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Utah State Board of Education  
250 East 500 South  
Salt Lake City, UT 84111

Re: Public Comment on the Utah ESSA Consolidated State Plan

Dear Board Chair Huntsman and Members of the Board:

On behalf of the 18,000 Utah educators represented by the Utah Education Association, we have reviewed the Utah ESSA Consolidated State Plan.

Under No Child Left Behind, the focus of the Elementary and Secondary Education Act shifted far from the original intention of “leveling the playing field” for our most vulnerable students to a focus on accountability, testing and compliance. In contrast, the Every Student Succeeds Act is about opportunity!

With ESSA we can shift the focus back to serving our most vulnerable students, as intended, and have the financial support to do so. With ESSA there is opportunity to identify components of school quality that are meaningful to students, parents and educators beyond a statewide, standardized test on a given day. With ESSA we can focus not only on equitable outcomes but also equitable access and equitable opportunities for every student. And, with ESSA, stakeholder engagement is central – and required. In fact, ESSA specifically states that stakeholder input is to come from representatives of specific groups<sup>1</sup> so input can be coordinated and disseminated.

However, stakeholder input has been limited throughout the development of the state plan. For example, SB220 Student Assessment and School Accountability Amendments was passed during the 2017 legislative session and defines in Utah code much of the Title I assessment and accountability section. This happened months in advance of the required public comment period, overriding the chance for any meaningful stakeholder input. This is of particular concern regarding the determination of the additional indicator of School Quality. After NCLB’s overemphasis on testing, this additional indicator was a hard-fought addition to ESSA. Yet SB220, and now the state plan, simply use another test-based indicator to measure school quality.

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<sup>1</sup> SEAs must develop state plans “with timely and meaningful consultation with the Governor, members of the State legislature and State board of education, local education agencies, **representatives** of Indian tribes located in the State, teachers, principals, other school leaders, charter school leaders, specialized instructional support personnel, paraprofessionals, administrators, other staff, and parents.” (Every Student Succeeds Act, Sec 1111).

As the plan continues through the review and revision process we encourage the USBE to look for more opportunities to emphasize equitable student access and opportunity to realize the full potential of ESSA for Utah students.

The following pages provide detailed comments on the Utah State Consolidated Plan.

Sincerely,

A handwritten signature in black ink that reads "Heidi Matthews". The signature is written in a cursive style with a large initial "H".

Heidi Matthews, M.Ed.  
President, Utah Education Association

HM/hs

cc: Sydnee Dickson, State Superintendent of Public Instruction  
Patty Norman, Deputy Superintendent of Student Achievement  
Roger Donohoe, UEA Vice President  
Lisa Nentl-Bloom, UEA Executive Director  
Dr. Sara Jones, UEA Director of Education Excellence and Government Relations

## **Title I, Part A: Improving Basic Programs Operated by Local Education Agencies (LEAs)**

### Native Language Assessments (Pages 15-18)

The plan indicates the USBE is exploring the feasibility of developing assessments in Spanish, particularly for grades 3-5. This is a positive step to accommodate changing demographics. However, while the plan notes two LEAs have over 5 percent of students speaking a language other than Spanish (Navajo and Somali) there is no discussion of how the state will accommodate the needs of these students and LEAs.

### School Quality or Student Success Indicator (Page 32)

The equity indicator is measured by the growth of the lowest performing 25 percent of students in a school. It is solely a test-based measure and this was a concern raised during the legislative session when the assessment system was codified in SB 220. Recognizing there is a requirement that the indicator must be “valid, reliable, comparable, and statewide (for the grade span to which it applies)” and that there are limitations to what would be an acceptable measure, it is still a concern that for elementary and middle schools, Utah has chosen not to include a single measure in the accountability system not based on a statewide, standardized test.

Not referenced in this section is the opportunity that SB 220 provides each school to self-report two school quality indicators. Although these are not part of the accountability calculation, they can provide greater context about a school and may lead to a future statewide school quality indicator that is not test-based and is more meaningful.

### Exit Criteria for Comprehensive Support and Improvement Schools (Page 44)

There is significant overlap between schools identified for improvement under the state Turnaround law and schools identified for comprehensive support under ESSA (page 43). Legislation from the 2017 session allows the Board to develop a new process for exiting Turnaround or improvement status (no longer a single, static benchmark). The expectation is this new process will individualize exit goals for each school rather than base sufficient improvement solely on the school grading system. This is a significant improvement.

### More Rigorous Interventions (Page 45)

The plan states because there is significant overlap between Turnaround schools and comprehensive support schools the “USBE will align exit criteria and implications for not meeting exit criteria for both programs”. The plan then lists what interventions are allowed under the Turnaround law (contract management, state takeover, conversion to a charter school) and that the “USBE is in the process of making rules to establish implications and more rigorous interventions for schools that do not meet the State’s exit criteria. USBE expects to complete this process by December 2017.” We have expressed serious concerns about the consequences for Turnaround schools with both the Legislature and the USBE. It is not clear what the impact will be for non-Turnaround schools if they become subject to the same severe consequences as Turnaround schools and we have extreme reservations about this change in policy. And, it is important to note, interventions should be an action to support improvement in schools, not simply to impose consequences.

