine  
19 a timeline to develop the State plan, following the  
20 report of recommendations generated by work groups and  
21 partners this fall. We will also explore intersections  
22 between ESSA and State policy, including opportunities  
23 and challenges of areas that fall outside of our four  
24 focus areas.

25 And, finally, but most importantly, we will

1 continue to collaborate with you, lawmakers, educators,  
2 and other stakeholders, to ensure that every student in  
3 PA has a chance to learn, grow and thrive. So I'm sure  
4 you agree, you know, this work couldn't be more urgent.

5 And, you know, with that, I'm happy to --  
6 Sam and I are happy to answer any questions or hear any  
7 comments you may have.

8 Thank you. And I apologize for running  
9 quickly, but if you could just --

10 HOUSE MAJORITY CHAIRMAN SAYLOR: Let me  
11 start off, Mr. Secretary. Just a couple questions.

12 First of all, in the Federal legislation,  
13 or in the rules and maybe policy, is there direction as  
14 to how long the tests that we give have to be, like  
15 four hours?

16 Right now, our tests, PSSA tests, are  
17 12-hours long, which to me is absolutely ridiculous  
18 when you consider an 8-year-old child taking a 12-hour  
19 test over a period of six days. I think it's  
20 stressful, particularly when it has no impact on the  
21 students.

22 What are the Federal guidelines on testing  
23 in particular.

24 SECRETARY RIVERA: So there are no specific  
25 -- there's no specific guidelines or guideline on the



1 length of the test. And it's actually one of the areas  
2 that's driving out that one assessment work group. So  
3 included in that work group, we're going to have a  
4 good, you know -- we're going to have representation by  
5 the practitioners, but also inclusive of  
6 psychometricians that will allow for us to make really  
7 responsible decisions around length of test, around  
8 timing of test, around content of test, both to ensure  
9 that it's statistically valid, that it's -- you know,  
10 that we maintain validity of the test, while at the  
11 same time, addressing many of the issues you just  
12 shared.

13           And not only the length of the test, I  
14 mean, we -- you know, I have asked that we have a  
15 conversation around, How do we offer a test as late as  
16 possible to ensure more instructional time is included?  
17 And then at the same time, to make things even more  
18 complicated, I've asked, How do we get the test back  
19 earlier so that it can drive instruction for the  
20 following school year?

21           So those are all questions that are going  
22 to be answered and addressed as part of that work  
23 group.

24           HOUSE MAJORITY CHAIRMAN SAYLOR: That's an  
25 answer to another question I have, how are we going to

1 hold these testing companies more accountable to  
2 getting these tests back in a timely fashion, so that  
3 teachers and administrators can utilize those tests in  
4 helping the children that are taking the tests?

5           The other thing was that, I guess, the  
6 thing that I again will stress -- and I have full  
7 confidence in you -- is that, you know, in the past  
8 with testing, I've heard from superintendents from all  
9 over the State and teachers from all over the State who  
10 feel they've never had any input into the testing, the  
11 designing of the test.

12           That is one of the things I would ask, is  
13 the Department pay particular attention to that -- the  
14 stakeholders, our teachers, and our superintendents  
15 have input into these test developments. For some  
16 reason, when I've looked at some of these sample  
17 questions sometimes, I almost feel like some  
18 mathematical genius has developed the test for our  
19 elementary school students.

20           So maybe I'm just not that smart, but I've  
21 had a lot of complaints from teachers and others on  
22 those as well as parents. So I ask you to take a very  
23 close look at making sure that, as a stakeholders  
24 group, that the input comes from our best and our  
25 brightest here in Pennsylvania.

1           Senator Smucker.

2           SENATE MAJORITY CHAIRMAN SMUCKER: Thank  
3 you.

4           The NCSL representative, Lee Posey, at the  
5 last hearing, said that -- a quote from Wall Street  
6 Journal -- This is the largest evolution of Federal  
7 control to the State in a quarter century.

8           And you just mentioned in your closing that  
9 this really is a once-in-a-decade opportunity for  
10 States. And so I think we do have a great opportunity  
11 here. I think this is moving in the right direction in  
12 terms of allowing States to make decisions about what  
13 works best to improve our quality of our school  
14 systems.

15           I appreciate your commitment to including  
16 the public and the legislature and others in the  
17 process. This is worth taking some time and having  
18 some discussions to get it right. So we look forward  
19 to working with you in regards to how we address this  
20 opportunity.

21           And to Chairman Saylor's point, you know,  
22 just one -- it's just one example of an area where we  
23 can really make some improvements, where we look at how  
24 heavily we rely on our standardized testing and make  
25 that a more streamlined and a more productive process.

1 We can look at this, take this as an opportunity to  
2 drive our teacher evaluation system to ensure that it  
3 is working effectively, so that we have the best  
4 teachers in our classroom.

5 And so there's a lot of areas where we can  
6 look at that. And I'm sure there will be a lot of  
7 questions in some of those areas here, but I want to  
8 sort of jump to the conclusion here of how we're going  
9 to conclude this process. And I'd like to understand a  
10 little more about how you intend to come up with a  
11 final product.

12 And one of the areas that I'm specifically  
13 looking at is how you foresee the legislature and the  
14 Department working together and interacting and  
15 approving a process. We know part of ESSA requires  
16 that there be input from the legislature, or there be  
17 an engagement from the legislature.

18 And obviously, as legislators, we all hear  
19 from our constituents every day about education-related  
20 issues and concerns that people have. And so I think  
21 it will be a better product if we continue that idea of  
22 working together. But I guess my first question would  
23 be, when you have -- first, I want to learn a little  
24 bit more about what you see as a role of the work  
25 groups as well, and how you're selecting individuals

1 for the work group.

2 But let's go again to the end, and you've  
3 gone through the process and have a, what you would  
4 consider a final product. In terms of the submission  
5 to the Federal government, how will it respond to the  
6 ESSA? How do you think that final approval will take  
7 place? And specifically, we had -- and Chairman  
8 Dinniman isn't here yet. But we have SB 1159, which  
9 was introduced by Senator Dinniman, which spells out  
10 the process through which that approval would take  
11 place and the review of the legislature.

12 And so, I guess my first question is, have  
13 you had a chance to review SB 1159?

14 SECRETARY RIVERA: We have. I have  
15 reviewed the provisions of, you know, of the bill. So  
16 I think I look at it -- not that I think -- I look at  
17 it three different ways. For example, so three pots.  
18 And I'll share with you some of the practical aspects  
19 and implications of the question, and then I'll let Sam  
20 share some of the specifics around the work group.

