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**Testimony of
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**Hearing, “ESSA Implementation: Perspectives from Education
Stakeholders on Proposed Regulations”
U.S. Senate, Committee on Health, Education, Labor and Pensions
July 14, 2016**

Chairman Alexander, Ranking Member Murray and members of the Committee, thank you for the opportunity to join you today.

My name is Gail Pletnick and I am the Superintendent of the Dysart Unified School District in Surprise Arizona and serve as the President-Elect for the AASA, The School Superintendents Association. To give you a sense of my district, we serve over 25,000 students with 51% of the population receiving free or reduced lunches, 16% identified for special education services and approximately 51% classified in a sub group other than Caucasian.

From both a professional and personal standpoint, I view the passage of the Every Student Succeeds Act (ESSA) as very important to the future of education. Growing up in northeastern Pennsylvania and being from a family of coal miners, I would have fit into more than one of the subgroups that ESSA focuses on in terms of closing the achievement gap. The power of education is that the achievement gap can be addressed and, like me, students can be the first ever in a family to attend college. I am here today because I believe the underserved populations in our schools deserve the educational promise that ESSA was designed to deliver for *every* child.

The power of ESSA is the flexibility it provides to states and to schools allowing them to focus on each student. The ESSA environment promises to be in stark contrast to the prescriptive and restrictive ‘one size fits all’ landscape of No Child Left Behind (NCLB). In my district, we have 23 different schools, each with its own unique school community, united in the reality that each school is filled with students who must be prepared for the challenges and opportunities of a 21st century world of work and life. ESSA and the resources it provides allow schools to address equity issues that impact school communities and the students they serve.

I understand the value of carefully crafted regulations in supporting ESSA implementation, but it is critical those regulations reflect the carefully constructed language that speaks to intent in this law: state and local flexibility and leadership. I am concerned with unnecessarily rigid regulations that may hinder the very state and district innovation that we know is needed to serve our underserved students.

For example, ESSA statute requires evaluation of local education agencies (LEAs) and schools on academic and non-academic factors, but stops short of requiring the rating to be a single indicator. The proposed regulations require a summative score - an approach that may hinder a state’s effort to design a fair and transparent accountability system. Reliance on a summative score provides a distorted view of the strengths and weaknesses of programs and practices in our schools, and can be misleading. In reading a report card, many readers look at the summative indicator and

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move on, and that one score does not provide a complete picture. We have the ability to utilize current research, technology and, hopefully, now the flexibility of ESSA to build much stronger accountability and reporting systems with meaningful multiple indicators.

Education is the civil rights issue of this generation, and given its roots in the civil rights era, ESSA must continue to protect the rights of each and every student by providing access to high quality education. Why are we trying to reduce what should be a fair and comprehensive picture of schools to a single score? Data tracked on student sub groups indicate many schools still lag behind in terms of the number of low SES and minority students participating in advanced placement and dual credit courses. Absenteeism can be utilized as a predictor of student failure. Multiple measures are important in determining if schools are failing to support student success. Logic tells us if each of these components have value, we need to be careful not to build a system that muddles the data producing a confusing picture that lacks meaning and clarity. Let the states do what they were tasked to do: take responsibility for building transparent and fair accountability systems. We should not handicap that work by dictating a single score accountability system.

I applaud the mandate to have stakeholders play a significant role in the state's development of an accountability system. People buy into that which they have a hand in crafting. Having input from parents, students, community members, teachers, support staff, administrators, and business and civic leaders will ensure building understanding and the buy-in needed to successfully implement ESSA at the state and local levels. Predetermining the use of a summative score in a system is unnecessarily prescriptive and will hinder this collaborative work. The goal must be for the local stakeholders, the leaders of educational institutions, to take responsibility for the schools and outcomes.

I understand the Department of Education is indicating there will be an opportunity to adjust the states' systems if those accountability systems are not fully functional by the proposed date for labeling schools under ESSA. My experience has shown that is a flawed approach. In Arizona under NCLB, the state's accountability system was tweaked after implementation. When you use the same summative labels, such as A through F, but tweak the components in the system, you cause confusion and lose trust. Building an accountability system as you implement it will result in a system that does not compare apples to apples, even though the same summative labels are utilized for schools. The Education Secretary indicated the rationale for summative labels is to ". . . send a strong signal to educators and school leaders to focus on improving school performance across all indicators in the system." I believe the proposed regulation will result in just the opposite. If I utilize three indicators to determine my summative score and the school scores 100% in indicator one, 100% in indicator two and 50% in indicator three, the summative score is 83% plus. Does that give a complete and true picture of how the school is doing in all key indicators? A summative number from 1-5 or a letter grade provides little information.

In Arizona, research is being done on utilizing multiple measures as we work to revisit the state's accountability system. Legislation was passed recently to allow assessment options at the high school level. Additionally, a committee of stakeholders has been established to provide input on an accountability redesign that will ensure a system that is fair, transparent and identifies schools that prepare all students for college/career readiness. These are small steps forward, but with the hope of the flexibility promised by ESSA, we can collaborate on meaningful change driven by research and innovation. If states are forced to continue to utilize a one score defines all approach, I fear we will fall back to what easily fits into that restrictive labeling system and replicate much of what was created under NCLB.