### Technical Assistance (Page 46)

For the LEAs with a significant number of schools identified for improvement, the USBE will conduct a comprehensive needs assessment which will include “a review of the distribution of effective teachers and leaders”. It is assumed this will be measured using evaluation rating data.

While comparing data within a district may be appropriate, it would be inaccurate to compare evaluation rating data between districts as there is no standardization of evaluation systems or calculation of evaluation ratings across districts. The USBE assessment will also include “identification and *removal* of potential LEA-level policies or procedures that create barriers to school improvement including priority for *teacher recruitment and retention, hiring and staffing.*” This appears to give the USBE influence over local employment issues, which is not the purview of the State Board. We would have serious concerns with a change of policy in that direction. Additionally, it is not clear the “removal” of barriers results in improving teacher recruitment and retention. The USBE should define and invest in a clear, statewide strategy and system of supports to help the recruitment and retention of effective teachers. Finally, there is no mention of the new Academic Pathway to Teaching (APT) license and how this may impact the distribution of effective teachers, recruitment or retention in an LEA since an APT candidate receives a Level I license but may have no classroom management, pedagogical or other critical expertise to support instructional effectiveness.

#### Disproportionate Rates of Access to Educators (Page 47-48)

This section addresses whether Title I schools have a disproportionate rate of ineffective, out-of-field or inexperienced teachers. However, there is no mention of the potential impact of the new APT license. Data is reported for years of experience and whether a teacher is “qualified” by being “fully licensed and endorsed to teach.” Since an APT candidate receives a Level I license with no requirement for any classroom experience, classroom management, pedagogical or instructional skills, it is not clear why an APT teacher would be considered “qualified” and “effective” as compared to education preparation program graduates. This would be a particularly important distinction in comparing charter schools to district schools since the rates of “qualified” teachers are already lower in charter schools than in district schools.

#### Other State-funded Initiatives (Page 49)

The description of HB 212 seems inaccurate based on recent Board action on R277-925. The Board wanted to define eligibility as broadly as possible so it should be stated teachers will receive “up to” \$5,000. More eligible teachers will reduce the amount of money available to any individual teacher.

#### School Conditions (Page 49-51)

This section reports LEAs must have policies in place to address “discipline- and behavior-related issues”. But, there is no discussion of utilizing restorative practices or alternative discipline practices. This is an opportunity to connect federal Title resources to HB 239 Juvenile Justice Amendments, passed during the 2017 legislative session, to provide funding or create a pilot program to implement restorative justice practices in schools.

#### Education of Migratory Children Use of Funds (Page 57)

The goals to “utilize bilingual and bicultural staff *whenever possible* for instruction” and “implement ESL and cultural awareness training for all teachers and staff working with migrant students” are important to help meet the immediate needs of migrant students. However, a critical longer-term goal is to identify and implement statewide strategies and programs to diversify the teaching workforce so there are more bilingual and bicultural teachers in the system.

## **Title II, Part A: Supporting Effective Instruction**

This section fails to provide any discussion of the need for strong induction programs and ongoing mentoring to improve instruction and retention. This is a missed opportunity, especially in an era of a growing teacher shortage. The state has clear data from a three-year Peer Assistance and Review (PAR) pilot program that demonstrates PAR increases instructional effectiveness and retention among new teachers. The state should seek to highlight and expand programs with proven positive results on retention and instructional effectiveness as a means of improving the distribution of effective teachers to all schools and students.

### Teacher Leaders (Page 66)

The section describing state-level activities discusses the creation of a pilot grant program for the LEAs to develop teacher leader programs. However, the requirements for grant projects do not emphasize the essential role of teachers in the development of those projects. Several statements should be revised to include or emphasize the role of teachers in developing an LEA teacher leader program:

- “Demonstrate commitment of the LEA to build leadership capacity of teachers” could be restated as “*demonstrate commitment of the LEA to include teacher leaders in building the leadership capacity of teachers*” to emphasize the opportunity to use current teacher leaders to build a teacher-directed program for enhancing the leadership capacity of other teachers.
- “Provide professional learning for principals for ways to identify, work with and provide transparency with school staff to understand teacher leader roles” could be restated as “*provide professional learning for principals on ways to identify, develop and support teacher leaders in districts and at the building level. Provide transparency with school staff to understand teacher leadership roles and opportunities*” to bring teachers and principals together in collaboration on teacher leadership.
- “Craft inventive opportunities for teacher leaders to make contributions for the profession that do not require leaving the classroom full time” could be restated as “*provide professional learning on effective opportunities for teacher leaders to contribute without leaving the classroom*” to emphasize the role of the state in bringing LEAs together to collaborate.
- Other than each LEA being required to develop “a communication plan to publicize the LEA’s teacher leader program, process and outcomes,” there is no discussion of how USBE will scale up the results of the pilot program to inform other LEAs. This is a critical element of any pilot program.