21 So, first, I think it's important to -- for  
22 me to mention, we look at legal authority or legality  
23 of the law, but we look first, even before that, just  
24 the practical implications on education that this  
25 provides. And then we look at the process to make it a

1 meaningful process, both in practice and legally, in  
2 law or statute. And then, ultimately, it's the  
3 authority question. And for me, you know, as putting  
4 my educator hat on, I kind of even prioritize them that  
5 way.

6           You know, I can share with you, this is  
7 exactly the type of opportunity that drove both myself  
8 to the Department of Education and most of the team to  
9 the Department of Education. We didn't come to the  
10 Department and say, we want to write a bunch of  
11 policies, and we want to do all of these transactional  
12 items. What we did is, we said, We want to engage in a  
13 practice that's going to have a positive impact on  
14 schools. We want to focus on teaching and learning,  
15 and this provides the opportunity for us to really be  
16 transactional -- excuse me transformational in terms of  
17 educational change. And now, within that, there's some  
18 transactions we have to engage in, kind of, which is  
19 that middle pot.

20           So first and foremost, in terms of the  
21 process, we've been very, you know, clear that we did  
22 not want to go in and taint the process with our own  
23 preconceived thoughts and ideas. We want to really  
24 wholeheartedly and organically, you know, infuse the  
25 work of the work groups. So we've been, you know,

1 pretty clear in saying, Let's not go in with whatever  
2 we think it should be. We're identifying, you know, a  
3 real diverse group of smart, smart people that will  
4 drive this work around these four areas. And we're  
5 going to honor their work.

6 So as we document all that work, and work  
7 with them as members of the team -- equal members on  
8 these teams -- we will pull it together, we will  
9 document, we will take into consideration their  
10 recommendations and then bring it forward. I think,  
11 you know, as we work both with the Governor and the  
12 General Assembly, there's going to be probably a number  
13 of opportunities. Well, not a problem I know in terms  
14 of our practice.

15 One, the informal opportunity to continue  
16 the conversations, both through the four chairs. And  
17 this, you know, as we have had other ongoing agenda  
18 items, this will be an ongoing item. You know, know  
19 that if we're looking to be transformative around  
20 education, I can't create a transformative package and  
21 then give it to you and say, Here, approve this, or you  
22 know, endorse this, or bless this, it's transformative.  
23 No, you have to be involved in the process.

24 And you know, we have no -- we take no  
25 issue and fully recognize and understand that. So

1 we'll be engaging with the legislature as part of the  
2 informal process. And as we move forward formally with  
3 opportunities like this, you know, and of course  
4 working toward an end product that you would endorse  
5 that, you know, you can get behind -- because as I  
6 shared a number of times throughout the course of the  
7 presentation, there are a number of other State laws  
8 that, you know, if we want to make changes around  
9 educator effectiveness, if we want to make changes  
10 around how we evaluate low- and high-performing  
11 schools, we're going to have to work with you, or you  
12 may have to work with us, you know, whichever --  
13 however you look at it to implement and work toward  
14 some of those changes and to do in a positive,  
15 meaningful way.

16           So that's the formal and the informal. The  
17 last piece, which is something we've not even really,  
18 you know, spent a lot of time discussing in the  
19 Department because it's not -- it's kind of the formal  
20 language around it. Of course, I have to put it out  
21 there because everyone knows it to be an issue. The  
22 Federal law does not require approval by the General  
23 Assembly, and it's something that's been mentioned. I  
24 will tell you that our position on that is, we cannot  
25 move forward with creating a good practice and a good



1 policy without you.

2           So, whereas, there's the Federal language,  
3 which, you know, is the Federal language, but we also  
4 understand that there's the practicality of moving  
5 forward. We cannot do anything in the Department of  
6 Education that will have a positive impact on the  
7 future of schools unless you're an equal partner in  
8 this. Of course, for us, the guidance -- the Governor,  
9 being our partner and driving a lot of this work.

10           I think I'm lucky because in terms of his  
11 work of school improvement, I don't think we're too far  
12 off. So I think there are probably many more areas of  
13 agreement. And the other areas that there may be  
14 disagreement, I think we can absolutely work through.  
15 So those are like three areas I'm looking at.

16           SENATE MAJORITY CHAIRMAN SMUCKER: Yeah,  
17 thank you.

18           And again, we do look forward to working  
19 with you in that collaborative process. I expect -- I  
20 know that's how you will approach it, and so I have no  
21 doubt about that. But will you be requesting a formal  
22 approval then by the legislature, some process to  
23 request that format approval?

24           SECRETARY RIVERA: I haven't thought  
25 through in terms of formal approval, but there's always

1     been an expectation that I, you know, I will absolutely  
2     want the endorsement of -- I want for you, the  
3     Education Committee in both the House and the Senate,  
4     to sit together in a bipartisan, bicameral way and say,  
5     This is a good plan. Because then guess what, we can  
6     then move forward and do good things for kids.

7                 SENATE MAJORITY CHAIRMAN SMUCKER: Yeah,  
8     and we want to get to that point as well. So I guess  
9     that'd be my first suggestion. What I would like to  
10    see is for us to agree on some process through which  
11    there are formal checkpoints by the legislature, by the  
12    committees, maybe.

13                SECRETARY RIVERA: Sure.

14                SENATE MAJORITY CHAIRMAN SMUCKER: And then  
15    some formal approval process, similar to what is  
16    outlined in SB 1159. And so, I'd ask you to weigh in  
17    on whether you would support 1159 as written, or are  
18    there changes that you think should be made?

19                SECRETARY RIVERA: So I'm not prepared at  
20    this time to speak, specific to 1159. I have to just  
21    be honest with you, I've been so involved in the  
22    process --

23                SENATE MAJORITY CHAIRMAN SMUCKER: Right.

24                SECRETARY RIVERA: -- you know, and  
25    preparing for this, for the ESSA groups. Let me take

1 some time to review it again and share my thoughts and  
2 feedback around it.

3 SENATE MAJORITY CHAIRMAN SMUCKER: And just  
4 one more question on this, and then we'll go to other  
5 questions. In terms of the work groups themselves, do  
6 you -- what would you consider their role to be? Would  
7 they be considered advisory, where they will be making  
8 recommendations to the Department, or will they be  
9 taking formal votes that would be taken as the position  
10 of the Department?

11 Just expand a little more on how you think  
12 they will operate.

13 SECRETARY RIVERA: For the formal -- so we  
14 have two groups. So first are the two larger groups,  
15 which we will be updating and providing feedback. So  
16 that may be considered, you know, an advisory capacity,  
17 just providing feedback.

18 However, those smaller groups, the work  
19 groups will be real, paper-to-pen work groups. So  
20 we'll be providing background knowledge. We'll be  
21 providing research; we'll be providing updates around,  
22 you know, the law, our guidance. And those smaller  
23 work groups of -- 20 to 30 still?