Compounding my concern with the regulation mandating a summative score is the proposed timeline for labeling schools under the new ESSA law. In 2017-2018, states would be required to identify schools that are failing or in need of “comprehensive support” based on their performance data from the 2016-2017 school year. In some states, including Arizona, we are a few weeks away from the start of the new 2016-17 school year. States may not have their redesigned accountability plans finalized and in place to collect 2016-17 data that will be included in that redesign. The proposed timeline will rush the implementation of accountability system decisions and may result in some schools, in the first year of ESSA label implementation, being identified as failing based on 2016-17 data. That data may be more aligned to NCLB mandates. Once again, we risk losing trust when we use one set of data to label schools and then tweak the system, possibly changing some or all of the data sets utilized, and pretend the summative labels given are accurate and fair. How does that support driving meaningful change in the highest need schools? Given that 2017-18 is the first year of ESSA implementation, it follows that identification under ESSA would come only after ESSA related data has been collected and applied at the end of the 2017-18 school year. Treating the 2017-18 school year in a manner consistent with how the 2016-17 school year was addressed after ESEA waivers expired is the most logical approach. We should freeze accountability ratings/labels for that year.

There were questions posed with the release of the regulations related to areas such as 95% participation rate, n-size and others. I caution the Department of Education from going any further beyond the regulations as proposed.

Leaving the n-size determination up to the state, unless the state wants to go above an n- size of 30, makes the most sense. This language is clear and there is no need for further clarification or regulation.

ESSA maintains the requirement that 95 percent of students be tested. This is a requirement to be taken seriously, but I am concerned that the proposed regulations do not allow for meaningful input to address this concern at the local level. The concerns that create the problem with meeting the 95% test mandate are related to local conditions or issues and must be solved at the state and community levels. Consequently, it follows that the states determine actions to be taken and consequences. Further prescription in this area may impede solutions. ESSA is meant to change the role of the federal government from dictating to supporting solutions at the local level. Language in the regulations indicate there are options for states in defining consequences for not reaching the 95% test rate, but then the language goes on to add restrictions that really limit possibilities. That is the equivalent of saying you can paint the house any color you wish, as long as it is green. So what option do you choose? This is not true flexibility and runs counter to ESSA’s framing principles, empowering state and local education agencies in their work to provide all students with educational opportunities of ESSA.

I have concerns with the proposed regulation related to the transportation of foster children. This proposal requires, if the child welfare agency and district cannot reach an agreement regarding transportation for a foster child, the LEA be fiscally liable to cover transportation costs. The ESSA statute requires a collaborative approach between child welfare agencies and LEAs. The statute deliberately stops short of identifying any specific entity as fiscally liable. This regulation undermines the negotiated language in the statute and diminishes the responsibility of the child welfare agency to meaningfully engage in discussions with the district. The regulation in this area is overreach.

I want to offer input related to assurances that may be included as part of the ESSA requirements. It is critical states have rigorous standards to ensure students have the academic foundation they need to be successful. In Arizona, mandating what was viewed as national standards was hotly debated. In the last state election, candidates who strongly opposed Common Core standards, including those running for the Governor's Office and the Office of the Superintendent of Schools, won the elections. It was unfortunate that we wasted a great deal of time and energy in an emotional and divisive Common Core debate. The dialogue around what was viewed as federally mandated standards was an all or nothing conversation. To ensure challenging and relevant standards, states need to work collaboratively with stakeholders to evaluate and revise the standards to drive improvements, not spend vast amounts of time debating whether to reject them.

In Section 299.16 of the proposed regulations, language requires states to "provide evidence at such time and in such manner specified by the Secretary that the State has adopted challenging academic content standards and aligned academic achievement standards..." Does that equate to the ability to reject the state developed standards based on someone's opinion they are not challenging? The new law explicitly changed NCLB language that required states to "demonstrate" they have challenging academic standards to requiring states "assure" they have challenging academic standards. This was intentionally done to return responsibility for developing standards to the states. In Arizona, we are now just starting to be able to move forward and work on improving the standards. If the Department of Education is viewed as dictating standards work, I fear, once again, Arizona resources and energy will be focused on debating the idea of federally mandated standards rather than improving the standards.

I am concerned that an unintended consequence of adding a large number of regulations and/or additional reporting requirements will be an increase in the resources needed to address these mandates resulting in a decrease in the resources that can be allocated to support students. Data collection and reporting is important to ensure transparency and accountability. However, there is such a thing as being data rich and information poor. We need to move away from burdensome reporting, and towards meaningful collection and reporting of information that is important to the stakeholders. The intent is to return authority to the states and have input from community members into the building of an accountability system. We should be cautious, once again, that if the states are bound by assurances that are viewed as dictates or by unreasonable reporting requirements, the same type of mistrust, unnecessary debate and concern we had with NCLB waivers and Common Core will re-surface. I can assure you that will be the case in Arizona, and I know we were not the only state where these concerns caused major upheaval and stalled productive and meaningful change. Please, do not allow that to happen again.

We also need to be mindful of possible changes within the supplement not supplant provision. With teacher salaries the largest expenditure in a school district, it is a false premise to require schools to use teacher salaries in evaluating compliance with supplement not supplant provisions, as it is a policy built on the false assumption that teacher salaries are a single indicator that can meaningfully and reliably be used in an undisputable manner to indicate effectiveness and quality in programs within Title I schools. That thinking is flawed on many levels. Perhaps most importantly, it assumes states and schools across the nation employ one single approach to determining teacher salaries. This is not the reality. In my state alone, districts and schools maintain discretion over teacher salaries, the years of credit that teachers receive when changing districts and other factors that will impact final teacher salary. Regulations on the supplement not supplant provision must remain consistent with the intent of ESSA, which included a deliberate action to not change the comparability provision and maintained the focus of the supplement not supplant provisions ensuring that the methodology or

construct used to allocate resources within a district is blind to whether or not an individual school receives Title I dollars.

In closing, thank you to the Committee for the work you have done and continue to do to ensure the Every Student Succeeds Act drives the change we all want to see in our schools - equity in our classrooms regardless of a student's background or circumstances. Your work has ensured our states and local communities have a voice in what happens in our districts and schools. I know, given the opportunity, educational leaders across this country will use that voice to deliver on the promise of ESSA.

Thank you.

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