Re: I-LEAD CHARTER SCHOOL HEARING
[VOL. VI]

BEFORE: Jeffrey D. Litts, Hearing Officer

DATE AND TIME: Tuesday, February 9, 2016
at 9:45 a.m.

LOCATION: Reading School District
Administration Building
800 Washington Street
Board Room
Reading, Pennsylvania

APPEARANCES:

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ORIGINAL

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P R O C E E D I N G S

THE HEARING OFFICER: Good morning. Today is Tuesday, February 9th. It is approximately 9:45 a.m. We were scheduled to start at 9:30. We do have some very slight weather issues. But we do have counsel for both sides here.

At this point in time, we will continue with any witnesses that the Charter School would have. Mr. Stacey, where are we right now with this?

MR. STACEY: Our next witness is Dr. Ed Fuller. I spoke with him approximately 30 minutes ago. He stated that he would be arriving shortly before 10:30, and that's when we can anticipate his arrival.

THE HEARING OFFICER: All right. Ms. Petersen, I'm assuming you would want to say something?

MS. PETERSEN: I would, thank you. We, on behalf of the School District, are here ready to go. Counsel is all here. The hearing officer is here. The stenographer is here.

The hearing was scheduled to begin at 9:30. It is now quarter to 10. A witness has not

appeared. And we are ready to go, so we would ask that we promptly proceed. And if that is not capable of happening because the witness is not here, then we would ask for the hearing to be completed at this point.

THE HEARING OFFICER: Well, I do believe we have tried to accommodate Professor Fuller's schedule in this particular case, at least what has been represented to me. So I am inclined to give him till 10:30. And he better be ready to go at 10:30, unless he arrives earlier.

So we are in recess.

(A recess was taken.)

MR. STACEY: The Charter School calls Dr. Ed Fuller.

THE HEARING OFFICER: Dr. Fuller, could you please come up here and be sworn.

DR. EDWARD FULLER, was sworn.

BY MR. STACEY:

Q Good morning, Dr. Fuller. Dr. Fuller, could you please state and spell your name for the record?

A Yes. It's Edward J. Fuller, E-d-w-a-r-d, initial J., F-u-l-l-e-r.

Q And, Dr. Fuller, what is your current occupation?

A I'm an associate professor at Penn State University.

Q And is that where you came from this morning?

A Yes, it is.

Q Thanks for making the trip down. What titles do you presently hold at Penn State University?

A Besides the associate professor, I'm also the executive director of the Center for Evaluation and Education Policy Analysis. I also have an associate director position for University Council for Educational Administration.

Q Just in a couple sentences, can you briefly describe what it is that you do in those positions?

A As a professor, I teach graduate courses, primarily Ph.D. courses at the moment. And I also conduct research and write journal articles. As director of CEEPA, the Center for Evaluation and Education Policy Analysis, I conduct various types of evaluations, policy analyses, so I write reports.

I work with a local school district. I do a variety of different things for different organizations in the education realm.

Q Thank you. Beginning with undergraduate, what academic degrees do you hold, and when and where were they obtained?

A All three of my degrees are from the University of Texas at Austin. The undergraduate one was in Education with specializations in Mathematics and Health Education.

After teaching for three years, I returned to school to get my master's in Educational Administration. The focus specifically was on becoming a principal in the Principalship Program.

I completed that, and then during that I interned as a principal and taught during the same semesters, taught two courses, interned as principal. And then I went to get my Ph.D. from the University of Texas in Austin in Educational Administration with an emphasis in Policy and Planning.

The undergraduate degree was in '89. The master's I believe was in '93, although it's a blur because all the classes blurred together.

And then I completed my course work in 1997 and completed my dissertation in 2001. So that's when my Ph.D. was conferred.

Q There's a binder there that says I-LEAD Charter School Exhibit 1 of 2. Is that the one right in front of you?

A Yes, that's correct.

Q Could you please turn to Tab 25?

A Yes.

Q Do you recognize this document?

A Yes. That's my Curriculum Vitae.

Q And did you prepare this?

A Yes, I did.

Q On Page 1 here, you just spoke about your master's degree. What is the subject that that degree was conferred in?

A It's Educational Administration. The program was targeted at preparing people to become school leaders.

Q What sort of course work was involved in obtaining that?

A A variety of different course work including things like instructional leadership, urban education, special needs populations, how to evaluate teachers as a principal through

observations.
Generally, courses we did 45 credit hours. And we covered pretty much everything that a principal would be expected to do as a school leader.
Q And did you say after that you did intern as a principal?
A Yeah. We had a one-semester internship. So I interned in a school in Austin, Texas.
Q You stated that you also taught for some time. Do you hold a teaching certificate?
A Yes. I hold a lifetime teaching certificate from Texas.
Q And is that conferred in any specific grades or subjects?
A It's secondary mathematics and health education, although I only taught math.
Q So you taught math in between the time of your undergrad and your master's?
A That's correct. I taught for three years in Taylor Independent School District.
MS. PETERSEN: I'm sorry. Did you say three years?
THE WITNESS: Yes, ma'am.

MS. PETERSEN: Thank you.
BY MR. STACEY:
Q On Page 1 here, do we also see the doctorate degree you were referring to?
A Yes.
Q What was the subject that that degree was conferred in?
A Technically, the degree on the degree is Educational Administration, but the speciality area I was in was Policy and Planning.
Q And when you say speciality, is that a focus of the degree?
A Right. We had different -- in the department, we had a variety of different specialization areas. We had policy, higher education, community college, leadership, and superintendency. So I was in the policy and planning specialization area within our department. On the degrees, it just says Educational Administration for all four areas.
Q And I believe you said you finished your course work in 1997?
A Correct.
Q And what sort of course work was involved in that program?

A We had to take both content courses and then methods courses. So the methods courses cover things like foundations of educational research, qualitative methods, quantitative methods. And then the remaining hours were content courses.
So you had to choose what -- we had six core courses, and the remainder of the courses you could pick different courses to take like sociology of education or anthropology of education or urban education, a variety of different courses.
Q So was one of those methods courses quantitative analysis?
A Yes.
Q Can you describe what that is and why it might be important to your field?
A Yes. Quantitative, so people choose to do either qualitative methods, quantitative methods, or mixed methods. I'm trained in both, but I do primarily quantitative methods.
And quantitative methods is the application of statistical analyses to data to make conclusions about various questions about what a data set might tell you. And those data

sets that I've been working in are primarily about K-12 education, students, teachers, schools.
Q On Page 1, I see a heading that says areas of specialization. The two I want to highlight are the first and the last, education evaluation and policy analysis, and then at the end school accountability systems. Can you tell us about those areas?
A Yes. Education evaluation and policy analysis, that's the focus of my center at Penn State; and it's a -- historically a lot of the work I've done since I finished my course work.
And education evaluation and policy analysis is either program evaluation, so any intervention program or change in policy we would analyze and try to make a determination whether that policy or new procedure or new school configuration was effective in improving any type of student outcomes.
So again, we did program -- I've done program evaluation and policy analysis. So if the legislature passed that policy, we would use available data to analyze and make a judgment call about whether that policy was effective in meeting the outcomes that the legislature defined.

In terms of school accountability systems, I worked with the legislature in Texas on some various issues, particularly around testing and school accountability. I did some analyses while I worked at the Charles A. Dana Center about school accountability, particularly special education exemption rates and school accountability measures or accountability grades.

And then I've looked at school accountability issues here in Pennsylvania as well. So both Texas and Pennsylvania, and I'm also looking at it in New Mexico as an expert witness in a core case there.

Q When we say school accountability, what are we talking about?

A Generally, the systems that states adopt to attempt to measure school effectiveness and then provide the public some type of rating about those particular schools, about the schools in the state. They can be A to F. They can be a numeric grade.

There's all different types of accountability systems. But in general, they share common emphases in terms of looking at student outcomes and trying to make a judgement

about whether that school is meeting the outcomes defined by the state.

Q Thank you. Can you turn to Page 13 in this document?

A Yes.

Q Specifically, I'm referencing under professional experience. Can you tell us the universities you have been employed by since earning your doctorate degree?

A Yes. The University of Texas at Austin and then Penn State University.

Q And how long have you been with Penn State?

A The physical start date was July 1st, 2011.

Q Now, on this Page 13, I see at least three references to Penn State University. Do you currently hold all of these positions?

A I -- the co-program chair ended in August 2015, but I'm still -- I remain executive director for CEEPA, and I remain the associate director for policy for University Council for Educational Administration. And I remain an associate professor at Penn State.

Q Okay. Let's take those one by one.

In your executive directorship for CEEPA, can you tell us what you do briefly in that position?

A We work with school districts. We evaluate policies. We do program evaluation. We submit grants. We are evaluators on other people's grants.

So, for example, right now I'm evaluating efforts at Penn State and four other universities to retain and graduate historically underperforming groups in the collegiate level in the STEM area. So it's just an example. We do different types of evaluations for people.

Q And you mentioned work for school districts. What does that entail?

A Primarily, right now is working with the State College Area School District evaluating their strategic plan. I collaborated with them to develop a series of different surveys, administered those surveys and analyzed the data, and then write reports back to the superintendent and school board about their progress on meeting the goals that they set forth in their strategic plan.

Q Have you, in your role as executive director at CEEPA, have you done any work for the

Pennsylvania Department of Education?

A Not directly, no.

Q Have you done any work for charter schools in that position?

A Not directly, no.

Q In that position, what work, if any, have you done either for the Department or for charter schools indirectly?

A I have studied some of the policies implemented by PDE, although created by the legislature, specifically, the School Performance Profile. I've taken the data made available by the state on their website and analyzed that data.

We also got a -- we sought and received a grant from Center for Rural Pennsylvania to study charter schools, particularly in rural areas in Pennsylvania; but we also studied all charter schools in Pennsylvania.

Q I see here you're the associate director at the University Council for Educational Administration. What is that?

A It's a consortium of almost 100 Ph.D. granting institutions that also prepare education leaders, so both principals and superintendents.

The primary goal of that organization is to improve the preparation of school leaders as well as improve school leadership in general.

Ultimately, of course, anybody in education is about improving student outcomes. Our particular area is to improve school leadership through preparation and policy analysis to improve student outcomes.

Q So as part of the work in these positions at Penn State and these affiliated organizations, do you regularly work with academic data?

A Yes. Actually, I would say one of my special areas is using large data sets and analyzing large data sets to answer particular research questions or policy evaluation questions.

Q So what types of academic data do you work with; what about specific data sets?

A In Pennsylvania, I have used the School Performance Profile score. So that includes a wealth of information including PSSA scores and Keystone scores. It has AP participation rates, SAT scores, percent of kids scoring 3 or above on the AP, Advanced Placement tests.

The demographics of the schools, that's always an important thing we look at, school size. I have also looked to use the employment data provided by PDE on the website to look at access to things like nurses and counselors and librarians. And so I'm delving into that a little bit deeper.

Q Can I have you jump to Page 47 of your CV?

A Okay.

Q See where it says teaching experience? Can you just describe some of the teaching experience we see here?

A Yes. At Penn State, I have taught a variety of different courses. I taught Program Evaluation, Using and Understanding Education Data, Hands-on Policy Work, Research Design, Introduction to Educational Leadership, and Current Topics on Educational Leadership.

Q And in that position, Using and Understanding Education Data, what sorts of things are in that course that you teach?

A That course was designed to have students examine the different types of education data and critically examine it and look at how

people analyze that data and critique how people analyze and present that data.

So, for example, we looked at SAT scores. And you can find organizations that put out reports that look at the relationship between spending and SAT scores. And so we critically examine reports like that and talk about the correct and incorrect ways that people analyze such data.

Q And under this heading Teaching Experience, it appears you've taught, one form or another, a course on quantitate analysis.

A Yes. At University of Texas at Austin, I taught Introduction to Quantitative Analysis several times. I also taught Advanced Quantitative Analysis.

And at Penn State, I mentioned too, that research design is a research methods course where we teach students the different quantitative and qualitative methods that they can apply to their research questions. And then we would teach them to develop the correct research questions and then choose the appropriate research methodology to answer their questions.

Q And who do you teach these courses

to?

A Primarily Ph.D. students.

Q Can I have you flip back to Page 2? I apologize for jumping around.

A Okay.

Q Under Publications, I see peer review journal articles. Can you just explain to us briefly what a peer review journal is?

A Yes. In the academic world, a peer review journal is where you submit a manuscript for publication. The editor receives that, and the editor is the only person who sees the name with the manuscript. The editor then assigns it to an associate editor, who will then assign it to peer review individuals.

Those individuals are typically people in academic positions. It's a blind review. So they don't see your name on the paper. There is no identifying information in the paper. And the purpose of that is so they can make unbiased judgment about the quality of the paper.

In particular, we look at the research methods, because that is the foundation of what we do in academia.

Q So in Pages 2 and 3 there, does that

represent manuscripts you submitted to a peer review journal that's then been published in that journal?

A That's correct.

Q So it's undergone that process that you described?

A Correct. It's either accepted for publication or actually published. Some are still lingering.

Q Do you do any work for peer review journals on the reviewing side that you just described?

A Yes. I have, since I've been at Penn State, we have reviewed a number of manuscripts, in excess of 10, somewhere between 10 and 15, for a variety of different journals.

Q Can you flip to Page 4? There is a heading Practitioner Publication. Can you tell us what that is?

A Yes. Practitioner publications is relative to academic publications. Practitioner publications are generally not blind peer reviewed. Sometimes they are peer reviewed, but they are generally not blinded.

And the target audience is

practitioners, so, for example, school leaders or teachers or superintendents. And it's written in a more accessible manner, and we don't dwell on the research methodology very much because the practitioners don't really want -- aren't interested in knowing that.

So there's a variety of differences between the two types of papers. But the big difference is that it's generally not blind peer reviewed, and it's targeted towards practitioners rather than people in academic positions.

Q And that one from 2015, can you describe that?

A Yes. It's entitled an Analysis of Pennsylvania School Profile Scores. And it was published by the Pennsylvania Administrator, which is the publisher of the Pennsylvania Principal Association.

And that article, I examined the 2013-14 School Performance Profile scores in Pennsylvania. And I specifically examined the relationship between the School Performance Profile scores at the elementary school level, middle school level, and high school level and the percentage of economically disadvantaged students

in the schools.