24 EXECUTIVE POLICY SPECIALIST KOCH: Fifteen  
25 to twenty.

1                   SECRETARY RIVERA: Fifteen to 20. It was  
2 20 to 30 when we started; now it's 15 to 20. I guess  
3 we got maybe a little smarter on size of work group.  
4 But those work groups are literally going to be sitting  
5 down and writing the guidance for us to move forward  
6 and making recommendations. So they're going to be  
7 very real work groups.

8                   SENATE MAJORITY CHAIRMAN SMUCKER: Let's  
9 talk just a little bit about this selection process of  
10 those work groups. Who is making the final decision on  
11 the 15 to 20 individuals who will be serving in those  
12 groups?

13                   SECRETARY RIVERA: So Sam can share some of  
14 the specifics of it. She's been -- she, along with our  
15 team -- has been really managing the process moving  
16 forward.

17                   EXECUTIVE POLICY SPECIALIST KOCH: Sure.  
18 Absolutely. So I think the first critical piece is  
19 that we really set up a nomination process that was  
20 really meant to scan broadly and widely for a variety  
21 of folks, and specifically, looking for those expert  
22 practitioners.

23                   We recognize that at the Department, we  
24 have a number of folks who are sort of in the weeds  
25 with policy day-to-day, but we wanted to make sure that

1 ultimately, that the State plan, as an end goal,  
2 reflects the lived experiences of students and  
3 educators across the Commonwealth.

4           And with that in mind, diversity is a huge  
5 priority. So while we have these 15 to 20 individuals  
6 on each work group, a priority in terms of the  
7 selection criteria is not only looking at the actual  
8 expertise, the experience that folks are bringing to  
9 the table, but really allotting a significant portion  
10 of those work groups to current practitioners, so  
11 current educators, principals, superintendents, folks  
12 who are really doing this work and living this work day  
13 to day.

14           In terms of the remainder of a relatively  
15 small work group, we did want to make sure that there  
16 was adequate representation from folks from other  
17 community organizations, from State-level government  
18 agencies as well as local government agencies in  
19 addition to partners in business and industry.

20           So we'll begin the challenging process as  
21 the Secretary mentioned, really reviewing several  
22 hundred application that came not only from individuals  
23 who are interested but also sort of vetted through a  
24 nomination process that we thought was both open and  
25 inclusive as well as in some ways, sort of selective,

1 in terms of folks are recommending their peers for a  
2 process. We felt that that was important to have folks  
3 in the room who have credibility, who have experience,  
4 who really can understand the specifics of the law, but  
5 also really get the implementation since ultimately  
6 that's what the State plan will be about.

7 So it is going to be challenging work. We  
8 have a team from the Department that comes from all  
9 sorts of backgrounds that will be reviewing and keeping  
10 in mind those criteria. And again, we certainly  
11 welcome feedback and appreciate the feedback that the  
12 field has given to us thus far for that process.

13 SENATE MAJORITY CHAIRMAN SMUCKER: Have you  
14 considered allowing for any legislative appointees to  
15 the work groups?

16 SECRETARY RIVERA: There actually have been  
17 a number of recommendations made by the legislature.  
18 And ultimately, I think -- so there are some staff,  
19 right, from the General Assembly there that are  
20 included as part of the work groups.

21 SENATE MAJORITY CHAIRMAN SMUCKER: Thank  
22 you. And I apologize for spending so much time on the  
23 logistics and how the framework is put together. I  
24 think it will be very important because I do think,  
25 just, you can tell by the number of folks that are

1 interested in this, that the make-up of the committees  
2 and then the structure of how everything will be  
3 organized will be important. And there will be a lot  
4 of different opinions on this going forward, obviously.  
5 It's important to get that structure in place and  
6 correctly done at the very beginning.

7 So sorry to spend so much time on that, but  
8 we'll go to questions from the panel.

9 SECRETARY RIVERA: And that is great to  
10 answer as many questions as we can because we're  
11 throwing a significant amount of time, energy, and you  
12 know, and resources behind this because we believe in  
13 the Department that this is our opportunity to really  
14 make a difference for children across the Commonwealth.  
15 So we'd hate to go, you know, take 90 percent of that  
16 ride, you know, or that journey on, and then realize  
17 that there isn't alignment here. So please, as many  
18 questions as you have.

19 HOUSE MAJORITY CHAIRMAN SAYLOR: Senator  
20 Aument.

21 SENATOR AUMENT: Thank you, Mr. Chairman.

22 Mr. Secretary, good to see you. Thanks for  
23 -- appreciate your testimony this morning.

24 First, a comment and then a question. I  
25 was pleased to see that the ESSA maintains the goal,

1 the requirement that states or to ensure that poor and  
2 minority students are not taught by inexperienced,  
3 ineffective, or out-of-the-field teachers at higher  
4 rates than other students. And my comment would be the  
5 General Assembly, the House, has sent to the Senate  
6 legislation, the Senate has legislation in position, HB  
7 805, that seeks to ensure that performance as well as  
8 seniority is a factor in the unfortunate circumstance  
9 of a layoff.

10 And so, my request would be that in line  
11 with this goal, and I think it's a noble goal for our  
12 Commonwealth to have as well, that the Governor would  
13 carefully consider signing that legislation. If there  
14 are any comments, revisions that you would have as this  
15 bill advances, I do believe that the Senate will take  
16 this legislation up and send it to the Governor,  
17 hopefully in the weeks to come. So I would certainly  
18 appreciate any feedback that you have. But in line  
19 with this goal and the underlying intent of the  
20 legislation, I would certainly -- would certainly hope  
21 the Governor would carefully consider that legislation.

22 My question relates to the work that is  
23 already being done with -- a listing to our work  
24 groups, I think, that has been underway as it relates  
25 to the revisions to the school performance profile.



1 And we've discussed this on a number of occasions.  
2 Appreciate the time that you've given me, and I've  
3 attended -- or excuse me, I attended a meeting in  
4 Lancaster.

5 And so my question is, that work that is  
6 already underway, how does that relate to, or how does  
7 that tie into the work groups that you're seeking to  
8 establish, that will ultimately make recommendations as  
9 it relates to an ESSA plan for the State and any  
10 revisions that you may seek with Act 82?

11 SECRETARY RIVERA: Absolutely. So much of  
12 the work that we're doing around the updated school  
13 performance profile align very nicely to this work and  
14 the updated -- or, you know, the new ESSA regulation.  
15 So it starts to take into account already academic as  
16 well as non-academic factors for school accountability.