Finally, rather than having the USBE “bring together a study group to become familiar with the latest research; discuss the constructive influences a teacher leader can have on both peers and students; and begin to develop, in part, the pilot guidelines...” USBE could work with the LEAs to identify existing teacher leaders within districts across the state and have them develop the guidelines for an effective teacher leadership program. This would be an example of providing leadership opportunities for teachers without leaving the classroom and would allow teachers who have already developed leadership skills to put these skills in to action. A teacher-designed and teacher-led program would have tremendous buy-in.

### Improve Equitable Access to Teachers (Page 66-67)

The section describes the 2015 USBE report analyzing equity gaps in access to effective teachers. However, this report was published prior to the adoption of the APT license. The plan to use Title II funds to conduct additional analysis only addresses access for English Learners and other students and, importantly, does not address what an APT license is or explain how an APT license relates to being a “qualified teacher” or “effective teacher.” This is significant because the APT program, created by the State Board of Education in 2016, allows a candidate to receive a Level I license without having any classroom experience, pedagogical training, classroom management training or other critical instructional skills. This is a serious issue of *equitable access* for students taught by APT teachers. This equity issue was created by the licensing procedures of the State Board of Education, not solely the hiring and placement procedures of an LEA, and should be addressed in the plan.

### System of Certification and Licensing (Page 68-69)

The description of a Level I license states the license is issued upon completion of “an approved preparation program, *an alternative preparation program*, or pursuant to an agreement under the NASDTEC Interstate Contract.” The language “alternative preparation program” is not clear. Is this language intended to describe the APT pathway which does not require any kind of preparation before receiving a Level I license?

In the description of the work of the USBE Licensing Task Force only one goal is listed as “goals include helping educators meet state requirements by demonstrating competency.” This is too vague to provide any understanding of the Board’s intent. For example, demonstrating competency through more rigorous student teaching experiences for education preparation program graduates could be beneficial. However, demonstrating competency by requiring a vendor-based pedagogical exam could be detrimental. ESSA is an opportunity to utilize resources to develop and align educator preparation, licensing, induction, and mentoring programs to support recruitment and retention, yet this kind of comprehensive approach is not addressed.

### Data and Consultation (Page 72-73)

In describing how the state will use consultation to improve Title II activities, it is stated there is a need to “be flexible when consulting with stakeholders, especially educators, by holding meetings or conferences outside the hours of the school day....”. This is an extremely important recognition. The UEA has participated in many stakeholder meetings representing educators and rarely are they held outside the hours of the school day. This change would be a real improvement and allow classroom educators to participate in-person in stakeholder discussions.

### Teacher Preparation (Page 73-74)

This section fails to describe the lack of preparation for candidates pursuing a Level I license through the APT program. APT candidates are not required to have any classroom management, pedagogy or other critical skills prior to receiving a Level I license, unlike candidates graduating from an education preparation program. This does not “ensure a learner-ready teacher in every classroom,” which is one of six goals identified by the Utah NTEP team. A full description of the current status of teacher preparation must acknowledge and differentiate that the stated goal “to prepare *initial certification candidates* to effectively teach all students, with particular attention to special needs and English language learner” applies only to those graduating from education preparation programs and the APT pathway does not have similar expectations or requirements.

The last paragraph states, the “USBE adopted an Academic Pathway to Teaching (APT) in response to teacher recruitment and licensing issues expressed by constituents”. However, this section does not address the limitations of the APT license to resolve specific “licensing issues” such as someone with an elementary education license moving to secondary education or someone teaching social studies being able to teach an English class. APT does nothing to address these types of licensing issues.

#### **Title IV, Part B: 21<sup>st</sup> Century Learning Centers**

##### Awarding Subgrants (Page 88)

It’s not clear why the prioritization for awarding grants does not include elementary schools. Is this a limitation of the program itself or a choice by the USBE to prioritize Turnaround, middle and high schools, pre-K and Kindergarten instead?

#### **Title VII, Part B: Education for Homeless Children and Youth program**

##### Student Identification (Pages 94)

This section states, “Utah will develop a needs assessment form to ensure consistency within LEAs and across the state” to identify needs of homeless children and youth. There is a concern that any such statewide, common needs assessment be designed so it accurately reflects any differences in needs between rural and urban youth, available community resources, etc.

##### Dispute Resolution (Page 95)

This section states, the “USBE supports the established procedures for the prompt resolution of disputes regarding the educational placement of homeless children and youth”. Federal regulations call for local districts to establish a procedure for the immediate resolution of a dispute, but there is not currently a common procedure throughout the State. A common procedure would improve the current process.