And what I found was that -- I also looked at some other student demographics that focused specifically on the percentage of economically disadvantaged students. And I found a very strong correlation between the percentage of economically disadvantaged students and a school's performance profile score.

Q And that same page is the heading Monographs and Policy Briefs. Can you explain what that type of document is?

A Monographs and policy briefs are generally put out by different organizations. So like CEEPA puts out policy and issue briefs. The University Council for Educational Administration, which we call UCEA, puts out policy and issue briefs.

They don't go through necessarily -- it's not the same peer review process as an academic journal. So any organization can put out a monograph or a policy brief. Some go through a peer review process and some don't. And so I generally designate which ones have gone through peer review and which ones haven't.

Q There was one from -- a policy brief

from 2015 that has the same title as the practitioner article you just mentioned. Is that the same thing, or is that something different?

A It's essentially the same thing, although a much more detailed analysis. The practitioner journals generally have a very small amount of space for each article. So I condensed my work into their word limit. But I went much more in depth in the policy brief than in the journal article, just due to the word limitations of the journal.

Q And with respect to the these practitioner publications and policy briefs, have you ever been asked by any entity to present your findings in that material?

A Yes. The Pennsylvania School Board -- well, I applied to present at the Pennsylvania School Board Association. And that application was accepted, and I presented at the Pennsylvania School Board Association.

I have also spoken with -- I was asked by the minority senate education chairman, Senator Dinniman, if I said that correctly; I went to his office and briefed him on my findings.

I did want to mention that one

condition of my policy briefs and issue briefs at Penn State is that the dean requires me to have an advisory board; and those advisory board members review all of my policy and issue briefs before they go public. So they are not blind peer reviewed, but they are peer reviewed by people who hold academic positions.

Q And so on pages 4, 5, 6, 7, 8, 9 and 10, those are all policy briefs that you have authored, at least in part, and that have been published somewhere?

A Yes, that's correct.

Q But they are not all concerning Pennsylvania. Is that correct?

A No. A lot of those were prior to 2011 and even a few in 2011-2012 were focused on Texas because that's where I lived and that's where I did my work then.

Q Can you flip to Page 12? Do you see the heading Manuscripts in Progress?

A Yes.

Q A manuscript, you testified, is something that you submit to a peer review journal.

A That's correct.

Q So these are the manuscripts that you are currently working on?

A Yes. Some have since been submitted since I developed this document. But most of them are in progress and have not yet been submitted.

Q The one at the very bottom of that page, can you describe that in a little bit more detail?

A Yes; Does the Pennsylvania School Profile Score Identify School Effectiveness. So I'm working with three different graduate students on a paper that we will submit for publication that examines -- we attempt to answer the question does the Pennsylvania School Performance Profile accurately capture school effectiveness.

Q What is meant by school effectiveness?

A We define school effectiveness as the impact of the school on student outcome measures. And in particular, an important thing that researchers do is when we define school effectiveness, we mean school effectiveness apart from other factors that influence student outcomes.

Q Can you flip to Page 17?

A Yes.

Q Consult positions, does that mean positions that you have held as a consultant?

A Yes.

Q And those positions are listed from Page 17 through Page 23?

A Yes.

Q I'm interested in the one on the bottom of Page 18.

A Yes.

Q School Turnaround Evaluation.

A Yes.

Q Can you describe what that entails?

A Yes. The Region 13 Education Service Center, which is analogous to an Intermediate Unit in Pennsylvania, hired me to help them develop an evaluation system for the state school turnaround efforts. So I helped them identify the correct data sets. I actually obtained some of the data sets. I helped them merge the data sets together. And we work collaboratively, mostly me directing them on how to do the analysis that then they carried out in terms of identifying which schools were effective in improving student outcomes, in this case in particular schools that

have been designated as in need of school turnaround.

Q Thank you. Can you turn to Page 24?

A Yes.

Q It's actually a heading. In my copy it's on the bottom of 23. But it says National Presentations?

A Yes.

Q Does this section of your CV contain the presentations that you have made?

A Yes. These are national peer reviewed presentations. So you have to submit an application, and it's blinded, and it's reviewed by your peers. And then some are accepted and some are rejected.

Q And those are contained on Pages 24 through 35?

A Correct.

Q On 35, there's a heading that says Invited Presentations?

A Correct.

Q And I just want to highlight that first one. Can you describe what that was?

A Yes. The Role of Research in Policymaking; so the Education Policy Fellowship

Program directed by Ron Cowell has invited me for I believe three consecutive years now, definitely the last two, to present on the role of research and policymaking. And so I present to approximately 40 individuals in that program, and I discuss the role of research in policymaking.

And a lot of that presentation is about how people use and misuse data and analyze data correctly and incorrectly. So I go through and try to teach them ways they can identify when people are correctly analyzing data and incorrectly analyzing data.

Q You mentioned before that --

A And I wanted to mention, that presentation is based entirely on Pennsylvania data.

Q And you said you were invited for a few years in a row.

A Yes.

Q That's always been about Pennsylvania?

A Yes.

Q Flip to 37. You mentioned before that you analyzed legislation as part of your various roles in Texas and Pennsylvania.

A Yes. I did quite a lot of work either at the request of specific legislators or organizations that were interacting with the legislature.

Q Have you done that work in Pennsylvania?

A I haven't interacted with the legislature, other than with Senator Dinniman, which I mentioned previously.

Q And lastly, can you turn to Page 50.

A Yes.

Q You mentioned earlier that you've testified as an expert witness before.

A Yes.

Q Can you describe the cases that are listed there?

A All right. In chronological order, in 2006 I was an expert witness in the Texas school finance trial, a state court case. And I specifically testified on teacher and principal supply and demand, qualifications, distribution of teacher supply and demand, teacher qualifications.

In 2012, because the finance system was deemed inequitable again, I coauthored a report with Jacob Victor from Duke University; and

then we essentially looked at the same types of issues, the qualifications and distribution of teachers, specifically in Texas, as well as their supply and demand.

And then I'm currently under contract by the Mexican-American Legal Defense and Education Fund to be an expert witness in the New Mexico school finance trial. And in that particular case, I am hired to look specifically at the state school accountability system.

Q Does that have to do with the standardized tests in that state?

A Partially. The standardized test scores are one of the metrics that is included in the school accountability system. There's some others, but that's the primary driver of their school accountability, grades.

Q Do you know whether any of these actions were in state court as opposed to federal court?

A I believe they are all state court.

MR. STACEY: At this point, the Charter School would tender Dr. Fuller as a qualified expert witness in the field of education evaluation.

THE HEARING OFFICER: Ms. Petersen, do you have any questions about his qualifications?

MS. PETERSEN: Yes. You said education evaluation.

MR. STACEY: Yes.

MS. PETERSEN: Thank you.

BY MS. PETERSEN:

Q Good morning, Dr. Fuller. I don't think we've been introduced. I am Allison Petersen. I represent the Reading School District.

A Good to meet you.

Q You as well. I want to go back over some of the things you testified about so that we're clear.

You've been working at Penn State since July of 2011, correct?

A Correct.

Q Prior to that, you did not work anywhere in Pennsylvania?

A That's correct. We moved here in like -- June 2nd is when I physically moved to Pennsylvania, 2011.

Q 2011?

A Correct, that's correct.
Q And in terms of certification, you described your certifications held in Texas. Do you hold any certifications in Pennsylvania?
A No.
Q And you testified that you had worked for three years I believe as a math teacher. Is that accurate?
A That's correct.
Q Were you ever actually employed as a principal in any state?
A No, I was not.
Q And you have not served as a -- in any other central office administrator position in any K-to-12 school?
A No, I have not.
Q And you have not severed as a teacher in Pennsylvania, correct?
A That's correct.
Q Now, in terms of -- I'm sorry. One more question.
You've not served in any administrative position for any school district or other public school in Pennsylvania.
A That's correct.

Q You also testified I believe that you've never worked for the Pennsylvania Department of Education.
A That's correct.
Q Have you ever worked for the State Board of Education in Pennsylvania?
A No.
Q Have you ever worked for the General Assembly in Pennsylvania?
A No.
Q You had testified regarding your areas of specialization with respect to working for the legislature in Texas.
A Yes.
Q Would you agree with me that the student accountability system in Texas is not like the student accountability system in Pennsylvania?
A There are similarities and differences. I don't know that I would qualify it as dramatically different. But there are differences. The general frameworks are similar. But there are differences between the two.
The same with New Mexico. Every state has some differences, same general, because NCLB generally defines school accountability

systems since 2001. There's lots of similarities, but there are differences across all states.
Q And are you aware that the system in Pennsylvania has changed substantially since 2001?
A Yes. It's in flux currently, I believe.
Q Well, in terms of that then, sir, are you familiar with the approval process from the U.S. Department of Education regarding the system of accountability in each state?
A I have some -- I've looked at that somewhat. I don't know all the specifics of how that process works.
Q Are you aware that the U.S. Department of Education has to approve the state's accountability system that is in use?
A Yes. That's true for all states.
Q And are you aware that the U.S. Department of Education has approved the School Performance Profile system that's currently in place in Pennsylvania?
A Yes, that's correct.
Q And it has not approved any other accountability system other than the School Performance Profile system, correct?

A Yes. To best of my knowledge, that is correct, yes.
Q And you are not here testifying in any role on behalf of the Pennsylvania Department of Education, correct?
A No, I am not.
Q And you're not here to testify in any role on behalf of the U.S. Department of Education?
A No, I am not.
Q You are not here to advance any policy position on behalf of either of those entities, correct?
A No, I am not.
Q You're not here to advance a policy position on behalf of the General Assembly in Pennsylvania, correct?
A No, I am not.
Q You are here to advance a policy position of Dr. Edward Fuller. Is that fair?
A That's correct. It represents many researchers in the field. But yes, it represents my policy.
Q But in terms of being anything that's been adopted by either the Pennsylvania Department

of Education or the General Assembly or the State Board of Education, I am correct that nothing about what's contained in your report or what you're going to say today has been adopted by any of those entities?
A That's correct.
Q Now, in terms of the work that you've done that you testified about with your various positions with these different entities, you had testified that you have studied the policies of the Pennsylvania Department of Education and specifically the SPP system. Is that accurate?
A Mostly the School Performance Profile system, yes.
Q And when you say you've studied those policies, do you mean that you have gone to the website of the Pennsylvania Department of Education and reviewed what is publicly available on the website?
A That's correct.
Q You have reviewed SPP data for different schools?
A Yes.
Q And in reviewing that data, you have reviewed only the publicly available data?

A That's correct.
Q You haven't been given access to any other non-public data that all of us sitting here today couldn't just go online and access ourselves.
A That is correct. It's all available from the various state websites.
Q And you did testify that you had done work for State College Area School District?
A Yes. I'm currently a consultant for them.
Q And is that the work that's referenced in your CV?
A Yes, it is.
Q Is there any other work that you're performing for State College Area School District other than what's stated in your CV?
A As part of the evaluation of the strategic plan, we look at not only the data analysis. I have shared my SPP analysis with them. And we also talk about various policies and strategies that central office might implement to address some of the issues we have found in terms of evaluating the strategic plan.
Q And that's specific to the State

College Area School District?
A That's correct.
Q And in terms of the work that you've done for that school district, when did that begin?
A I would have to check. I believe this is -- we're about to administer the third survey. So 2016, 2015; the first survey was 2014, so we started the work in 2014 in terms of developing the plan and the surveys. The first surveys were administered in May and June of 2014.
Q Have you done any work to any other school district in Pennsylvania?
A No, I have not.
Q Have you done any work for any Intermediate Unit in Pennsylvania?
A No, I have not.
Q Any vocational-technical school in Pennsylvania?
A No, I have not.
Q You had testified that you have studied the charter schools in Pennsylvania. Did I get that correct?
A Yes. We did -- I didn't do it myself. A team of us examined charter school

issues in Pennsylvania.
Q And what did you examine specifically?
A We were looking at the racial and ethnic characteristics of students enrolled in charter schools in Pennsylvania relative to other schools in Pennsylvania.
Q And is that research reflected in anything in your CV?
A Yes, it is.
Q Which entry?
A We have a peer review journal article publication, which should be one of the first publications. So on Page 2, under 2015, with the first author as Stephen Kotok, we -- that is our article that's been accepted for publication in Education Policy.
Q So some of these articles just have a date, and others, like the one you just referred, say accepted. What is the difference between those articles?
A So an accepted -- or if it just has -- if it says accepted with a date, it means it's been accepted for publication but it has not been printed in a journal at this point in time. So

there's usually a lag between -- depending on the journal, it can be over a year before acceptance. Sometimes they will put it up on a website first, and then it will finally appear in print.

Q So this article that you just referenced is accepted to be published but not yet published?

A It's available online, but it's not yet available in print, I believe.

Q And this article specifically has to do with charter schools in Pennsylvania?

A Yes, in comparison to other schools in Pennsylvania.

Q And what was the finding of the article?

A If I remember correctly, we found that -- we were looking -- because the original research was paid for by Center For Rural Pennsylvania, we looked at rural charter schools. And there's not very many of those in Pennsylvania. And we also looked at all charter schools.

And our overall conclusion was that charter schools seem to be associated with greater segregation of students in Pennsylvania.

Q Any other findings in that article?

A Not that come to my mind.

Q You had also testified about your work with academic data sets. And you specifically described the SPP system and the components of that system.

A There's many components, yes.

Q And again, that's all publicly available data that you're working with?

A Yes. Anybody can go to the SPP website and download data. I did supplement it with data from the Common Core data set, which is publicly available through the U.S. Department of Education. Any of us in this room could go and download those data sets.

And then some of that data comes from the U.S. Census Bureau. But again, anybody can access any of the data sets that I've used.

Q And you also referenced employment data.

A Yes.

Q What were you referencing there?

A On the PDE website under data and statistics, they have links to five -- I believe five years of employment data for every school in

Pennsylvania. And so even anybody can download the files that includes the individual's name and a general assignment to what they teach, like secondary math or elementary music.

And it's associated with each school for each of those years. But again, anybody can access that data publicly.

Q Thank you. You were asked to look at the section starting on Page 2, which I think you have in front of you about your peer review journal articles. Do you see that there?

A Yes.

Q Do any of those peer review journal articles have to do with the SPP system?

A No, not at this time.

Q And you were also asked about the section starting with Practitioner Publications on Page 4.

A Yes.