17 Also, as I mentioned earlier, you can -- at  
18 least one, but you can ensure many more non-academic  
19 factors. And here, what we've noticed educationally in  
20 the Commonwealth, and just having a robust system of  
21 education that we have, including multiple non-academic  
22 factors, are important to us. I mean, those are  
23 quality-of-life issues, so this is absolutely and  
24 probably a perfect opportunity -- although we didn't  
25 plan it that way, but it's coming to be a perfect

1 opportunity to engage in a process, make  
2 recommendations, and move forward, you know, in a way  
3 that will provide even a better transition to the work  
4 of the work groups around ESSA.

5           So, you know, it's almost like planting a  
6 seed and not even realizing how much fruit it was going  
7 to bear. I think there's work around -- the school  
8 performance profile has definitely put us of a mindset  
9 to think and look more holistically, you know, at  
10 supporting children. And guidance from the Federal  
11 government, you know, the U.S. Department of Education  
12 Secretary actually provided guidance and said, Don't  
13 wait for the Federal guidance to come along, continue.  
14 We have enough understanding of the direction, you  
15 know, we're going to move in that we should start  
16 already to engage in those conversations and action.

17           SENATOR AUMENT: And just to follow that  
18 up, so you would anticipate any revisions to the school  
19 performance profile, and recommendations to adjustments  
20 to Act 82, would likely come as it relates to the ESSA  
21 State plan? And those recommendations would come in  
22 early 2017?

23           SECRETARY RIVERA: So some of the language  
24 recommendations we're going to make around the school  
25 performance profile, you know, may allow for some

1 add-on. You know, for example, one of the criteria I  
2 mentioned earlier, but it's not currently part of our  
3 discussions, are students who are in the foster care  
4 system for example, and the fact that we will  
5 segregate, you know, some specific data points, so as  
6 we work towards the school performance profile, we're  
7 absolutely leaving opportunity and flexibility to add  
8 some of those data points to align to the requirement  
9 of ESSA.

10 And I also think this will be nice because  
11 currently we run parallel systems in terms of the  
12 school performance profile and NCLB. This will allow  
13 us to create one, you know, one system of  
14 accountability and support for all school districts.  
15 So, you know, I think I mentioned a number of times,  
16 our school performance profile has the ability to be  
17 the hub of all things educationally as we move forward.

18 So if we're going to think about grants, if  
19 we're going to think about guidance, if we're going to  
20 think about technical support, you know, focused on  
21 priority schools, if we can understand that our one  
22 point of contact, our one point of measure being that  
23 school performance profile, it will take the guessing  
24 out of, you know, 500 school districts across the  
25 Commonwealth, your work as a General Assembly, and our

1 work as a department.

2 HOUSE MAJORITY CHAIRMAN SAYLOR:  
3 Representative Hill.

4 REPRESENTATIVE PHILLIPS-HILL: Thank you,  
5 Mr. Chairman.

6 Secretary Rivera, thank you so much for  
7 being here today. I want to follow up on some of the  
8 questions and comments that both Chairman Saylor and  
9 Chairman Smucker made with regard to testing and  
10 assessments.

11 We are going to go through this process,  
12 and, you know, we clearly feel that our current PSSA's  
13 are not probably working in the best interest for our  
14 students and our teachers, and there need to be some  
15 significant changes made. And I think we're -- this  
16 work group sounds wonderful. We're going to get to  
17 hopefully a better assessment that's going to provide  
18 better, more useful, timely information for both  
19 educators and students.

20 But I'm concerned about the process for  
21 implementing any potential changes going forward with  
22 testing, and if you have any sense of how you would  
23 seek to implement any of those changes.

24 SECRETARY RIVERA: Absolutely. So of  
25 course the work group will drive many of those

1 recommendations, but I can share with you, there are a  
2 number of lessons I've learned over the course of the  
3 past year, having been in the position of Secretary.  
4 One, of course, was the updating of, you know, our  
5 State assessment to good standard, to good, relevant,  
6 aggressive standards without having put a system of  
7 communication and support in place first.

8           You know, last year, I found myself in a  
9 position that we had a very rigorous State assessment,  
10 and when I went out to speak to the field around, Well,  
11 did you know this was coming, Did you have access to  
12 the content needed, you know, just the whole  
13 foundational instructional need, I was shared, No, they  
14 didn't have access to all the material and information  
15 they needed to be better prepared.

16           So I think, you know, although I'm sure  
17 we'll get great guidance from the work groups, but  
18 there are a number of lessons learned and look fors  
19 that are engrained in both my mind and my heart, just  
20 having, you know, lived it now for the better part of  
21 the year.

22           We know, because we lived it now, we have  
23 to do an amazing job, you know, at communicating  
24 because when you do a good job, there's still a  
25 stakeholder group that, you know, is not involved or

1 not communicated with. So we have to try our best to  
2 practically super saturate the education field with  
3 information, you know, around the process.

4 So first, we know it's not just about  
5 changing and aligning, and adopting standards, it's  
6 about doing so in a meaningful way that allows for, you  
7 know, the proper evolution, the organic evolution to  
8 where we ultimately want to be, and that's, you know,  
9 looking holistically at both academic and non-academic  
10 factors for students. It's about providing holistic  
11 measures and supports for school districts. We can't  
12 -- we're not -- we won't flip a switch. We'll work  
13 with our stakeholders, you know, along the process and  
14 then have a meaningful implementation.

15 REPRESENTATIVE PHILLIPS-HILL: Thank you.  
16 You made a comment, following up on more of this  
17 assessment that States are now allowed to use  
18 alternative, locally selected, nationally recognized,  
19 peer-reviewed assessments at the high school level.  
20 This assessment group, or these working groups, do you  
21 envision they will not only look at the K to eight, or  
22 the -- what is it? We test three to eight; the three  
23 to eight section of testing, but also our high school  
24 testing and Keystone Exams. Is that something that the  
25 work group is going to be evaluating?

1                   SECRETARY RIVERA: So I think everything is  
2 on the table. Any discussion can come up and be had.  
3 And of course the conversation we would then bring to  
4 the administration and the General Assembly.  
5 Internally, and although this will not drive, you know,  
6 the work of the group at all, we were a little -- when  
7 we read that provision, although it's an opportunity,  
8 it's probably one of the few areas that kind of gave us  
9 a bit of pause, only because we know that the Keystone  
10 assessment as an assessment, they're good assessments.  
11 I think the intent is where we started to run into some  
12 problems, some, you know, difficulty.

13                   So as we move forward, we didn't want to  
14 come across as if we're trying to throw all of the  
15 State's provisions out of the window. We really want  
16 to focus first and foremost on many of the aspects that  
17 are not working, but as we work with the General  
18 Assembly and stakeholders, if that's an area that, you  
19 know, we realize and comes up regularly in conversation  
20 as an assessment or a strategy that isn't working, we  
21 almost have to address anything that's not working  
22 across the Commonwealth.

