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## IMPLICATIONS OF THE SIGNIFICANT DROP IN PSSA SCORES

As every teacher and administrator in Pennsylvania's public schools (and most parents with children in those schools) have learned, last year's scores on the Pennsylvania System of School Assessment tests (PSSAs) demonstrate a dramatic decrease in performance. Indeed, many schools saw fewer than 20% of their students scoring in the advanced or proficient range in some areas. The reasons for this sharp decline are straightforward. The 2014-2015 tests were aligned with the Common Core expectations for each grade level. However, implementation of the Common Core curriculum in Pennsylvania schools remains very much a work in progress. Consequently, students saw many questions in areas in which they have not yet received any instruction at all.

PSSA scores are used in several ways. Most prominently, they are an important factor in performing teacher evaluations pursuant to 24 P.S. § 11-1123. In fact, the scores are used in two places: the "Teacher Specific" section of the rating form and in determining the "Building Score." The Building Score is calculated by the Pennsylvania Department of Education (PDE) and provided to each school. Those scores and evaluations are also part of the measures used to demonstrate compliance by the Commonwealth to the U.S. Department of Education.

The scores for 2014-2015 are so low that many administrators were concerned that the result would be a large number of teachers receiving a "needs improvement" or even "unsatisfactory" rating, regardless of whether all other factors had showed improvement or just stayed steady. Perhaps anticipating this same problem, PDE sought a waiver from the U.S. Department of Education and that waiver was granted. In its September 8, 2015 press release, PDE states that last year's PSSA scores will not be used in either generating school performance profiles or teacher effectiveness rating. As of the date of this article, PDE has not produced any Building Scores for the 2014-2015 school year. The PDE press release is silent as to when those scores may be forthcoming. It is also silent as to what schools should do for teacher evaluations if no Building Scores are provided.

The regulations governing teacher evaluations do provide some wiggle room. In particular, the regulation governing Teacher Specific calculations and Building Level calculations, while mandating the use of student performance on assessments as one measure, also state that such data is to be used "when available." 22 Pa. Code § 19.1. In the "general provisions" of that same regulation, it similarly states that the Teacher Specific rating shall include student performance on statewide assessments "if and when such data is available." Thus, it would appear that at least for the Teacher Specific formula, the score will simply be the composite of all the other available factors. The more complicated question is what to do in the absence of a Building Score. One option would be to simply import the prior year's Building Score, but this is not ideal. Presumably PDE will provide further guidance if it elects not to produce Building Scores for 2014-2015.

One final issue is likely to come up as a result of the PSSA scores. Those scores are frequently used by parents or advocates who believe the scores are evidence of a possible disability. PDE has indicated that it intends to include an explanation of the drop in scores with the parent report. Notwithstanding PDE's efforts, and districts' best efforts to communicate to their parents about the PSSA scores, undoubtedly some shocked parents will immediately seek an

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evaluation for special education services. Districts in receipt of such requests should not simply disregard the PSSA scores, but should compare those scores to similarly situated peers in the District. In almost all cases, that comparison will reveal that the student in question fared no worse than the rest of the class.

Finally, it is unlikely that 2015-2016 will see a significant increase in PSSA scores. At some point, PDE and school districts will have to confront how to incorporate the more rigorous testing into its evaluation procedures. The scores for 2014-2015 should, ideally, become the baseline against which future years are compared. Whether PDE adopts this approach remains to be seen.

Clients who have questions regarding issues discussed in this article, or any education law matter, should feel free to call us at 215-345-9111.

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