Q And I believe I understood your testimony to be that those publications under the heading Practitioner Publications and also under the heading Monographs and Policy Briefs are not peer reviewed articles, correct?

A That's generally true, although it

varies. It depends on the journal, and it depends on the organization.

Again, anything that I produce under the CEEPA heading is peer reviewed by our advisory board members. And in terms of the analysis of the SPP scores, our associate dean, who is a journal editor, also reviewed it.

Q But no outside reviewers reviewed that particular one that you referenced regarding the SPP scores, correct?

A That's correct, yes.

Q And the article that was published in the Pennsylvania Administrator, which is the principal's association publication, that one was not peer reviewed as well, correct?

A That's correct.

Q And the article that was in the principal's association publication raised opinions that are your own. Is that fair?

A I'd use the word judgments rather than opinions.

Q Fair enough. But they are your own judgments, correct?

A That's correct.

Q Regarding how the SPP system should

be modified.
A Yes. Well, there's two primary -- there were certain conclusions and then policy recommendations. The conclusions were based on my statistical analysis of the relationship between student characteristics at the school level and the SPP scores.
Q And is it fair to say that the purpose of that article was an effort to influence educational policy in Pennsylvania?
A Yes, it was. It was the point -- well, the real point was to identify that there's weaknesses in the current SPP -- the School Performance Profile accountability system. And my hope was that policymakers would pay attention to that and then address the issues that I raised about it.
Q The weaknesses in your judgment, correct?
A Yes.
Q And to date, has there been any educational policy change in Pennsylvania as the result of that article or any other changes that have been requested by others regarding the SPP system?

A I don't know if that has been a direct result of my publication. I know that Senator Dinniman shared with me that that article was discussed on the floor of the Senate Education -- well, either the Senate or the Education Committee. I can't remember which.
But they did discuss that. I also know that the article was shared with the Secretary of Education. I know that they are currently reviewing the SPP system, and they are modifying it. But whether it's a direct result of my publication, I mean, I just don't know.
Q Fair enough. And has the SPP system been modified to date?
A Not yet. They are -- I attended -- PDE has hired consultants to go around the state and take recommendations for how to modify it. And they, at that particular meeting at Intermediate Unit 10, they indicated that they are going to alter or a least suggest to the legislature that the SPP be altered.
Q And you are not one of the consultants that PDE has hired?
A No, I am not. I'm now participating in PDE review. They invite public people,

practitioners to help them review the various components of SPP. But I'm not employed or paid in any form by PDE.
Q Do they hire school superintendents as part of that process, or have school superintendents participated in that process?
A Yes. They invite all superintendents and other interested parties to just give their opinions about the SPP.
Q Do you know how many people are participating in that process that you just described?
A I don't know overall. I know that almost all of the superintendents in IU 10, which -- and then some associate superintendents were at that meeting. I would guess there was probably 30 people in the room participating.
Q And are those regional meetings held at different IU's?
A Yes. To my understanding, that's correct.
Q And there are other meetings going on beyond what you just described?
A That's my understanding, yes.
Q You had said you were asked by

Senator Dinniman to come to his office to brief him?
A That's correct.
Q Were there any other legislators present at that time?
A No, there were not.
Q You had mentioned a manuscript in progress at the bottom of Page 12.
A Yes.
Q That's one has not been completed yet?
A That's correct. It's in process.
Q And I assume that it's not been published anywhere?
A That's correct. The analysis has been completed. We are in the process of writing it up, and the students are working on the literature to be part of that study.
Q It has not yet been peer reviewed?
A Correct.
Q Have you ever testified as an expert in Pennsylvania?
A No, I have not.
Q Have you ever testified as an expert on the SPP system?

A No, I have not.
Q Have you ever testified as an expert on any accountability system in Pennsylvania?
A No, I have not. As part of my work with the State College Area School District, I do -- they ask me to look at their scores and help them understand the drivers of their scores so they could understand their strength and weaknesses and how the state was calculating their scores. But that's the --
Q That's internally with the school district folks.
A That's correct, yes.
MS. PETERSEN: Those are the questions that I have.
THE HEARING OFFICER: So Mr. Stacey had offered him as an expert. Do you have any objection?
MS. PETERSEN: I do, in the sense that he's not here testifying on behalf of anyone with any degree of authority over the system that is currently in place in Pennsylvania; and he is apparently not going to be testifying about the system in place in Pennsylvania as opposed to the system he would like to see in place in

Pennsylvania which, quite frankly, adds nothing to the discussion that we're having based under the CAB precedent, which is that the Chapter 4 system and the system that's approved by the U.S. Department of Education is the system that's in place, and that all schools, including charter schools, are required to operate under and to meet the requirements of.
THE HEARING OFFICER: Mr. Stacey?
MR. STACEY: Dr. Fuller will be testifying about his knowledge of the SPP, which is comprehensive and thorough, and the methodologies that are accepted in his field and which he has applied to that data, which is available to everybody.
That data is specific to the I-LEAD Charter School. It is specific Reading Senior High School and all of the other schools in the commonwealth. And he has simply applied the research methodologies in his field which are commonly accepted. And they show and shed a different light on the information that brings us here today, which is the academic performance of I-LEAD Charter School.
Whether or not Dr. Fuller's view has

any impact on the standards used to evaluate whether a school is meeting the requirements of Chapter 4 is a legal conclusion, and it doesn't really have to do with what Dr. Fuller has to offer here today.
He's demonstrated that for the past 15 years he has held a Ph.D. in his field, that he has performed quantitative analysis on multiple data sets, that over the past couple years the primary data set has been the School Performance Profile.
And so he is bringing to bear on this system our discussion of it in this case a whole wealth of information that has previously been unavailable to us, to the extent he is being asked by school districts, by legislators to put in that input, and to the extent that Penn State is a public university of the Commonwealth of Pennsylvania. I think it would certainly have tremendous value to hear what he has to say regarding those issues.
THE HEARING OFFICER: Dr. Fuller is here. We are here. I'm going to allow you the opportunity to offer him as an expert witness. I will note for the record what weight, if any,

Dr. Fuller's testimony is given will be for the board to decide.
And I'm cognizant of the issues that both of you have raised. And so we will give it some consideration. But I try to be liberal in allowing folks to present things. Let's hear what Dr. Fuller has to say.
And I note Ms. Petersen's objection for the record. And again, counsel is going to have to, based on my understanding of the revocation counts, going to have to apply the law to the facts. So I think to Ms. Petersen's objection, it's more what weight Dr. Fuller's testimony should be given. So you may proceed.
Before we do that, let's go off the record for a second.
(Brief recess.)
THE HEARING OFFICER: We'll go back on the record. And Mr. Stacey, you can begin your cross examination of the witness.
MR. STACEY: Thank you.
BY MR. STACEY:
Q Dr. Fuller, in your work, you have considered the data from the School Performance Profile.

A That's correct.
Q You testified earlier about quantitative methods and quantitative analysis. Have you performed quantitative analysis on that School Performance Profile data?
A Yes, I have, for both the 2013-14 academic year and the 2014-15 academic year.
Q And are you familiar with and have you reviewed academic performance data of the I-LEAD Charter School?
A I have.
Q Does that include the School Performance Profile data?
A That's correct, and all the components included in the School Performance Profile.
Q And are you familiar with and have you reviewed the academic performance data of Reading Intermediate High School?
A I have.
Q And is that contained in the same data set?
A Yes, it is.
Q So would academic performance data for Reading Senior High School also be in that

identify precisely what paragraphs of the resolution, so it's clear.
BY MR. STACEY:
Q Sure. Which paragraphs of this resolution did you review prior to today?
A I actually read the entire resolution, so every paragraph included in the -- at least what's included in this document.
THE HEARING OFFICER: Just so it's clear -- and I don't mean to steal your thunder here -- it would be helpful at some point in time if we can establish what paragraphs in this resolution the witness will be testifying about.
BY MR. STACEY:
Q Which paragraphs of this resolution have to do with the academic performance of I-LEAD Charter School?
A It appears that 1-A does, 1-D. 1-B does tangentially, at least in my judgment. 1-E, 1-F, 1-G.
Q Is that it?
A If I'm correct, because it appears that other ones are about highly qualified teachers, which I did not examine that information.

data set?
A That's correct. Yes, it is.
Q And you have considered and performed quantitative analysis on that data?
A Yes.
Q Have you also reviewed the academic performance data for other secondary schools in Berks County?
A Yes, I have.
Q And in a different binder, the Joint Exhibit binder, can I have you turn to Joint Exhibit 4, beginning on Page 3. It's actually Page 3 of Tab 4. So it's actually -- there's a number 1 on the bottom of the page.
A Oh. I see. Yes.
Q Have you considered the information in this document prior to today?
A Yes. I have read this.
Q And so you've reviewed the charges against I-LEAD Charter School pertaining to academic performance that are listed in this document.
A Yes, I have.
THE HEARING OFFICER: Just for the record, Mr. Stacey, could you have the witness

Q Thank you. You can close that binder. And in that other one that you had open, I-LEAD Charter School Binder 1 of 2.
A Yes.
Q Can you turn to Charter School Exhibit 26?
A Yes. I am there.
Q Do you recognize this document?
A Yes.
Q Did you prepare this document?
A Yes.
Q Can you tell us what it is?
A It's my expert report for the examination of I-LEAD performance outcomes. And it was prepared solely by myself.
Q And can you tell us generally about what this document contains?
A Yes. In this document, I used publicly available data about school easing the data on all schools in Pennsylvania through the School Performance Profile.
I did a statistical analysis to examine the relationship between student characteristics and student outcomes to see the relationship between those and to adjust the SPP

scores based on those student demographics and some other factors to calculate, at least in my term, a more accurate -- in my estimation, a more accurate estimate of school effectiveness.

Q And did you state that all of the analysis contained in this document was done by you?

A Yes.

Q And only by you.

A That is correct.

Q Can I have you turn to Page 2?

A Yes.

Q Top of the page says, Assessing the charter school's performance using unadjusted outcome measures.

A Yes.

Q What is meant by unadjusted outcome measures? Well, actually, let me stop there. What is an outcome measure?

A An outcome measure is something -- an outcome of what students do in school. So they can be cognitive outcome measures or noncognitive outcome measures. And cognitive outcome measures are things like test scores, test score results, so Keystone or PSSA or AP or SAT scores. Growth

measures would be a cognitive outcome, closing the achievement gap.

And then the noncognitive ones are things that aren't tied necessarily to assessment. So attendance and graduation rates are some of the more prevalent forms of noncognitive outcomes in school accountability systems.

Q So when we talk about unadjusted outcome measures, what are we talking about?

A These are generally outcome measures that are just percentages oftentimes, so the percentage of students that are proficient or advanced on say the Algebra 1 Keystone exam or percentage of proficient and advanced on a -- you know, the Biology or English Language Arts exam.

But they are not adjusted in any way. They are just simple calculations that arrive at a percentage of students meeting a particular standard. The only outcome measures here that are adjusted would be the growth measures. And they are adjusted for prior test performance only.

Q And when you refer to growth measures, are you referring to what is known as PVAAS, the Pennsylvania Value Added Assessment System?

A Yes.

Q And you may have already testified to this, but can you explain the relationship between the term unadjusted outcome measures and the School Performance Profile itself?

A Yes. The unadjusted outcome measures are the indicators used in how the state calculates the School Performance Profile score. So they use these unadjusted indicator measures and then weight them and then arrive at a composite score to indicate the effectiveness of the school based on the school's performance on the indicators.

Q And those indicators, are they listed on Page 2 here?

A Yes.

Q What indicators on the SPP measure a school's performance?

A Arguably, they all measure performance in some manner. There's actually 21 indicators for high schools, depending on the school. So depending on grade configuration, that school could have 21 or fewer.

There's status measures, which are a percent of students scoring proficient or

advanced. There's growth measures, which is the student academic growth in the three academic areas and then noncognitive outcome measures, which are attendance and cohort graduation rates.

Those are the eight primary ones that I consider to be the best indicators of school performance, at least in terms of what is included in the School Performance Profile.

Q And did you evaluate I-LEAD Charter School relative to other schools based on these unadjusted outcome measures?

A I did.

Q What other schools did you measure I-LEAD Charter School against?

A I analyzed all schools in Pennsylvania, but I focused specifically when I compare I-LEAD, I compare I-LEAD Charter School to the other high schools within the Reading CBSA.

Q By CBSA, do you mean core based statistical area?

A Yes, I do.

Q And is that definition that you've used contained on Page 3?

A Yes.

Q What is the CBSA?

A According to the U.S. Census Bureau, the cored base statistical area is the county or counties with at least one core. So it's an urban area like Reading. Reading is the urban area of the CBSA.

It has to have at least 10,000 -- the population has to be at least 10,000 people, and adjacent counties have to have a high degree of social and economic integration of the core and commuting ties with the county associated with the core. So the general concept of the CBSA is that the core and the adjacent communities have a high degree of economic and social integration with that core.

And the reason we use this in research is that it somewhat -- it levels the playing field for all school districts within that core based statistical area. So the labor market, it generally controls for labor market effects, so how much you would have to pay for a teacher to work in that particular labor market.

If you compare say Reading to Philadelphia or Pittsburgh labor markets, then you get big differences. When you constrain the analysis to one CBSA, then you control for those

differences across labor markets.

Q So I-LEAD Charter School and Reading Senior High School, for example, would be in the same CBSA.

A That's correct.

Q When you did the evaluation based on unadjusted results, is that data contained in the tables we see on 4 and then the bottom of 5, top of 6?

A Yes, Table 1 and Table 2. That is correct.

Q Before we get to the results, let's just describe these tables a little bit. What was the data you used to generate these tables; what did you do to that data to generate these tables?

A In both sets of tables, well, Table 1 is from the 2013-14 academic year. It's -- I downloaded the data from the Pennsylvania SPP website. And then I -- it comes -- I downloaded it in Excel. I input it -- uploaded it into a statistical package so it looks exactly the same. But it's in a statistical package called SPSS.

And what I've done so that schools are more comparable, particularly for laypersons, is ranked each school -- all the schools in the

state. And I did percentile ranks. So I took every school in the state that was included in the SPP data and ranked each one of the schools on each of the indicators.

Q So, for example, in Table 1, the first column is the school we're talking about. And these are all secondary schools in the Reading CBSA?

A That's correct.