23                   So although it's one of those areas that  
24 brings some concern, to be honest with you, because we  
25 don't want to throw everything out, especially

1 something that's been invested so heavily in and has  
2 the potential to provide great feedback for students,  
3 but I would say in relation to those four areas we're  
4 discussing, nothing is off the table.

5 REPRESENTATIVE PHILLIPS-HILL: Thank you.

6 HOUSE MAJORITY CHAIRMAN SAYLOR:

7 Representative Truitt.

8 REPRESENTATIVE TRUITT: Thank you, Mr.

9 Chairman. Thank you, Mr. Secretary.

10 As I look this over, it seems to me that  
11 you guys have come up with a pretty good plan to  
12 develop a plan. But when I look at that, I feel like,  
13 essentially, the Federal government is kind of the tail  
14 wagging the dog. They're going to come up with new  
15 guidelines, and we're going to have to adapt all of our  
16 State policies to align with that.

17 Do you have a sense -- and I know this is  
18 going to be a really wild guess probably, but do you  
19 have a sense of how much it's going to cost the State  
20 to develop our State plan? I mean, all these meetings  
21 and social media, and all this stuff we're talking  
22 about, I feel like it's going to add up to some  
23 substantial costs.

24 SECRETARY RIVERA: So it's going to be  
25 time, of course. You know, I can share with you the



1 bulk of the work is being taken on by our team. You  
2 know, which is why I shared there will have to be some,  
3 you know, we're trying to build some flexibility within  
4 the Department. I mean, we're not hiring, you know,  
5 like a team of PDE individuals to do this. This is  
6 actually going to be done by folks that do other things  
7 in their day job, but it's work that they're committed  
8 to.

9           So I don't necessarily have a ballpark  
10 figure of what it might cost. There might be some  
11 costs associated with it, of course. But I also think,  
12 because of the work that we're doing and having  
13 involved the Chief State School Officers, we also have  
14 an opportunity to be a part of the dog in this case  
15 because we're, you know, we already have been  
16 recognized nationally in terms of our stakeholder  
17 engagement process. Many of the areas that we're going  
18 to be focusing in on, we're kind of being watched, you  
19 know, by the Federal Department of Education to kind of  
20 see what happens and, you know, where we ultimately  
21 land.

22           So through this process, and it's not why  
23 we did it. I thought everyone would be doing this, and  
24 I started to learn a bit differently as I've been  
25 engaging with my colleagues across, you know, across

1 the country. But we have an opportunity, you know, as  
2 a Commonwealth, as we once had for a long period of  
3 time, to really drive, you know, this transactional  
4 force around education, so we can be -- we can get  
5 folks to start to mirror our best practice for a change  
6 as opposed to us sitting back and asking what everyone  
7 else is doing.

8 REPRESENTATIVE TRUITT: Okay. And then to  
9 take that to the next level. I have the privilege of  
10 representing two fairly high-performing school  
11 districts. And I hope you're not offended by this  
12 because what I'm about to say actually goes back to  
13 before you became the Secretary.

14 When I talked to the superintendents and  
15 administrators of those school districts, the attitude  
16 I get from them is, Look, we're doing fine here; all  
17 these new requirements from the State and the Federal  
18 government are just a big nuisance to us. We have to  
19 spend time and money complying with new rules and  
20 regulations when, frankly, we're doing fine without all  
21 this interference.

22 Do you think there's any potential -- it  
23 certainly seems to me like the ESSA is returning a lot  
24 of power to the States. Do you think there's potential  
25 in there for us to return a lot of power to school

1 districts, particularly the ones that are already  
2 performing well? So for example, we could come up with  
3 whatever the new rules and regulations are that come  
4 out of this process, we could say, These apply to the  
5 ones that are performing below a certain standard and  
6 the rest of you guys, the ones that are doing fine,  
7 just keep doing what you're doing.

8 Do you see potential in that?

9 SECRETARY RIVERA: Many of the  
10 recommendations that we're making under the updates  
11 school performance profile will be assessments and data  
12 that they already collect, so we're actually looking  
13 at, you know, transitioning some of the information in  
14 that way, so not creating new assessments, not creating  
15 new data sets, utilizing some of the data sets that are  
16 already out there. I also think that if we look more  
17 holistically, you know, at school performance, it will  
18 make a difference for parents as well.

19 So, for example, you're right, if you only  
20 look at proficient in math and proficient in language  
21 arts, and, you know, you live in a district. You  
22 perform -- you serve in a district in which the kids  
23 show up, and they're proficient, right. Then it's not  
24 meaningful, but can you imagine if we really started to  
25 focus in on, you know, are you reading on grade level;

1 you know, are you performing math on grade level; do  
2 you have access to high quality programs, IBDP, dual  
3 enrollment; are you in a career and technical education  
4 program towards certificate?

5 That, you know, as a parent, I kind of view  
6 that as different. I want to know if my kid is reading  
7 on grade level, you know, even more so than proficiency  
8 or math on grade level, or, you know, has access to  
9 advanced placement, international baccalaureate, dual  
10 enrollment, or a certificate program. So that's one of  
11 the other reasons where looking to change the measures  
12 we identify. We want to make them relevant to schools  
13 but also to parents and kids, and that's, you know,  
14 what you just shared with me is the exact reason we're  
15 trying to change how we assess school accountability.

16 REPRESENTATIVE TRUITT: Okay. Thank you.

17 SECRETARY RIVERA: Absolutely.

18 HOUSE MAJORITY CHAIRMAN SAYLOR: No other  
19 questions?

20 I guess, Mr. Secretary, I want to reiterate  
21 what I think Senator Smucker had talked about earlier,  
22 and that is I think it's so important for the General  
23 Assembly and the administration and you to work  
24 together as we develop this policy. I think for an  
25 education policy to be successful in this State is very

1 much a key, is that the General Assembly has to be a  
2 part of that.

3           You know, one of the things, I think,  
4 sometimes people overlook is the fact that as Senators  
5 -- I don't know the exact number. They represent about  
6 250 - 260,000 people; and each member of the House  
7 represents about 63 - 64,000 people. We're in contact  
8 with those individuals every day: Democrats,  
9 Republicans, Independents, and so on and so forth.

10           And I just think that one of the things, as  
11 we're seeing in the presidential election, is the feel  
12 that government has gotten away from the people. And I  
13 think it's really key, if we're going to have a  
14 successful education policy, that we return to the  
15 point of where the people feel they have real input.  
16 As I talked about earlier, the teachers and  
17 superintendent, that we make sure that it's a very  
18 inclusive group.