Q And then in that second column, that's the percentile ranking of that school on the School Performance Profile score that they obtained?

A Correct. So, for example, Wilson High School with their SPP score, 93.6 is not their SPP score. It's their percentile rank. So the way to interpret that is Wilson High School performed equal to or better than 93.6 percent of all high schools in Pennsylvania for that particular year.

Q And percentile ranking, that was also done for the other columns, percent proficient and advanced growth scores and then noncognitive measures?

A That's correct.

Q And so we can read all those columns in the same way.

A Yes. They are all percentile ranks of the indicator.

THE HEARING OFFICER: If I could, Dr. Fuller, just so I understand, Table 1, the rankings you're talking about is each of these schools is compared to all the comparable schools in the state.

THE WITNESS: To all the secondary schools in the state.

THE HEARING OFFICER: Not just --

THE WITNESS: Not just Reading CBSA but all schools in the state. I've only listed the ones in Reading.

THE HEARING OFFICER: Thank you.

BY MR. STACEY:

Q So with respect to Table 1, how did I-LEAD Charter School and Reading Senior High School perform?

A I apologize for cutting across two pages. I-LEAD Charter, on the overall composite SPP score, it performed equal to or better than 1.5 percent of all high schools for that academic year in Pennsylvania.

Reading Senior High School performed equal to or better than 19.2 percent of all high schools included in the data for that academic year. Across the various measures, however, you see some fluctuations in the percentile rankings.

Q And so Table 2, which begins on the bottom of Page 5 and runs into Page 6, Table 2 is the same analysis with just a different data set being the 2014-2015 School Performance Profile.

A That's correct.

Q And you did it for the same schools?

A Yes. I did it for all secondary schools in Pennsylvania, and then I listed the schools in the Reading CBSA.

Q And regarding Table 2 as compared to Table 1, how did I-LEAD Charter School fare?

A They showed slight improvement. They went from their overall SPP composite score. Their percentile rank increased from 1.5 to 5.3. So they showed some improvement in the overall composite score.

They also showed some slight improvement on the other indicators. Particularly, they showed some slight improvement on the percentile ranks for percent proficient in

the three academic areas. And they also showed some slight improvement on the growth measures as well, as well as in the attendance area.

So I characterized the change as slight improvement from 2013-14 to 2014-15.

Q And am I correct that for all these columns, if your numbers go up, you have improved?

A Yes.

Q And that improvement is measured relative to all the other schools in the commonwealth?

A Yes.

Q Do Tables 1 and 2 include an evaluation of data with respect to the School Performance Profile indicator of closing the achievement gap?

A It did not.

Q Turn back to Page 2. At the bottom, you make a statement, The closing of the achievement gap measures are not calculated correctly in the SPP.

A That's correct.

Q And you have a footnote for some research there. Can you explain that?

A Yes. The way the state calculates

the achievement gap is not, in the research community, not an acceptable manner to accurately portray the --

MS. PETERSEN: Objection. Foundation.

THE HEARING OFFICER: Sustained.

BY MR. STACEY:

Q Do you know how closing the achievement gap is measured on the School Performance Profile?

A Yes, I do.

Q How is it measured?

A It is measured by taking the, if I remember correctly, 100 percent and then minus the percent proficient historically underperforming group of students. And they are expected to close one-half of the gap between where they first started and a hundred percent proficient which -- proficient or advanced, which is where they're expected to be.

And it's over a six-year time period. So, for example, if you're expected to be at a hundred percent and you're at 40 percent, you would be expected to make a 30 percentage point gain over that six-year timeframe.

Q And in your opinion, is that an acceptable way to measure closing the achievement gap?

A No. In the research community, that's not an acceptable manner in which to accurately portray the achievement gap.

Q Why not?

A Anything based on percentages and changes in percentages over time, it's based on the distribution of scores around the cut point.

So for a school -- let's say there's two schools and they are both at 40 percent proficient or advanced, but in one school a large percentage of the kids are just one or two questions below proficient or advanced, and in the other school a lot of students are like five or six questions below proficient or advanced, the first school, even though they have the same proficient or advanced in the baseline year and they would both be expected to make 30 percentage point increases, the first school, because so many students are just below the cut score, will generally outperform the school that has a lot of kids further away from the cut score.

So when you use a binary measure with

the cut score, it depends where the students are relative to that cut score. So the first school is going to have a much easier time closing the achievement gap than the second school, even though it's quite possible that the second school actually made better growth for the underperforming students than the first school.

So generally, we stay away from percent proficient or passing or any other kind of proficiency measure because it's based on a cut score. And the distribution of scores around the cut score determines the probability of a school meeting or closing the achievement gap defined as how Pennsylvania does that.

Q Now, on Page 5, we see at the bottom of Table 1 there's a blank under the column the noncognitive measure, I believe it says grad. Does that mean graduation rate?

A Yes; it's the graduation rate. That's correct.

Q And we have a blank in the row for I-LEAD Charter School. Why is that?

A Because the state relies on a four-year graduation rate. And when the students in the 12 grade would have graduated, if you

researchers is that indicators --

MS. PETERSEN: Objection. Hearsay.

THE HEARING OFFICER: I'll allow it. Again, the board will decide what, if any, weight that should be given.

THE WITNESS: So my reading of the research -- published research and peer review journal articles, the general conclusion is that indicators such as the ones used in the School Performance Profile score are not accurate indicators of school effectiveness as defined as the independent impact of a school on student outcomes.

BY MR. STACEY:

Q I'm going to have you jump to Page 21. Are you the author of this Table A-1 contained on Page 21?

A Yes. I created this table.

Q And can you tell us what this table is purporting to measure?

A So this table documents the correlation between various SPP indicators, which are included in the first column, and the various student demographics at the school level, which are in columns 3, 4, 5, 6, 7, and 8.

backwards map those students in the 9th grade, I-LEAD Charter School did not exist for that particular year.

So the students who the state considers as graduates from I-LEAD to determine their graduation rate actually were not enrolled in I-LEAD Charter School in 9th grade or four years prior whatever grade they were in because I-LEAD simply didn't exist.

So attributing effectiveness or anything, using graduation rates to attribute effectiveness to get kids to graduate doesn't make any sense if those kids weren't enrolled in I-LEAD for that four-year timeframe.

Q Can you turn to Page 6?

A Yes.

Q You just mentioned school effectiveness. There's a short section right here under Roman Numeral II.

A Yes.

Q Can you explain what you wrote in that section?

A So based on my reading of the research and conversations with other people in the field and my own analysis, the conclusion of

So we have percentage of economically disadvantaged students, white or Asian students, female students, English language learner students, gifted students, and special education students are the six student characteristics that I included in this analysis.

Q And you measured the effects that those student characteristics had on what?

A I calculated the correlation of those student characteristics with each of the ten SPP indicators and the five extra credit indicators in the left-hand column. And the correlation measures the strength of the relationship between the two variables; so, for example, the percentage of economically disadvantaged students and the percentage of students scoring advanced or proficient on the state math test.

So if you look at Column 1, Number 1, and you read across and you'll see negative .732, that indicates the strength of the correlation between those two variables, those two measures of students. The bottom row in that row -- so there's two rows within each row there -- indicates whether it's statistically significant or not.

The way that I color-coded it, although it's a little harder to read, but the darker the shading the stronger the correlation. Correlation coefficients range from negative one to positive one, with zero being the weakest. And as you get closer to negative one or positive one, that indicates a stronger correlation.

Q So if we have a negative value -- let's just take an example -- in the second row scoring advanced and proficient on state tests for math, we see a negative correlation of negative .732 for students who have the economically disadvantaged characteristic.

A Yes. And so what that indicates is a negative or inverse relationship. So as your percentage of economically disadvantaged students increases, your percent scoring advanced proficient on the state math tests decreases. So as economically disadvantaged goes up, your state percent proficient goes down.

And that was true on all of the measures of scoring advanced proficient on the state test. And those are shaded bright red in the color copy but a darker shade of gray here because those are considered to be very strong

correlations.

Q So what about if a box has a positive correlation?

A That would mean -- so, for example, in the next column with the same row, percent scoring advanced or proficient in the state test in math under white or Asian -- so this is the percentage of students who were identified as either white or Asian -- the correlation is .663.

So this is positive. That means as your percentage of white or Asian students increases, so too does your percent proficient or advanced on the state math test. So it's a positive correlation as opposed to a negative correlation.

Q What data did you use to arrive at this correlation matrix?

A I used the data I downloaded from the SPP website. This is the data created by PDE.

THE HEARING OFFICER: This is statewide data?

THE WITNESS: Yes, it is, for every school that the state includes in the School Performance Profile.

BY MR. STACEY:

Q If I can have you turn back to Page 7.

A Okay.

Q And I'll note that this is the section where you purport to measure performance using adjusted outcome measures.

A Yes.

Q At the top of Page 7, there's a list of student characteristics.

A Yes.

Q Are those student characteristics the ones contained in that correlation matrix?

A Yes. They are the exact same student characteristics.

Q Can you tell us how that relates to the Table 3 that's in the middle of the page?

A So the correlation matrix -- I'll need to explain that first to explain what I then did. The correlation matrix looks at the relationship between two variables.

What I did to arrive in Table 3 is that I ran a regression analysis, which is very similar to correlation coefficient. And I looked at individually how each -- each of -- hold on. Let me read the title again to make sure I'm

correct on this.

(Witness reviewed documents.)

Okay. So I ran a statistical regression analysis where I combined all of the student characteristics in the regression analysis. So that is the benefit of doing regression analysis is that -- remember in the correlation matrix you only looked at the relationship between two variables, so an outcome measure and a student characteristic.

In regression analysis, you can put in multiple student characteristics in the regression analysis and look at how they all combine together and relate to an outcome measure like an SPP score.

So in this table, I have two rows, one for each academic year. And when you do regression analysis, the outcome of what you're trying to do is explain variation in the outcome measures. So I have various outcome measures.

But the variation means the spread of the scores. So if you had a scatter plot of the scores, the scores can be very tightly -- they can be bunched tightly together and you wouldn't have very much variation, or you can have a lot of

variation where the scores are really spread out.
What regression analysis tries to do is explain why the scores or how much of that variation, how much of that spread in scores you can explain by the independent variables so that the -- the measures that you put in the regression analysis. So the more you can explain that spread, the more you're explaining about that outcome measure.
So in this analysis, I'm taking those six student characteristics and seeing together how much of the variation in the outcome measure like the SPP score do those six student characteristics explain. How much of that variation in scores did the student characteristics combined explain.
And so for the SPP score in 2013-14, it explains 64.4 percent of the variation in SPP scores and in 2014-15, 58.5 percent of the variation in SPP scores. So much of the variation of the SPP scores is explained by the characteristics in the school.
So student characteristics are driving much of schools' SPP scores. And the same with -- I list each of the outcome measures as

characteristics influence student outcomes. It's the most consistent finding in education research.
And so when we try to identify school effectiveness, we want to remove the effective student characteristics and then try to identify, isolate the impact of what the school is doing with those students in terms of whatever outcome measure you want to look at. It could be a variety of different outcome measures.

Q And is that what you have attempted to do in the remainder of this report?

A Yes, it is.

Q Turn to Page 8.

A Yes.

Q There's two algebraic equations here. Are those reflective of the testimony that you just gave in terms of controlling for school effectiveness?

A Right. It's a little more inclusive because I include more of the factors that influence student outcome, so student outcome, the SPP score or any of the individual indicators.
There are four major factors that have a lot of subfactors, but four major factors that influence student outcomes. School inputs

well, percent proficient and advanced in English Language Arts, math, science, the growth measure in English Language Arts, math, and science, and the noncognitive measures.
And so you have different amounts of the variation explained by the combined effect of those six student characteristics at the school level.

Q Why is it important to know how much of the variation is caused by those characteristics?

A Because when we're trying to determine how effective schools are, what we want to do is identify the impact the student characteristics have on the outcome measures.
And so we can remove the impact of the student characteristics, and then I'd get a better estimate of the effectiveness of the school apart from those student characteristics because schools generally cannot control their student characteristics. They have the students that enroll in their school.
And research is really, really clear, my research and everybody else's going back to the Coleman Report in 1966, says that student

like per pupil expenditures, class sizes, those things are considered school inputs. Those influence student outcomes. Student characteristics as I talked about influence student outcomes. Community characteristics, poverty, wealth, parental level of education, parental support for education influence student outcomes.
And then school effectiveness influences student outcomes. And school effectiveness is all the policies and strategies and the things that schools do that impact student outcomes. So mostly teaching and learning, what goes on in classrooms.
If you solve that equation for school effectiveness, you get school effectiveness equals the outcome measure, so the SPP score minus the combined impact of school inputs, student characteristics, and community characteristics.
So as researchers, we want to remove the influence of those -- the school input, student characteristics, and community characteristics from the output measure so that we can accurately identify school effectiveness.

Q So you were able to do that for all

the schools in the SPP set.
A I was able to remove, as best we can given available data, the influence of student characteristics on school effectiveness. The PDE does not make available much information on school inputs nor community characteristics. They do for non-charter schools. It's difficult to do that for charter schools.
Q Am I correct that -- we will get there in a second -- the analysis you have to do from a statistical perspective to isolate school effectiveness is a regression analysis that you previously mentioned?
A Yes, that's correct.
Q Can you tell us, first, what is a regression analysis?
A So regression analysis takes an outcome measure, some what we call a dependant variable, we're trying to explain the variation in the dependent variable. So again, like an SPP score, we're trying to explain what's the spread, what's underlying the spread of scores like the SPP scores.
And so then we can put independent variables in the regression equation. So, for

example, the different student characteristics at the school level, school size, those types of things, and then the regression analysis looks at the effect of all of them combined as well as each independent -- each of those factors independently and how much they explain the variation in scores.
So it allows you to look at the relationship between each of those independent variables on an outcome measure like SPP scores, combined impact as well as the individual impact in each of those variables.
Q So with specific reference to I-LEAD Charter School, how did you employ the regression analysis tool?
A So I used a variety of different outcome measures. It's the SPP score as well as I ran separate regressions for each of the eight primary indicators. So I ran a total of 16 regressions, eight for the 2013-14 school -- I'm sorry -- nine, so a total of 18 SPP score and the eight indicators for 2013-14 and then the SPP score in the eight primary indicators on 2014-15. So there were 18 different regression analyses conducted.
Q Have you run regression analyses on

other data that has ended up in peer review journals?
A Yes.
Q So this is the type of analysis that's done often in your field.
A Yes. It's quite common. And with school level data, which is what PDE makes available, that's the primary method that people use to examine school effectiveness. One of my publications employ the very same methodology using Texas data.
Q If you skip ahead to Page 13, is Table 5 the result of one of the regression analyses you performed?
A Yeah. It's the results of nine of the regression analyses I performed using the 2013-14 academic year SPP data.
Q Earlier you spoke about unadjusted results. Are these what you would consider adjusted results?
A Yes; and adjusted in a sense that as best we can -- and I say we as researchers -- as best researchers can, we've removed or I have removed the impact of those six student characteristics from the outcome measures.