19           I'm very proud. I think the education  
20 system in Pennsylvania is a very good system. We need  
21 to tweak it as we all know. There's always room for  
22 tweaking and changing things, but I do think by working  
23 together, that we can get this right here in  
24 Pennsylvania and make us the leading State in the  
25 nation in so many things. I think we already are

1 leading in many areas, but I would appreciate, again,  
2 reinforcing that we make sure we work as a team as we  
3 go forward.

4 Senator Smucker.

5 SENATE MAJORITY CHAIRMAN SMUCKER: I do  
6 have just two additional areas of questions. One is  
7 charter schools, and then secondly, the accountability  
8 for the lowest-performing schools.

9 So on charter schools, there is reference  
10 in ESSA that not less than 7 percent of funds for  
11 technical assistance -- the States must use not less  
12 than 7 percent of fund for technical assistance,  
13 including charter authorizer quality initiatives.

14 It specifically referenced -- we've had a  
15 lot of discussion about how we authorize our charter  
16 schools, and I'm wondering if as a part of what we're  
17 doing here, do you have any ideas or plans to look at  
18 how we authorize charter schools in the Commonwealth?

19 SECRETARY RIVERA: So not specific to  
20 authorization, and to be honest with you, not specific  
21 to this plan, we tried to identify the four areas that  
22 we've had, you know, both the General Assembly,  
23 administration, and stakeholders have had lots of  
24 conversation about. So we wanted to ensure consensus  
25 around this plan moving forward, although exclusive of

1 this plan, there are lots of conversations around  
2 charter schools.

3           So first I think it's important to mention  
4 because I don't know we mentioned it enough, charter  
5 schools are public schools. I mean, charter schools,  
6 you know, provide a service to districts. And I think  
7 what's happened to students across districts -- I think  
8 what's happened over, you know, the past number of  
9 years, is because of lack of charter school  
10 accountability, even good charter schools, you know,  
11 have been asking us to build an accountability system,  
12 both around authorization, revocation, you know, or  
13 renewal of applications to ensure that we can get back  
14 to a mode where we're celebrating those labs of  
15 innovation and holding accountable the really  
16 low-performing charter schools.

17           And so charter school accountability  
18 absolutely is an area that's important to us. One, you  
19 know, it's an area that I've asked for a position to  
20 support, so we can start to build an office of charter  
21 school accountability, one to work with school  
22 districts and with school boards around authorization.  
23 There currently is no system of development or  
24 professional development around authorization of  
25 charter schools, and we should provide that. Simple

1 things, like posting the annual reports online.

2 Parents should have access to those annual reports.

3 You know, and supporting high-performing  
4 charter schools to be labs of innovation not only for  
5 public schools but for their other charter school  
6 partners. So one of the areas that we are also  
7 focusing in on is charter school accountability through  
8 the educational process. There are lots of  
9 conversations around, you know, funding and the like,  
10 but I want to stay more, you know, deal much more at  
11 this time with this discussion around process. So it  
12 is an area we're focusing in on.

13 SENATE MAJORITY CHAIRMAN SMUCKER: Yeah, on  
14 accountability of charter schools, obviously, we agree  
15 there's been a number of pieces of legislation  
16 introduced, which would include some sort of  
17 performance matrix for charter schools. So I guess my  
18 question to you in regards to that, do you think that,  
19 ultimately, the performance evaluation or matrix for  
20 charter schools should be the same as for other  
21 schools?

22 SECRETARY RIVERA: Yes. Yes.

23 SENATE MAJORITY CHAIRMAN SMUCKER: All  
24 right. Very good.

25 The other question I have is in regards to



1 our turnaround models. And again, this is specifically  
2 addressed in ESSA. It was in No Child Left Behind as  
3 well, and it gives us a lot of flexibility. And of  
4 course we've had a lot of discussion around how we  
5 provide that accountability and how we ensure that  
6 schools in our bottom 5 percent, which is referenced in  
7 the legislation, what kind of turnaround model do we  
8 have in place? And what kind of accountability, what  
9 kind of structure do we have in place to address  
10 schools that are failing our students?

11           And this really, in my view, is the big  
12 opportunity that we have in front of us.  
13 Representative Truitt -- he's no longer here, but  
14 Representative Truitt said he represents two great  
15 school districts. And I'm fortunate as well. In  
16 Lancaster County, we have some wonderful school  
17 districts as well. We have great school districts all  
18 across the Commonwealth, but then we do have some  
19 schools that are persistently, we're seeing performance  
20 that is not -- our kids are not adequately prepared for  
21 college or career when they leave those schools.

22           And if we were to focus on those schools,  
23 improve performance there, we would have the best  
24 school system in the country, if we're able to really  
25 achieve some results there. And we know it's hard, and

1 it's hard work to do that, but we also know there are  
2 plenty of examples where administrators or teachers  
3 have been successful in providing the opportunities for  
4 kids at schools that have previously been doing very  
5 poorly. And so, you know, we've talked about it; I of  
6 course have a bill that provides one particular  
7 approach that I think has worked in other States.

8           You have talked previously about an office  
9 of school turnaround, I believe, or something of school  
10 improvement. And you've said that York is potentially  
11 the administration's model for that kind of improvement  
12 process. Could you update us on that, and also let us  
13 know whether, as a part of this process, you'll be  
14 including and focusing on that bottom 5 percent.

15           SECRETARY RIVERA: Absolutely. So the  
16 office of school improvement is still on my wish list.  
17 It's still something we're, you know, asking for, and  
18 we're hoping to solicit some funds to create. But  
19 again, much like --

20           SENATE MAJORITY CHAIRMAN SMUCKER: Can I  
21 just stop you? Where would those funds come from?

22           So you're saying we haven't committed --

23           SECRETARY RIVERA: We included it as part  
24 of our ask for appropriations to the Department of  
25 Education. So we, much like many departments, you

1 know, we submit a budget we'd like to build, and that's  
2 one of the new positions. I'm starting with a couple  
3 new positions that we've asked for.

4 SENATE MAJORITY CHAIRMAN SMUCKER: But that  
5 is not a part of the Governor's proposed budget, is it?

6 SECRETARY RIVERA: Probably overall, but  
7 it's a request that we made through our budget office.

8 SENATE MAJORITY CHAIRMAN SMUCKER: So you  
9 requested it of the administration --

10 SECRETARY RIVERA: Administration.

11 SENATE MAJORITY CHAIRMAN SMUCKER: --  
12 essentially, but it was not included in the final  
13 budget plan presented?

14 SECRETARY RIVERA: It is one of the '16-'17  
15 specific line item asks, yes, for us.

16 SENATE MAJORITY CHAIRMAN SMUCKER: It's a  
17 -- okay. So that's news to me.

18 You're saying there's a specific line item  
19 in the '16-'17 budget, which would target the  
20 lowest-performing schools?

21 SECRETARY RIVERA: I apologize. So the  
22 increase that we asked for the Department of Education  
23 was inclusive of -- so it's the overall Department of  
24 Education budget, but it was inclusive of the charter  
25 school accountability position, to start that office,

1 and the school improvement positions, to begin -- to  
2 begin that office as well. So it's the overall  
3 appropriation, but included in there is the increase  
4 for those two to three positions.

5 SENATE MAJORITY CHAIRMAN SMUCKER: So that  
6 would be a decision made within the Department on how  
7 to allocate the dollars through the specific, the basic  
8 education funding line item or through the Department,  
9 I should say?

10 SECRETARY RIVERA: Yes.

11 SENATE MAJORITY CHAIRMAN SMUCKER: Okay.

12 SECRETARY RIVERA: Yep. Yep.

13 SENATE MAJORITY CHAIRMAN SMUCKER: All  
14 right.

15 SECRETARY RIVERA: So I think the work that  
16 we're engaging in in Chester Upland is a really good  
17 example of the process. So we've gone in, provided the  
18 diagnostic, which I've shared, and come up with --  
19 created a four-quadrant exercise, which pretty much is  
20 return and time.

21 And so, you know, I'm really proud to  
22 share. And, you know, York is a great example when we  
23 think about struggling school districts. So we've just  
24 finally completed writing curriculum, that's standard  
25 aligned curriculum. You know, when we think about this

1 work around school improvement, we think about  
2 low-performing schools, they're not meeting standards.  
3 And York is a great example to share then. We went in,  
4 engaged in the diagnostic. They're, you know, they  
5 didn't have a standard based curriculum, so, you know,  
6 which sounds simple, but it's much more involved.

7           So what a curriculum does, it allows you to  
8 back map what's being taught over the course of the  
9 year, so that kids are learning the standards that, you  
10 know, ultimately are being assessed or they should be  
11 learning towards graduation. So we brought in  
12 teachers, and we brought -- we worked with the  
13 University of Penn to help drive some of the work, some  
14 expert practitioners. And we actually just completed  
15 -- they just completed and submitted to their board,  
16 and the board approved the new curriculum. So they're  
17 working now, they'll be working under an aligned  
18 curriculum.

19           The second was communication, a  
20 communication plan, both internal communication and  
21 external communication, involving stakeholders around  
22 the work and what's happening. The other, you know,  
23 through this plan and working with teachers, the  
24 teachers extended their day by 45 minutes each day.  
25 They created a ninth grade academy for credit

1 remediation for students, to keep them on track, the  
2 high school graduation. I think one of the telling  
3 points, which we're especially proud of, we had an  
4 early college enrollment process, kind of like you've  
5 seen throughout the county, where we bring in college  
6 admission counselors in December, January and interview  
7 students on the spot and identify students that, you  
8 know, are accepted into at least a college. So they  
9 get their, you know, at least their first of second  
10 picks out of the way, midway throughout the year. They  
11 already had more students in the Early College  
12 Acceptance Program accepted into college than all of  
13 last year.

14           And so, some of it is just organization.  
15 Some of it is just process and, you know, putting  
16 procedure in place, other little things like working to  
17 provide community eligibility program, giving every  
18 student lunch, breakfast and lunch. And then a process  
19 to even help them get through, you know, the lunch line  
20 faster. And one of the other areas that they engaged  
21 in in many of the schools and, you know, district-wide,  
22 is students reading during lunch.

23           So there are a lot of, you know,  
24 initiatives that, because we helped organize them and  
25 because we created real specific 90-day goals, a few

1 new resources but not many, many, many new resources.  
2 We just really put in a chief recovery officer and some  
3 supports from our office to help them organize the  
4 resources they had. And also, you know, as probably  
5 intended consequence, but we realized they're also  
6 saving money, you know, as they move forward by being  
7 more strategic around they are spending. They actually  
8 were able to continue to balance the budget this year.

9 So, you know, we're really proud of the  
10 work there. And it may look different in different  
11 places, but I think doing a deep dive and providing  
12 that diagnostic and then building those accountability  
13 systems as a result of the diagnostic is a way we can  
14 improve many schools across the Commonwealth.

15 SENATE MAJORITY CHAIRMAN SMUCKER: And are  
16 we far enough along in the process to know how we are  
17 doing in regards to meeting performance targets for the  
18 district?

19 SECRETARY RIVERA: So many of the -- so  
20 many of the local academic targets we've been  
21 measuring, some have been met, some have come very  
22 close to meeting. Actually, I know this because my son  
23 reminded me this morning. The State assessment starts  
24 today. Many schools started yesterday, so I caught an  
25 earful before coming to the hearing today.

1                   SENATE MAJORITY CHAIRMAN SMUCKER: Me too,  
2 by the way.

3                   SECRETARY RIVERA: Yeah. So tell them  
4 we're working on it, we're working on it.

5                   So we'll, you know, once that information,  
6 you know, once we get the data back, we'll be able to  
7 make a better comparison around, you know, just State  
8 performance.

9                   SENATE MAJORITY CHAIRMAN SMUCKER: Yeah.  
10 The York recovery plan, you specifically mention, and I  
11 know it's early on, and we're all watching closely and  
12 hope to see strong improvements in performance, but you  
13 specifically mention if performance targets are not  
14 met, there would potentially be more aggressive  
15 interventions. What kind of interventions are you  
16 thinking about, or what kind of interventions are on  
17 the table?

18                   If we have a plan, where we've done that  
19 deep dive, and if performance targets potentially are  
20 not met, what would be the next step?

21                   SECRETARY RIVERA: So I think, you know,  
22 this being the first year, we'll continue to measure,  
23 you know, those performance targets. So let's say we  
24 see -- so, first, we see adequate growth and we're  
25 really pleased with the amount of growth we see. Then



1 we'll continue to move in that direction. Let's say we  
2 see growth, but it's not as aggressive or as adequate  
3 as we would like to see.

4 So then we'll start to dig -- we'll deep  
5 dive around, you know, in those specific schools and  
6 with the administration around in some more intensive  
7 support, whether it's going in and reviewing the  
8 aligned curriculum, or going in and teachers reviewing  
9 classrooms and whether or not, you know, in some -- you  
10 have to understand was it the result of an absence, a  
11 vacancy, you know, is it a poor-performing teacher, and  
12 then working with the administration to see so what  
13 have you done, you know, to offer the support and build  
14 the accountability.