And so I've adjusted the scores for the student characteristics, so, in essence, removed the impact of those student characteristics and then converted the results again in the percentile ranks so they would be comparable across all four tables. Otherwise, it would have taken two days to explain the comparisons.
So these are, in my professional judgement, a more accurate indicator of school effectiveness than what the state uses in the SPP score.
Q And is that because in Tables 5 and 6 you're attempting to isolate the school effectiveness for these schools in the Reading CBSA?
A Correct. I'm trying to isolate effectiveness apart from the influence of student characteristics. As well as student characteristics, I included school size because that often influences student outcomes as well.
I also used an indicator for charter schools and magnet schools to control for the effect of the possibility that students may, because they are selecting into those schools or,

in the case of magnet schools, oftentimes they will have to have a certain achievement level to get in. So you want to adjust for different schools like that.

Q So let's take a look at Table 5. Before we talk about the results of the data, let's figure out what each of the columns is. So we have the school name on the left. And am I correct that this is adjusted displayed in terms of percentile ranking like the other tables we discussed?

A Yes. It's presented in the exact same way. The only difference is now these are percentile ranks on the regression analysis that are adjusted for various factors.

Q So in the first table, I-LEAD Charter School was at the bottom.

A Yes, that is correct.

Q And in terms of Table 5, is that still the case?

A No. It's closer toward the middle of the pack. It's not quite in the middle of the pack of secondary schools or the high schools in the Reading CBSA, but it's clearly not at the bottom.

Q So once you ran the analysis to adjust for those student characteristics, what did the data show for the I-LEAD Charter School for the '13-'14 year?

A So after adjusting for the factors that I mentioned previously for the SPP score, the percentile rank, I-LEAD Charter School performed equal to or better than 23.1 percent of the schools in Pennsylvania, the high schools in Pennsylvania.

And then going across the row, which is bolded, ranges from a low of 15.3 percentile rank in math. That's the lowest for proficient and advanced. The highest there is 59.2 in science.

Almost all of the growth measures are very close to 50. And so they are about average in terms of growth scores. The remaining outcome measure attendance is still relatively low. So they performed equal to or better than 4 percent of the schools in the state.

Q And you ran that same analysis for the following year?

A Yes. And so in 2014-15, we see that the percentile rank for I-LEAD Charter Schools was

67.8 on the SPP percentile rank. So they performed equal to or better than -- excuse me -- 67.8 percent of all high schools in Pennsylvania.

Q Are you referring to Table 6 on Page 14?

A Yes, Table 6 on 14. And with the percent proficient and advanced, the lowest there was 78.8 for math. Again, the growth measures were around 50, meaning they performed about equal to the average high school in Pennsylvania.

And then with the noncognitive factors, they improved on the attendance such that they performed equal to or better than 19.5 percent of all high schools in the state. Graduation rate they were still low, only performing equal to or better than 1.6 percent of all schools in the state.

Q So in terms of Table 6, a way to read that for I-LEAD Charter School is that in '14-'15, the school effectiveness of I-LEAD Charter School as measured by Table 6 is that English Language Arts --

MS. PETERSEN: Objection. Leading.

THE HEARING OFFICER: Sustained.

MR. STACEY: I'm just trying to get

something clear.

BY MR. STACEY:

Q Can you -- try to read this as a statement so we can just make a statement.

A Okay.

Q The column for English Language Arts percent proficient and advanced, what does this graph mean?

A So for I-LEAD charters and the percent proficient and advanced under ELA, which is English Language Arts, their percentile ranking was 90.3. So I-LEAD Charter School performed equal to or better than 90.3 percent of all high schools included in the SPP data file for '14-'15.

For math, the percentile rank was 78.8. So I-LEAD Charter School performed equal to or better than 78.8 percent of all high schools in that data set that year. For science, the percentile rank was 86.1 percent. So they are outperforming a majority of the high schools in the state.

I'll characterize for each of the three growth measures, they performed about the same as or better than roughly 50 percent of each of the high schools included in the data set.

Q And the data set included all secondary schools in the commonwealth.
A Yes; all the high schools, correct.
Q And other than SPP performance, you addressed some other areas in this report. If you flip to Page 15.
A Yes. I was quite curious about the cohort graduation rates and how they calculate those in Pennsylvania because I was familiar with -- I'm used to graduation rate data in Texas. But states often calculate it differently.
So I actually e-mailed PDE and asked them how -- I thought I understood how they were calculating the graduation rates, but I wanted to be very clear about this. And so I e-mailed them and asked them. And they don't calculate graduation rates in the way that I'm used to in terms of --
MS. PETERSEN: Objection. Hearsay. Could have called somebody from the Department to come say this.
THE HEARING OFFICER: I'll sustain the objection. Why don't you just have the witness testify as to what he's got in his report here without telling you what PDE told him.

BY MR. STACEY:
Q Without telling us what PDE told you, can you explain what is on Page 15 of your report regarding cohort graduation rates?
A Right. So what I read from the PDE website was that in terms of the way they calculate the four-year graduation rate is that they don't -- even though it's called the cohort graduation rate, they don't start with all 9th graders in a school and follow all those 9th graders through 12th grade, which is the way Texas does it.
What they do is look at who is enrolled in the school and backwards map those students into the 9th grade. So even if a student, say, for example, enters your school in the 11th grade, they will go into your cohort graduation calculation even if they were not enrolled in your school in the 10th or the 9th grade.
So in that way, all high schools, even if they are a 10 through 12th grade school like Reading Senior High School or an 11th and 12th grade only school, those schools still receive a cohort graduation rate even though they

don't have a typical four-year configuration of high schools.
Typically, in the research world in Texas, the way they calculate this cohort graduation rate is they take a school, who enters it in 9th grade, and they follow that 9th grade cohort to see how many of those kids graduate in four years, five years, six years.
But that's completely different than what Pennsylvania is doing. They are not taking incoming 9th graders and following through in the school. They are taking kids enrolled in a school and backwards mapping them and seeing when they started 9th grade for the first time and then whether they graduated within four years and then applying that. They become part of the calculation for a particular school.
Q So with respect to cohort graduation rate, did you reach any conclusions about comparing -- the appropriateness of comparing I-LEAD Charter School to Reading Senior High School?
A Right. So the problem with that, the way they calculate the cohort graduation rates is that if you're a school like Reading where you

don't have 9th grade, you're likely to have a higher cohort graduation rate because 9th grade is when you have the most dropout rates. That's when students drop out the most. So really, the research is very clear about this.
Students are most at risk of leaving school between the day they walk out of 8th grade and the day they walk into 10th grade. Like if a school can keep a kid from end of 8th grade through 9th grade, get them to 10th grade, they are very likely -- and I've got a published study on this as well using Texas data -- they are very likely to graduate from high school. It's that 9th grade year that students are really at risk.
So if you don't have a 9th grade, if the kids that would normally go into your school, if you're a high school with grades 10, 11, and 12, the kids who normally would be in your school if you included Grade 9 have already chosen to drop out, not all of them, but some of them.
And so when they look at the cohort graduation rate with a school with grades 10 through 12, they are not going to pick up the dropouts because they were never enrolled in that 10 to 12 school. So it artificially inflates the

cohort graduation rate for schools that are 10, 11, 12, or 11-12. A school with only 12th grade wouldn't be in the data file, so they wouldn't be included.

Q Conversely, would it also be true that a school that did have a 9th grade would tend to have a higher dropout rate?

A As compared to -- generally as compared to, with all other things being equal, as compared to --

MS. PETERSEN: I'm going to object based on speculation. There is no foundation.

THE HEARING OFFICER: I'll sustain the objection. I think I understand what the witness is saying. Let's keep it moving.

BY MR. STACEY:

Q Can you turn to Page 22.

A Yes.

Q In this section of your report is a discussion of PVAAS growth measure?

A Yes.

Q Can you explain what is going on on this page?

A So PVAAS -- and it's run by -- the state contracts an independent contractor, SAS, to

run the value-added measures.

So what we know about how SAS or PVAAS operates in Pennsylvania is that -- and this is from the PDE website and the SAS website, that it's kind of hard to tell who is putting up which, but it's a state-sanctioned explanation of PVAAS -- they control for prior academic scores of students. They do not control for any student characteristics of students in a school.

Q So did you attempt to find schools whose students shared the same characteristics as I-LEAD Charter School?

A I did.

Q And how did you go about doing that?

A By using the data that I previously mentioned that I downloaded from the SPP website. It includes the student characteristics. So I -- oh, in this particular case, I downloaded -- well, I actually merged to identify schools with the same student characteristics, I did use the SPP data.

And I sorted the schools, the data file by economically disadvantaged students and then by ELL students and then by minority students and special ed students. And I identified the

percentage within each of those categories for schools within the Reading CBSA. Actually, the -- that is how I arrived at the school characteristics.

I arrived at the list of schools included in Table B-2 by going to the PVAAS publicly accessible website and entering I-LEAD Charter School and looking at all the schools that were included in the PVAAS you can say compared schools. And it just puts all the schools that it could be conceivably compared to.

And then I selected out the ones that were in the Reading CBSA because if I had included all of them we would have pages and pages. And it's not really relevant. Only the ones in the Reading CBSA are included.

Q Are you talking about Table B-2?

A Yes.

Q Those schools represent schools in the Reading CBSA, or no?

A Oh. I'm sorry. No. I'm incorrect. I was thinking of a separate analysis that I was doing. This is for the schools with the most similar characteristics, with student characteristics most similar to I-LEAD Charter

School. So let me go back and explain what I did.

So I did use the PVAAS website in combination with the PDE SPP data. I used the PDE SPP data to identify schools with similar student characteristics as I-LEAD Charter School and then looked at the student characteristics of those schools in Table B-2. And then in Table B-3, I looked at their PVAAS growth estimate for that same set of schools.

So just to be clear, that set of schools was derived by using the PDE SPP scores, the student characteristic section of SPP scores to identify schools that have very similar student characteristics as I-LEAD Charter.

Q And did you compare the PVAAS growth scores of that cohort of schools?

A Yes. That group of schools, I did look at their PVAAS growth scores.

Q And what did that data show?

A This data is shown in Table B-3 on the bottom of Page 23. And I've ranked it in descending order so that the school at the top is the highest performing within the group and the school at the bottom is the lowest performing in the group.

And I-LEAD Charter School was towards the top, not at the top; but it was slightly above average. Even though it had a negative growth index score, it outperformed the other schools in the group in literature, which is the top block of the table.

And then the second block is biology, and biology scored near the bottom relative to the same group of schools. And then the last block, which is on Page 24, in Algebra 1, it was the second highest performing out of that group of schools.

And again, the reason I chose that group of schools is because the research literature is very clear that student characteristics influence even growth measures. And my own correlation matrix shows that it's related to -- there's an association between student characteristics and the growth scores.

So I wanted to look at schools that essentially enroll students who look like the one in I-LEAD Charter School and who also have grade configuration 9-12.

Q So does your report show that on unadjusted measures I-LEAD Charter School improved

from '13-'14 to '14-'15?

A Yes.

Q And then when you show adjusted for student characteristics beyond the charter school's control, there was improvement from '13-'14 to '14-'15?

A Yes, that's correct.

Q And there was improvement in each year relative to other schools?

A Yes.

Q Can you turn to Tab 35.

A Yes.

Q Do you recognize this document?

A Yes. I produced this table.

Q You prepared this?

A Yes.

Q And can you tell us what is being compared in this table?

A So using the PDE SPP data file from 2014-15, I looked at the six student characteristics that I used in the correlation matrix and looked at the percentage for Reading Senior High School and the percentage for I-LEAD Charter School.

So in Row 1 is economically

disadvantaged students. And essentially all the kids in both schools are economically disadvantaged. That last column, the influence on the SPP shows that economically disadvantaged students have a negative influence on SPP in the other outcomes.

The percentage of special education students is essentially the same. There is no difference between those two schools. However, for the percent of white and Asian students, there is a difference. Reading Senior High School had a greater percentage of white and Asian students. They also had a greater percentage of gifted students in gifted education. And both of those differences were about 5 percentage points.

And then there was a difference in the percentage of English language learner students, designated by ELL, with I-LEAD Charter School having a greater percentage of ELL students than Reading Senior High School.

And then the percent female, there was a slight difference. But when I ran the regression analysis, when you include all those, even though females is -- the percentage of females are associated with the outcome measure,

the first five indicators are statistically significantly related.

Once you control for those, the percentage of female isn't statistically significantly related but still in the regression analysis because it's important to control for things even when they are not statistically significantly related.

Q So that last column on the right, influence on SPP, is that correlation taken from your correlation matrix contained in the report?

A Yes; correlation matrix and the regression analysis. They both show the same thing. So it's the same relationship between those student characteristics and the outcome measure. So the percentage of white and Asian students positively associated with SPP scores and all the indicator measures.

Percent of gifted students is positively related to the SPP scores and all the indicator measure. And the percentage of ELL students in a school is negatively related to the SPP scores in all of the indicator measures.

Q Let me see if I understand. So for white and Asian students, Reading Senior High

School has more of those. And it's five percentage points different.
A That's correct.
Q Then having more of those students is correlated with a higher score on the SPP.
A Yes.
Q And if Reading Senior High School has more gifted students, that is correlated with a higher score on the SPP.
A Correct.
Q And if Reading Senior High School has fewer ELL students, that it's correlated with a higher score on the SPP.
A If I-LEAD Charter School has a greater percentage of ELL students, that would lead to a lower score. If Reading Senior High School has a lower percentage of ELL kids, then that would suggest that they are likely to have a higher score than I-LEAD or any other school with more ELL students.
MR. STACEY: Thank you. No more questions.
THE HEARING OFFICER: Off the record for a second.
(Discussion off the record.)

(A recess was taken.)
THE HEARING OFFICER: We are back from our lunch recess. It is 1:15. Mr. Stacey concluded his direct examination. And Ms. Petersen, it's your opportunity for cross examination at this time.
BY MS. PETERSEN:
Q Good afternoon, Dr. Fuller.
A Good afternoon.
Q So in terms of how you were contacted to provide information in this proceeding, can you inform us of how that came about?
A To the best of my recollection, Bob O'Donnell e-mailed me. And I can't remember what was specifically said in the e-mail, but just asked if I could meet with him and Mr. Stacey and talk about this hearing to learn more about what my research was and understand what I was trying to say in terms of my work on adjusting SPP scores, identifying school effectiveness.
Q And when did that e-mail occur?
A Sometime in the fall. I can't remember specifically. Probably October, November, probably November.
THE HEARING OFFICER: October,

November of 2015?
THE WITNESS: That's correct. Sorry about the year.
BY MS. PETERSEN:
Q And did you have any preexisting relationship or communications with Mr. Stacey or Mr. O'Donnell prior to receiving that e-mail?
A No. I've never heard of either one of them before.
Q After you got that e-mail, did you meet with them?
A I did meet with them.
Q With Mr. O'Donnell?
A And Mr. Stacey together.
Q And when did that meeting occur?
A I can't remember the exact date. But I drove down to Harrisburg, and I believe it was early December, first week or two in December.
Q And were you asked to do something at that meeting?
A Yeah. We -- they asked me if I was interested in writing an expert witness report relative to this particular hearing.
Q Did you discuss the contents of that report?

A Of what the report would say?
Q Yes.
A In that meeting, they initially asked me about my work in terms of identifying school effectiveness, and I explained that work to them. I didn't specifically say what the results would be because I hadn't run them, but I had told them in general like what the relationship was between school characteristics and the SPP scores and other measures of student outcome measures.
And I said, you know, if I-LEAD has high percentages of poor kids and special ed kids and ELL kids and whatever, then it's likely that when you adjust those scores and try to identify effectiveness more accurately, then they would have higher student outcomes than when you look at just unadjusted outcomes.
But I didn't have any scores like specific to I-LEAD. There was no way for me to tell.
Q During that conversation, did you have any conversation about the scores of Reading Senior High School?
A I don't recall, but we could have. I don't remember talking -- I mean, we had general

conversations about Reading and the demographics, but we didn't get into performance or anything.
Q Did you have any other communications with Mr. O'Donnell or Mr. Stacey since that meeting?
A Yes. Mr. Stacey and I have communicated regarding this expert witness report.
Q Did he see drafts of it before you produced a final version?
A Yes.
Q Did he make changes or edits to the report?
A He didn't make them; but he had questions like, you know, what does this mean or can you explain this more because I don't understand.
Q Did he at any point in time ask you to explain your methodology for how you recalculated the scores in the adjusted results section?
A I initially explained it. And I can't remember exactly. I would have to go back and look. But he may have asked to explain it more clearly. But I included the explanation in the initial draft.

Q And you feel that you have explained it very clearly in the actual report?
A Hopefully as best I could. It's not an easy explanation to make, unfortunately.
Q Coming up with a whole new system, I would probably agree with that.
MR. STACEY: Objection.
THE HEARING OFFICER: Strike.
BY MS. PETERSEN:
Q So in terms of your knowledge about I-LEAD Charter School, had you ever heard of I-LEAD Charter School before receiving an e-mail from Mr. O'Donnell?
A No.
Q So you weren't familiar with them at all?
A I never heard of them. I mean, I probably had seen their name. But, I mean, I'd looked at names of all the schools. So if you would have asked me, hey, is I-LEAD a charter school in Pennsylvania, I would have been like, I don't know.
Q Were you familiar with the Reading School District prior to writing a report?
A I knew that it existed. I didn't

know -- and I had heard that it was a school district that generally didn't perform particularly well. I had seen some newspaper articles or something that Reading was an impoverished area, economically distressed. But I didn't know anything specifically about Reading school district or any of their performance or anything like that.
Q You were aware that they had student demographics that are similar to the ones that you just described about lots of poor kids, ELL students, special education, higher percentages?
A Yeah. I knew that they had generally kids with more disadvantages than, you know, the typical school, at least in Pennsylvania.
Q Have you spoken to Mr. Stacey since these proceedings have begun regarding testimony of other witnesses in this case?
A No.
Q Have you spoken, ever spoken to anyone at the charter school, I-LEAD Charter School?
A At lunch today, and that was it.
Q That was the first time that --
A Oh, I did have some communication

through e-mail with an employee. I cannot remember her name. I asked her to produce some data for me so I could get a better understanding of the characteristics of the students in I-LEAD. But I never met her. It was all an e-mail exchange.
Q And you don't recall which employee?
A It was a woman, and I just don't remember her name.
Q And when did you communicate with her?
A It was over Christmas break, so I'm sure she was thrilled.
Q And what data, if any, did she send you?
A I created a template and asked her to fill in information like over-age students, like the ages of students in each grade level, percentage of ELL kids and economically disadvantaged kids, information, just general demographic information about the school.
In particular, I was interested in the over-age information because that's not available through the SPP, and that's an important indicator of student at-risk. So I wanted to see

like what is the school all about, what kind of kids are they serving.

Q And in terms of this data that she provided to you, did you use any of that in the preparation of your report?

A Only in terms of my supposition that if we had over-age data for everybody, given the fact that so many of the kids in I-LEAD are over the typical age that a student would be in that grade level, if we could adjust for that then they would probably have even a higher performance because kids that are above age -- so if you're an 18-year-old and you're in 9th grade, you're really at risk of dropping out, and you're probably not doing very well.

So it's an indicator to me like of what kind of kids they were serving. It indicated to me that the kids that they typically serve are not kids like on track to graduate on time and things like that. These are kids that are struggling academically, may have been at risk of dropping out or had dropped out at some point or clearly had failed a grade because a substantial percentage of them were older than they should be for that particular grade level.

Q But you don't know the circumstances of any individual student.

A No, I do not.

Q Are you familiar with Reading Senior High School over-age data?

A No.

Q So you don't know one way or the other how that compares to I-LEAD Charter School?

A No, I do not.

Q Reading Senior High School could probably have the same types of students enrolling in it and walking through its doors.

A It's certainly possible in terms of that over-age. The other indicators, I mean, are recorded in the data so we can compare. But on that particular measure, no, I can't compare.

Q So then in terms of the over-age data that you received, are you telling us that it was not reflected in any of the adjusted scores that you presented to us in your report?

A That's correct. I did not include it in any of the statistical adjustments. I believe I included it in one paragraph, just bringing up the issue of if we did have data on that, that would be something that would be useful to adjust

the scores by.

But because I only had it for I-LEAD and I couldn't verify the data either, then I would want it all from the same source for every school if I was going to include it in any statistical adjustment.

Q And you said you couldn't verify the data, that's because it was coming from the charter school directly and not from a source like the Pennsylvania Department of Education?

A Although, yeah, but the Pennsylvania Department of Education, I'm unsure whether they do any verification of what gets sent to them by school districts. But it's at least in the manner, everybody is self-reporting data. I'm sure they look for outliers and flags and things that look like if you have over a hundred percent of somebody.

Q Your understanding is that PDE relies on the schools themselves to report the data?

A Yes, that's my understanding. I could be wrong.

Q Now, in terms of the other information that you received from the woman at the charter school, was any of that information

used in your report?

A No.

Q So you only use the demographic data that was reported out of the SPP system.

A Yes, that's correct.

Q Are you familiar with any programs that are run by the charter school?

A No.

Q Not familiar with the educational programming or services that the charter school provides to any student?

A None whatsoever.

Q You're not familiar with the actual student body of the charter school in terms of knowing any of the students or being familiar with their personal circumstances?

A No. I shook hands with two coming out of the restaurant for lunch, but that's it.

Q I want to make sure I understand some perspectives that you're offering. Now, you have called yourself a researcher, correct?

A Yes.

Q And you've, I believe, indicated in your earlier testimony that you're someone who is trying to influence educational policy in

Pennsylvania, correct?
A Well, we try to inform educational policy.
Q And to make changes that you would like to see occur, correct?
A Well, at least move in that general direction, yes.
Q And would you agree with me that it's very important for both a researcher and someone who is trying to influence policy to understand the facts that are going into those policy decisions or going into the data that you're reviewing?
A I'm not sure I understand what you're asking.
Q So if you're performing a research project -- and would you call what you did here a research project?
A Yeah, generally.
Q You had mentioned before that you develop research questions before going into any research policy. Is that fair?
A Typically that's how it works, yes.
Q What questions did you develop prior to going into this project for I-LEAD Charter

School?
A My research questions would be, you know, how does I-LEAD Charter School's performance compare to other schools' -- particularly other schools with similar student demographics both in terms of the adjusted and unadjusted -- outcomes, but particularly the adjusted, since in my professional judgement those are more accurate indicators of school effectiveness than the unadjusted.
Q In terms of the schools that you reviewed in the Reading CBSA, based upon your review of the demographics, which of the schools were similar to I-LEAD Charter School?
A I know that Reading Senior High School was the most similar. But surprisingly, when I was going through the effort to identify schools that were most similar to I-LEAD, really, in my judgement, there were no schools that were like direct comparisons demographically to I-LEAD, particularly mostly because of the ELL population. It has one of the highest ELL populations in the state. So that makes a difference because in my experience in Texas with large ELL populations, particularly at the high

school level, I know that they are difficult to educate and they typically underperform on state tests because of the language barriers.
MS. PETERSEN: Motion to strike. Lack of foundation.
THE HEARING OFFICER: I'll allow it. But Texas information isn't relevant.
BY MS. PETERSEN:
Q And, Dr. Fuller, when you say that I-LEAD ELL population is substantially more than other schools, what year's data were you referencing?
A I believe most years. But I think when I found the comparison schools, I specifically looked at high schools in the 2014-15 school year.
Q So you didn't go back and check prior school years to determine consistency with demographic information?
A Not prior to 2013-14. I probably looked at the 2013-14 but didn't include it.
Q And let me ask you just another question. I saw in your report and in your testimony this morning as well that you only looked at '13-'14 and '14-'15 school years,

correct?
A That's correct.
Q Why didn't you look at '12-'13 as well?
A I didn't pull in that data initially. And it's incredibly laborious. Those first years that they put that data up, you essentially have to copy and paste by hand because of the format of the data they made available. Like this last year now you can easily -- like it's a 10-minute process. Before, it was a 10-day process.
Q And we have a multitude of data, SPP data, in the record that we have created in this process already, both with respect to the charter school and Reading Senior High School. If I were to tell you that the '13-'14 data for both of those schools shows that Reading Senior High School had an ELL population that was more than 2 percent higher than I-LEAD Charter School, do you have any reason to disagree with that?
A No.
Q Would that have affected your analysis in terms of the recalculation of the adjusted ranking?
A No. I included that table comparing

the ELL population because it influences the unadjusted scores. It doesn't influence the adjusted scores because I included the percentage of ELL kids in the statistical analysis. So I adjusted for ELL scores.

So in Tables 5 and 6 or 3 and 4, I believe, that had the adjusted rankings, that was included and adjusted for. Those percentile rankings in those tables include removing the impact of those students on the SPP scores in the indicators that are included in those tables.

Q And when you did those adjustments, did you use the demographic data in each of the school years?

A Just the first.

Q So did you use the '13-'14 demographic data for '13-'14 adjustments?

A Yes.

Q And '14-'15 for '14-'15 adjustments.

A That's correct.

Q So when you talked, I believe I guess it was in Exhibit 35 --

A Yes, correct.

Q -- about the comparison between the demographic data, that was only reflective of the

'14-'15 school year, correct?

A That's correct, yes.

Q And you didn't do a similar document for '13-'14?

A No, I did not.

Q Now, did you rely on any information in preparing your report that was not publicly available?

A No.

Q Did you rely on any information in preparing your report that was provided to you by the charter school?

A Yes. Let me go back. The only thing, I think there was one paragraph when I talk about the percentage of over-age kids. Outside of that, all the statistical analyses included publicly available data only. There were no non-publicly available data included in any statistical analyses.

Q And while we're talking about that, let's go to that paragraph.

THE HEARING OFFICER: Are you referring to Charter School 26?

MS. PETERSEN: Correct.

BY MS. PETERSEN:

Q Can you point out, sir, where in your report you're referencing?

A Okay. I will look.

THE HEARING OFFICER: Referencing the over-age students, is that what you're --

MS. PETERSEN: The part where he relied on the information provided by the charter school.

THE HEARING OFFICER: Okay. Thank you.

THE WITNESS: At the bottom of Page 9, I make mention saying -- and I say, My results are estimates of school effectiveness and have some unknown degree of error because I cannot control for all factors that influence student outcome measures, which I made clear previously.

And then I talk about, This is important because a disproportionate percentage of students entering I-LEAD Charter School are lower performing on state tests and both entering and a disproportionate percentage of previously enrolled students are over-age for their grade level. And so that's where I discuss that information.

And then in Table 4, actually, that was part of what the woman from I-LEAD Charter

School provided me as well, as I wanted to know the academic performance of the students prior to entering I-LEAD. They could not provide me information about their prior achievement. But they showed that their -- what their scores were for the entering students.

Q So in terms of prior achievement, were you looking for things like performance in 8th grade on the PSSA?

A Correct.

Q And they could not provide you with any data?

A At least she could not. This is between Christmas and New Years, so it may be that that individual did not have access to it.

Q So since we're on this portion of your report, let's talk about this specifically.

THE HEARING OFFICER: What page are you referring to?

MS. PETERSEN: Page 9, the last two paragraphs.

BY MS. PETERSEN:

Q So you're saying here in that first paragraph that your results are estimates of school effectiveness and have some unknown degree

of error, correct?
A That's correct. And that's true of any regression analysis or statistical analysis.
Q So sitting here today, you have no idea what the degree of error might be for any of the numbers that you've provided.
A No. But I can -- in my professional judgement, my statistical estimates are more accurate indicators of school effectiveness than the adjusted measures used by the state.
Q In your opinion.
A In my professional judgement.
Q And that's based on what?
A My reading of the literature and my experience of doing research for 25 years now.
Q That's not based on some opinion of the Pennsylvania Department of Education?
A No.
Q Are you aware when you talk about the disproportionate percentage of students entering I-LEAD Charter School performing lower on state tests, are you aware of how many students go into Reading Senior High School performing lower on state tests? Lower as to what?
A Right.