15 And let's say we've fallen into a position  
16 where they totally went backwards and are in need of  
17 much more, you know, intensive support. That's what  
18 we've been planning, you know, ourselves around and why  
19 the office of school improvement is going to be  
20 especially important, because we'll have to have a  
21 designated individual who can be from the Department on  
22 the ground to kind of keep their thumb around the best  
23 practice and move them forward.

24 So we saw this, and as we generate the  
25 plan, you know, the plan of school improvement being a

1 one- to three-year process with an expectation of  
2 continued improvement. If there's a backward slide,  
3 then we may have to get much more intensive from, you  
4 know, from remediation. I believe that we may not  
5 often have to go to, you know, I guess the full hammer  
6 of pulling a school or having it under different  
7 governance. But we've been very clear, and we've been  
8 clear even with York, that's not something we've taken  
9 off the table. If you can't prove as a leader that,  
10 you know, you can lead as a leader, that you can lead  
11 -- group of leader -- that you can lead a district and  
12 lead schools to best serve our children, then we will  
13 go as aggressive as we have to in the Department.

14 SENATE MAJORITY CHAIRMAN SMUCKER: All  
15 right.

16 Again, thank you for being here. I will  
17 just make a few closing comments, if I may. First of  
18 all, I you thank you for the approach that you have  
19 said that you'll be taking in developing the response  
20 to ESSA. I do think, as you mentioned, and as we said  
21 earlier, we need an inclusive process.

22 And, specifically, as it relates to the  
23 legislature, I guess just two, a few comments. I would  
24 like to see a more formal process of checkpoints along  
25 the way, where there would be some way for the

1 legislature or the Education Committees to check in and  
2 give some kind of affirmative response or vote in  
3 regard to the plan itself. I, you know, hope that we  
4 continue to work together on the ideas in SB 1159,  
5 where that -- those kind of checkpoints would be passed  
6 into law in regards to how we approach this.

7 I also would like to see some additional  
8 legislative input into selection of the work groups.  
9 And I understand you have 400 applications, and you are  
10 ensuring that, I think your word was, it's a diverse  
11 group that is representing not only varying, different  
12 school districts in the districts that they may  
13 represent but also different interest groups or  
14 interest, I should say, in education.

15 And I would like to see some -- I think it  
16 is very important -- I think the makeup of those work  
17 groups is very important in ensuring that you're  
18 getting the input that is needed. And so I'd like to  
19 see some more formal process or more discussion in  
20 regards to legislative input in the selection of the  
21 individuals in those work groups.

22 That's just two areas where I think if we  
23 are, as you intend, to work together, those would be  
24 two important areas that I'd like to see addressed as  
25 we go forward.

1                   SECRETARY RIVERA: So we currently have a  
2 committee reviewing the applications. So I caution, or  
3 maybe I have a little fear around, saying legislative,  
4 you know, input in a sense because I don't want it to  
5 become a politicized process. I mean, understand that  
6 I, you know, because I'm the Secretary, I'm not even  
7 involved myself in the process of selecting. I don't  
8 even know who's on the work groups.

9                   We were also pretty clear and aggressive  
10 around administrative, you know, representation as part  
11 of the work group and having folks that are more  
12 actively engaged in this work as a committee. But,  
13 again, I think it's important to work with the General  
14 Assembly, to understand that we're -- we're not --  
15 we're working really hard to ensure that this isn't a  
16 skewed process, and we're putting who we want on this  
17 committee, and we want to build the confidence around  
18 it.

19                   So maybe one of the, you know -- maybe we  
20 can engage in involving a member of your staff around,  
21 you know, kind of reviewing the process and how it was.  
22 What I want to make sure happens, and please -- and I  
23 mean, I know you won't take it the wrong way -- I don't  
24 want for political influence on either end, you know,  
25 to skew, to skew our process, and, you know, or to skew

1 this process of ESSA, which is why I've even pulled  
2 myself out of selection.

3 SENATE MAJORITY CHAIRMAN SMUCKER: And  
4 that's -- I agree with you on that. That's why I think  
5 it's the important to get the buy-in of the various  
6 parties initially in the appointment of those  
7 individuals. We're not going to solve it right here.

8 SECRETARY RIVERA: Yeah. We can work on  
9 it, talk about it.

10 SENATE MAJORITY CHAIRMAN SMUCKER: I just  
11 wanted to address it, and I hope to continue to have  
12 that discussion with you in the next few days as you  
13 come to a, you know, some conclusion on who will be  
14 members of that committee.

15 You had another point?

16 HOUSE MAJORITY CHAIRMAN SAYLOR: Yeah, I  
17 think what Senator Smucker is, you know, I don't think  
18 any of us want to politicize it. Because I don't think  
19 that's good for it. And I think Senator Dinniman, I  
20 think Chairman Roebuck -- who are not here right now --  
21 but the interest is, I think, making the sense that the  
22 chairman, the minority and the majority chairmen of the  
23 House Education Committee are comfortable with the  
24 process that it is all-inclusive.

25 It's like I said earlier, we want to make

1     sure our teachers and superintendents are having input  
2     into the process as it moves forward.  You know, Mr.  
3     Secretary, one of the reasons I have a great deal of  
4     confidence in you, is you are a former superintendent.  
5     You were there day-in and day-out, and you've dealt  
6     with a school district like Lancaster City.

7                 So I just think, from our point of view, we  
8     want to make sure the process is inclusive of those who  
9     are in the field day-in and day-out, and not of people  
10    who -- I don't know if I'm using this word correctly --  
11    but elitists, as I will say, in the education  
12    institutions.  I want it to be a part of the  
13    average-day people that are out there daily dealing  
14    with students and the problems that are dealt with in  
15    our school districts.  And that's why I think we're not  
16    interested in politicizing this.

17                SECRETARY RIVERA:  Understood and agreed.  
18    I said, I didn't want the same cast of characters; but,  
19    yeah, we hear you.

20                HOUSE MAJORITY CHAIRMAN SAYLOR:  Okay.

21                SECRETARY RIVERA:  We hear you.

22                SENATE MAJORITY CHAIRMAN SMUCKER:  Thank  
23    you.

24                Seeing no other questions, that concludes  
25    our hearing.  Thank you so much for being here.  We do

1 have a Senate Education -- is that in this room?

2 We have a Senate Education Committee  
3 meeting at 11:00 here in this room, so we have about 15  
4 minutes.

5 So thank you very much.

6 SECRETARY RIVERA: Thank you so much,  
7 chairman.

8 SENATE MAJORITY CHAIRMAN SMUCKER: Yep.

9 SECRETARY RIVERA: Thank you.

10

11 (Whereupon, the hearing concluded at 10:44  
12 a.m.)

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C E R T I F I C A T E

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.

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