Q Let me ask that question first.
A Relative to average, state average. No, I don't know anything about any of the students entering Reading High School.
Q So you're looking at this from a state average perspective when you say lower performing on state tests?
A Right. I mean I would consider those percentages lower performing. I would not characterize them as high performing.
Q And then the information that is shown in Table 4 and at the very top of the page on Page 10 is all information that you obtained directly from the charter school, correct?
A That is correct.
Q And you didn't independently verify any of that information?
A No. There is no way for me to verify it, outside of the state providing the student level data.
Q So you didn't review any of the underlying data on which those statements are based?
A No.
Q And for what year is the data set

forth in Table 4?
A I asked for -- let's see. So it was -- if we asked in the fall, I asked for the previous academic year -- well, for students entering in 2014-15. So their scores would have been for the prior year because they hadn't taken the test for the academic year. So it's for students entering this year, but their scores would have been for 2014-15.
Q And how many students are represented in Table 4?
A I would have to look. But it was -- I believe it was less than a hundred. It's a fairly small school relatively speaking.
Q And how many students total were I-LEAD?
A I cannot remember off the top of my head. It's fairly small though. It's not a large school by any stretch of the imagination.
Q And what was the criteria for determining a student was over-age for 9th grade?
A I looked at the age that a kid would expect -- would -- what their age would -- you would expect their age to be in that particular grade level, and then if they were at least

one year older. I actually broke it down into one year, two year, three year when I did the initial analysis.
Q And what age are they expected to be?
A Well, a 9th-grader would be -- I used -- I would have to go back and look at my calculations. But I believe I used -- I was trying to be cautious, and I used -- so I started in kindergarten -- 5, 6, 7, 8, 9, 10, 11, 12, 13. So a kid entering 9th grade would be, if I did my calculations correctly on my hand there, 15 or above.
Q But -- okay. And then that -- those over-age --
A Yeah. So --
Q -- information correlates to Figure No. 1, correct?
A Right. And so in that title now that I'm looking at, they were at least one year over age for that grade level. So yeah.
Q First of all, did you prepare the chart in Figure 1?
A Yes. I made that graph. That is correct.
Q And based upon data provided by the

charter school?
A Correct.
Q And what data did they give you?
A I provided them a table, and so they filled in the cells of that particular table.
Q Did you provide them with the parameters for determining who was over age or under age?
A No, not at all. I just asked for what age. So, for example, in my table I said for 9th graders how many students were 13, 14, 15, 16, 17, 18, 19, 20, 21 and then just had them fill in the numbers for each of the ages because I wanted to make that calculation myself.
I wasn't going to ask them to say how many kids do you have over age. I just wanted the ages of their students, and then I would look at the data and make that calculation myself.
Q So you took their data, and you made the calculations about who was over age and who was under age.
A That is correct.
Q And did you ask them for specific information about when the students had entered and when the students -- and in what grade?

A I asked them the grade level and the age of the student. So for each specific grade level, I asked them to give me a count of students who were each of those specific ages.
Q And for what year is the chart in Figure 1?
A So I asked them for the most recent year. So this would be kids entering this particular school year based on their -- the score part would be their last year's score, but their age part would be their age entering this school year I believe.
Q And do you have any idea why or what caused the students to be over age --
A No.
Q -- based upon your term used here?
A No. I don't know why they would be over age for their grade level.
Q So you don't know if their mother might have held them back going into kindergarten, for example.
A Right.
Q You don't know if they failed a grade in a prior year.
A No, I do not.

Q You don't know if they had come to the United States in the middle of their elementary year, for example?
A No, I do not. The reason, in some respects it would be good to know that reason, but in another respect, if you're looking at it for school accountability purposes, the fact that they are over age regardless of the reason puts them at greater risk of dropping out and not performing as well as other students.
Q And that would be the case for any school that was having over-age students.
A That's correct, absolutely. Any over-age kid is more at risk of lower academic performance and greater risk of dropping out.
Q You reference on Page 11, the next page, the term comprehensive high school. What do you mean by that?
A Comprehensive high schools are typically grades 9, because they offer grades 9 through 12, and just a general academic regular neighborhood kind of high school. They don't select students. You don't have to apply and meet some particular type of criteria like a magnet school.

A magnet school or a CTC school are not comprehensive high schools because, particularly in terms of the magnet schools, oftentimes you have to have like a certain test score or something to be able to get into the magnet school. So that makes them demonstrably different than like a neighborhood high school.
Q Do you not consider I-LEAD Charter School then to be a comprehensive high school?
A Well, it's a charter school. And charter schools and public schools are different in that, although the difference is less in Pennsylvania with open enrollment, but charter schools are different than a regular neighborhood comprehensive school because students self-select into charter schools, although in Pennsylvania my understanding is you can pretty much self-select into any school you want to within the district, so assuming there is more than one school.
Q So you would agree with me that if the students showed up at the door of the charter school, they would be entitled to enroll, correct?
A To the best of my knowledge, yes.
Q Without any specific criteria for enrollment.

A That's correct, unless they -- my understanding is they hit an enrollment cap and they don't have to admit that student.
Q But in terms of I-LEAD Charter School, they don't have any specific criteria for enrollment, correct?
A To the best of my knowledge, no.
Q Would you then consider them to be a comprehensive high school?
A In the respect of, yeah, they take kids, any kid who wants to go there.
Q In terms of the data that's being presented in Figures 1 and 2 and also Table 4, was any of that data used as part of the regression analysis that you utilized to adjust the data?
A Did you say Table 4 and Figure 1?
Q Table 4, Figure 1 and Figure 2.
THE HEARING OFFICER: Pages 10 and 11 of the report?
MS. PETERSEN: Correct.
THE WITNESS: No, none of that information was included in any of the statistical analysis, regression analyses, anything.
BY MS. PETERSEN:
Q If you could turn back to the

beginning of the report. Now, in terms of your actual preparation of the report, I've heard you testify that you did this yourself without help from anyone else. Is that accurate?
A That's correct.
Q And you don't have any research assistants help you with anything?
A On this, no.
Q If you look at Page 1, this is where the executive summary is located, correct?
A Yes.
Q So you define the Reading CBSA, or reference it, I should say. Is it fair to that when you're talking about the Reading CBSA you're really just talking about all the high schools in Berks County?
A I don't know what -- I would have to look on a map to see where the CBSA cuts across the county lines. But that's probably accurate.
Q And was there a particular reason that you used the Reading CBSA?
A Again, because I wanted to look at -- when you look at the definition of the CBSA, it talks about geographic spaces that are socially and economically integrated. So in some sense,

that controls for the community characteristics in which the schools are located. It also controls for labor market characteristics.
So, in essence, to a large degree, the school districts within the Reading CBSA have to pay relatively the same amount of money to procure the same quality teacher or principal. There is no difference in economic factors between districts in terms of what you would have to pay to get the same equal quality educator.
There may be differences within school districts, but it's not differences based on labor market differences in terms of -- like Philadelphia, it's more expense because they are right next to New York and New Jersey. Everything costs more. The further west you go tends to get cheaper.
Q And do you have research that supports what you just said --
A Yes.
Q -- about the difference of labor markets between Philadelphia --
A Well, that's a general -- well, I don't know that it's specifically that Philadelphia is more expensive. I know there's

differences across labor markets. So the common research method is to look within labor markets.
Or if you're studying a whole state, you can do what is called labor market fixed effects. When you're looking at things like teacher salaries or some school finance analyses that I've been part of, you do labor market fixed effects because labor markets differ in important ways. And sometimes they pay higher or lower, but they are different.
Q So on Page 3 where there's a reference to the Reading CBSA and it talks about social and economic environments, the same or similar within the Reading CBSA, that's only referencing the labor market. Is that correct?
A As defined by the CBSA, correct.
Q So it's not referencing things like demographics of the people who live within the community included in the Reading CBSA.
A Right. The definition of CBSA doesn't include demographics of the population at all. It's looking at more the economic integration similarities of that particular labor market.
Q So then going back to Page 1, so we

have your executive summary here. And the first conclusion that you reached in your professional judgement is that if you look at the SPP data from throughout the commonwealth that you reviewed, that I-LEAD Charter School, quote, appears to be one of the lowest performing high schools in the Reading CBSA and in the commonwealth, unquote. Is that accurate?

A Right. If you consider only the student outcome measures available from PDE that aren't adjusted, what appears on the School Performance Profile.

Q And that's based upon what the current law and policy is in the state of Pennsylvania?

A That's correct.

Q Now, you then go on to make a number of statements here about making judgements about a school's effectiveness. Do you see that in the last sentence in the paragraph that starts with second?

A Yes.

Q Are you familiar with the Charter School Law in Pennsylvania?

A Not particularly, no.

Q Are you -- do you know what I mean when I use the term CAB?

A No.

Q Ever heard of the State Charter School Appeal Board?

A No.

Q I assume it's fair to say that you've never read their decisions.

A No.

Q Are you familiar with how charter schools in Pennsylvania are evaluated to determine their academic performance for purposes of accountability?

A They are subject to -- they are in the same accountability system as other schools is my understanding.

Q So are you familiar with Chapter 4?

A Somewhat.

Q Are you aware of Chapter 4 being the place in Pennsylvania where the accountability system is set forth?

A Yes.

Q And charter schools are subject to Chapter 4?

A Yes. Yes, all schools I believe are

outside of the special, really special schools. All the schools are subject to Chapter 4 in Pennsylvania.

Q So then in the third paragraph -- or I shouldn't say it that way. The paragraph that starts with the word third, do you see that?

A Yes.

Q You say, quote, Third, based on school performance measures that have been statistically adjusted by considering the student characteristics of a school. And I'm just going to stop there. This is where you're talking about how you adjusted the scores, correct?

A That is correct, yes.

Q Based on what your testimony was this morning, correct?

A Yes, correct.

Q And then you go on to say, based on those adjustments, quote, I conclude that the effectiveness of I-LEAD Charter School is somewhere between slightly below average to slightly above average, end quote. Do you see that?

A Yes.

Q And that's your professional opinion?

A Judgement, yes.

Q So in terms of the below average versus the above average, what was your continuum of ratings there? Was there something below below average?

A Well, slightly below average would be where you're below the average performing school but you're not near the bottom, whereas, like, you know, it could have been a school could be one of the lowest performing schools in the commonwealth or the Reading CBSA or any jurisdiction you wanted to draw. And so they would be near the bottom.

Q Like I-LEAD scores in their unadjusted.

A Correct.

Q So is there something -- is there a category above -- or sorry. Is there a category below below average?

A I mean, you could theoretically make as many categories as you wanted to.

Q Well, I'm trying to find out what you did, sir.

A Below below average, no.

Q Is there a category higher than above average?

A Well, the way I characterize it was slightly above average, and then somebody could be moderately above average or greatly above average. What I was trying to do was to give an indication of how far away from the average performing school their performance was on the adjusted measures.
Q And when you say average, what is considered an average score?
A Because I placed them into percentile ranks, 50 would be indicative of the average performing school.
Q And in your adjusted data, where does Reading Senior High School fall compared to I-LEAD?
A They -- in the adjusted, did you say?
Q Yes.
A Let me turn to Tables 4 and 5 then I believe. Oh -- I'm sorry -- 5 and 6.
So on Table 5 for 2013-14 on the adjusted scores, they performed -- they had higher performance for the SPP, and it would appear generally for all but one of the indicators, and then one of the -- with the science growth indicator, they performed lower than I-LEAD Charter School. But for the other categories,

they performed above I-LEAD Charter School.
Q And that's despite the fact that Reading High's actual academic performance in terms of advanced or proficient and in terms of the PVAAS growth was actually better than the charter schools that year.
A Yes.
Q So Reading Senior High School, in terms of its recalculated SPP score using your methodology --
A Yes.
Q -- is 53.2 compared to I-LEAD's of a 23.1?
A In 2013-14, yes.
MR. STACEY: I'm going to object because I think that's mischaracterizing what that column --
MS. PETERSEN: You know what? I think you're right. Let me restate that question.
BY MS. PETERSEN:
Q And I didn't understand this when I read this report, so now I understand from listening to you this morning that these are actually percentages of where the high school fell in comparison to all of the other schools in the

Commonwealth of Pennsylvania, correct?
A That is correct. That's the correct interpretation.
Q So then restating my original question, Reading Senior High School fell at 53.2 percent as compared to all the other schools in Pennsylvania.
A Right. So it would be -- the precise interpretation would be performed equal to or better than 53.2 percent of the high schools included in the SPP data.
Q Whereas I-LEAD Charter School only performed equal to or better than 23.1 percent of high schools in Pennsylvania.
A Right; based on the percentile rankings of the SPP, that's correct.
Q And according to your recalculated percentages for proficient or advanced, Reading High School scored equal to or better than 98.1 high schools in Pennsylvania in English Language Arts.
A That's correct, on the adjusted measure. That's correct.
Q And Reading Senior High School scored equal to or better than 94.4 percent of high

schools in Pennsylvania in math.
A That's correct.
Q Okay. Now I think I understand what you were saying here.
A Right. It's all relative to all the other schools in the state. That's correct.
Q Now, in terms of your methodology with the regression model, is the regression model something that's sanctioned by the Pennsylvania Department of Education?
A No.
Q And in terms of what the calculation was that you used to perform the regression model, is that stated anywhere in your report?
A The generic regression equation as described, yes.
Q And is that the equation that's described --
A And I would say this.
Q Hold on. Let me finish my question. Is that the equation that's described on Page 8?
A Right. I tried to describe in general the equation that we would ideally be able to use in estimating school effectiveness. And then I described that we -- I was only able to use

the student characteristic part of the three measures that are in the parenthesis of that second equation.

Q So the second equation is the equation that represents the regression analysis.

A Right; in kind of layman's terms. I did not want to put a real algebraic regression equation on there.

Q So in terms of the equation, you removed the student characteristics out of the equation in order to recalculate school effectiveness?

A Right. What I did was try to -- I included school characteristics in the equation to remove the influence of the student characteristics on our estimates of school effectiveness.

Q Well, how did you do that? This is the part that I don't understand is what does the calculation look like to account for the factors that you've now adjusted?

A So in -- it's hard to explain without drawing a regression line. But essentially, a basic -- if we only use two variables because if -- when you use more than two variables, it

you come out with a regression line, and it predicts where a school should perform based on its student characteristics. So it predicts what your SPP score should be after you cut a factor out of the influence of what your student demographics are.

Q So in terms of what you changed to perform the regression analysis, what exactly did you change such that your data resulted in different data than the SPP system?

A I'm not sure what you mean by changed. It's not like I altered numbers or anything. What I did was looked at the relationship, and then I looked at what your predicted SPP score would be based on what your student demographics are, which the SPP doesn't do. It just says this is your SPP score, whatever they weight it and add them up and here is your score of 72.

So what I'm doing is removing the influence of student demographics looking at what your score is predicted to be based on the performance of all the other schools in the state in their mix of kids that they serve in their particular school.

gets multidimensional, which makes it really difficult to portray.

But with two variables, essentially you get a scatter plot with the outcome measure and the independent variable that's a percentage of economically disadvantaged students. And so you will have axes, and you'll have all the schools. So, you know, Reading High School would be their SPP score and then their percent economically disadvantaged.

If you just did a scatter plot of just what's in SPP, you can do a regression analysis and it will put a line through there, and that's the regression line. So it's essentially -- it's very complicated because there's long mathematical calculations that the computer does.

But it essentially kind of takes the average of all schools and shows, like if you have this percent of economically disadvantaged students, your SPP score should be on that line based on the performance of all other schools in the state.

Q Okay. So --

A But then you put the other variables in there. And so the idea is the same, is that

So here is your predicted score, and then are you -- did you outperform or underperform that prediction.

Q So when you say you removed the influence of student demographics --

A Correct.

Q -- are you referencing the six student characteristics that are set forth on Page 7 of your report?

A Yes.

Q So this is economically disadvantaged students.

A Correct.

Q White and Asian students.

A Correct.

Q Female students.

A Correct.

Q English Language Learners.

A Correct.

Q Special ed students.

A Correct.

Q And gifted students.

A Correct.

Q So in terms of how they were removed --

A The influence was removed. The demographics weren't removed. It's the influence of those demographics on the SPP score is controlled for or removed so that the -- so if you did a scatter plot of the SPP score in percent economically disadvantaged, you're going to get a line where if you have -- if you have on this axis SPP scores -- in this axis economically disadvantaged --

Q That's the X and Y axis.

A Right. So if economically disadvantaged is out here, you're going to get a negative slope because -- I mean a negative slope in terms of the higher your economically disadvantaged students the lower your SPP score. There's a relationship there.

And when you run the regression analysis, instead of having a line like that, you end up with a line like that because now you -- it's no longer correlated with your SPP score because you remove the influence of the percentage of economically disadvantaged.

So we're trying to take away the relationship between the student characteristics and the SPP score so that we can look at just what

the effect of the school is on the student outcomes.

Q But in terms of the mathematical equation, how is it removed?

A It's not removed. And it's included in the -- the only way to control for something or remove the influence of something on the outcome is to include it in the regression equation.

So specifically, the regression equation, for example, for the SPP score would be SPP score equals percent economically disadvantaged plus percent of gifted plus percent of ELL plus -- so you have six variables in the equation.

Q But we don't actually have the equation itself in your report.

A No. But that's what it is. It's outcome measure equals demographic 1, demographic 2, demographic 3, demographic 4, demographic 5, demographic 6.

Q But in terms of the values that that information is then given to perform the regression analysis, we don't have that.

A You can look at it on the PDE website. If you pull down the data, it's percent

of everybody's economically disadvantaged. I'm not sure what you're asking because every school --

Q In terms of the actual --

A Every school has a different value for each of those indicator variables.

Q Right. But in terms of how that is then inputted into the calculation for purposes of calculating the regression analysis, we don't have that.

A I'm not sure what you want to see.

THE HEARING OFFICER: Are you asking the witness if the actual formula or equation that was prepared and then we dump the data in, is that anywhere in his report?

MS. PETERSEN: Yes.

THE HEARING OFFICER: And I believe he said no.

THE WITNESS: No, it's not. Yeah, I said that before.

MS. PETERSEN: Okay. I thought he then went sort of back on that. But okay. Fair enough.

BY MS. PETERSEN:

Q Do you know sitting here today if any

of the students that fall within the six groups that are set forth on Page 7 passed or failed the Keystone exam?

A Ask that again, please.

Q Sure. The six groups, the six student characteristics that you have accounted for in your adjustments, do you know how any of the students fared that fall within those six groups on the Keystone exam?

A Any of the individual students?

Q Correct.

A No, I do not. I don't have student data.

Q So some of them may have passed; some of them may have failed.

A Absolutely. There's none of those characteristics of everybody passed or failed. It's always some percent.

And also if I could, in terms of whether the regression methodology is sanctioned, it's not sanctioned in terms of the school accountability. But the approach is very similar to the approach that SAS uses in calculating their growth measures. It's in the same methodology.

So they sanction that. It's a

similar type of regression analysis.
Q So if they have already done that through the growth measures, why are you redoing that?
A Because they don't include background characteristics at the individual school student level. It's not included in the calculation. And you would need to then recalculate it.
When you aggregate those scores, you need to -- because the school accountability system is at the school level, you need to run the regression at the school level rather than at the individual student level because school accountability is a school-level based indicator.
Q Now, in terms of Tables 1 and 2, these are both representative of your recalculated percentages based upon performance of all high schools in the commonwealth?
A Table 1 on Page 4 and 5 and Table 2 on Page 5 and 6?
Q Yes.
A Yes. Those are percentile ranks based on the data and provided by PDE on the SPP performance profile web page.
Q There are some schools for which

there are blanks in Table 1?
A Right. There was no information in the data provided by PDE.
Q So you're saying that that information was missing from the SPP site?
A Right. And I checked like -- I was like, Oh, that was interesting; what's going on. So I can't remember which school I looked up. But I looked up, and it was due to I think small insufficient sample size. So if you don't have enough students, then the state will not report your data because it's not accurate for small sample sizes.
Q So then in terms of I-LEAD charter schools performance in '13-'14 --
A Table 1 we're talking about?
Q Correct, Table 1. So I-LEAD Charter School performed better --
A Equal to or better.
Q Equal to or better. Thank you.
A You're welcome.
Q -- than only 1.5 percent of all high schools in the commonwealth, correct?
A That were included in the SPP data file. That's correct, yes.

Q Fair enough. So the converse to that is that 98.5 percent of all high schools in the commonwealth outperformed I-LEAD Charter School in '13-'14.
A Correct.
Q And then in the next table, Table 2, you're saying that 5.3 percent -- or I'm sorry -- I-LEAD Charter School performed better or equal to 5.3 percent of all high schools in the commonwealth, correct?
A Right; that were included in the file.
Q And then the converse to that is that I-LEAD did not perform as well as 94.7 percent of the high schools in the commonwealth, correct?
A That's correct.
Q If you could turn to Page 11.
A Okay.
Q There's a statement on Page 11 talking about small schools versus large schools and indicators of school size. Do you see that?
A Yes.
Q You say, quote, Further, because the relationship between school size and student outcomes is generally curvilinear with very small

and very large schools having a negative association with school outcomes, end quote.
Do you see?
A That is correct, yes.
Q What do you define as a very small school?
A I would have to look at the distribution. It's relative to the distribution of school size in Pennsylvania. If I recollect in terms of high schools, probably 150. Again, I would have to look at the distribution of scores because it's based on what's in your group that you're analyzing. Very small in one state, it's different from one state to the next.
Q Well, for purposes of your report, what you were referencing in terms of a very small school that would cause there to be a negative impact on the regression analysis?
A I was just pointing out that the schools that are at the smallest end of the continuum in terms of school size tend to have a negative effect on student outcomes, and the schools that are largest in the state tend to have a negative effect on student outcomes.
But the reason I included this is

that there's -- in the research literature this is a fairly consistent finding, that school size is related to school performance. And so I'm trying to again remove the influence of school size because schools generally can't control the number of students they have.

Q And would you characterize I-LEAD Charter School as a very small school?

A Again, I would have to go back and look at the distribution. But it's pretty small, yeah. I can't remember what percentile it was in terms of student enrollment. But it's pretty small, yeah.

Q And are you familiar with what the enrollment is at Reading Senior High School?

A It's pretty large. It's at the other end of the continuum than I-LEAD.

Q So Reading Senior High School would fall into the, quote, very large, end quote, category?

A Probably, yeah. Again, I would have to look at the specific distribution. It's pretty likely that they fall into the very large.

Q Are you aware that they are one of the largest high schools in the whole state of

Pennsylvania?

A I think that's pretty accurate. I know they had more than 2,000 students, which makes them a pretty large high school.

Q In terms of the research consensus that you reference regarding student background characteristics needing to be removed, it looks like there's four documents that are cited to in Footnote 12 on the following page.

A Right, right. I could have added many others, but I didn't want to put pages and pages of citations.

Q Were any of those written about the School Performance Profile system?

A No. I did want to point out --

Q I'm sorry; there is no question pending.

So let's turn to Page 13, please. You had referenced in your testimony noncognitive outcomes. And I am correct that you were talking specifically about attendance and graduation?

A Correct. Those are two of the -- I characterize them as noncognitive outcomes because they are not related to test score performance.

Q And with respect to those two

outcomes, am I correct that I-LEAD Charter School did not outperform any of the other high schools in the Reading CBSA?

A Can you --

Q For '13-'14.

A -- provide a table number that you're referencing?

Q Sure. Table 5.

A I'm sorry. Can you repeat the question, please?

Q Sure. Well, actually, at the top of Page 13, you say, quote, Finally, with respect to the two noncognitive outcomes, I-LEAD Charter School did not outperform any of the high schools in the Reading CBSA.

Do you see that?

A Right.

Q That's an accurate statement?

A That is not an accurate statement. Oh, that is an accurate statement. I'm sorry, because the closest one is Daniel Boone, and I don't consider .1 to be a significant difference. I would consider those performances to be equal, even though technically it's slightly, every so slightly greater than the Boone High School. But

that to me is equal in a statistical sense. That's why I said it did not outperform.

Q When you recalculated your numbers for '13-'14 and '14-'15, were you making an assumption that the schools you were looking at had not changed their practices in terms of who they tested or under what circumstances the students were tested?

A No, I don't have any information on that. So it's not included in the regression analysis. It would be important to know that information, yes.

Q If a school changed its testing practices and procedures and decided to limit the number of students who were tested from one year to the next, would that potentially affect the numbers that you have here?

A Potentially, yes. You would have to look and examine it to see if it actually did. But it has the potential to.

Q Did you ask those types of questions to I-LEAD Charter School as you were reviewing its data from '13-'14 to '14-'15?

A No, I did not. Even if I did, I wouldn't have it for every school; so I would be

unable to include it in the regression analysis.
Q Would you have noted that in your report, that potential factor for how performance might have changed?
A It would be a potential factor for anybody. It would depend on how they changed it and what they changed. It's a complicated analysis to see whether, you know, kids included or not included would change your test score performance.
Q You testified regarding graduation cohorts. And there is a section of your report, Page 15, regarding that. I want to ask you some questions about that.
A Okay.
Q Bear with me a minute, please. Now, I might have misunderstood your testimony. I want to make sure that we're on the same page.
Is it your testimony that PDE calculates graduation cohorts based upon the date in which the student first enrolls in 9th grade?
A That's how it was conveyed to me, yes.
Q So as soon as that student arrives in 9th grade, the clock starts ticking.

A That's correct. If they repeat 9th grade, the clock's already started. The clock doesn't reach start when they -- if they -- because otherwise, you could restart the clock forever.
Q That was my understanding. I thought I heard you say something different when you started talking about backward mapping.
A No. So they backward map to the very first day that they entered 9th grade. The clock starts and never turns off, is my understanding of how they calculate it.
Q So the clock starts when they get to 9th grade.
A Correct.
THE HEARING OFFICER: So they have essentially four years from the time they enter 9th grade for the first time they graduate.
THE WITNESS: Right, regardless of how many times they go to 9th grade.
BY MS. PETERSEN:
Q So then you have stated in your report references to unfairness, if that's the right word, in terms of comparing Reading Senior High School's cohort graduation rate to I-LEAD

Charter School. Is that correct?
A That's correct. And I think I characterized it as an apples to oranges comparison.
Q And why is that?
A Because Reading doesn't include 9th grade. And so any student that decides to drop out of school in the 9th grade is never included in the Reading Senior High School graduation cohort because they never enrolled in Reading Senior High School.
Q Are you familiar with where students who attend Reading Senior High School are coming from?
A Primarily Reading Intermediate School.
Q And on what do you base that testimony?
A I looked back using individual student data, and I kind of looked where kids were coming from for different schools. But it's data that's prior to the data that I included in this report, which is why I didn't include it in this report.
And just a general assumption; that's

generally how it works is the middle school, which in Reading's case is the Immediate School, feeds into the high school. There's only one of each, so that's a fair assumption.
Q You weren't here when Mr. Turman, the principal for Reading Senior High School, testified in this matter, correct?
A No, I was not.
Q And you had never spoken to him?
A No, I have not.
Q If I would represent to you that out of the entire population of over 3,000 kids attending upon a year at Reading Senior High School, that there's approximately 2,000 kids in and out of the school every year transferring, would you have any knowledge of that?
A No, I would not, not in the most recent years, no.
Q Do you have any knowledge of how many students transfer into Reading Senior High School from outside of the United States of America?
A No, I do not; nor do I know for any school in Pennsylvania.
Q So you made an assumption that students are enrolled at the Reading Intermediate

School and matriculate immediately thereafter to Reading Senior High School when you talked on pages 15 and 16 about graduation cohort rates.

A No, that's not the point of what I'm saying. The point of what I'm saying is that Reading Senior High School does not include a 9th grade. So any kid that is enrolled in 9th grade, regardless of where they are located in or outside of Reading or Pennsylvania or the United States, if they choose to drop out, they can never then be included in the graduation cohort for Reading Senior High School.

So by only having -- any school; it's not just Reading. Any school that has grades 10, 11, and 12 is going to have an artificially inflated graduation cohort rate relative to schools that serve grades 9 through 12 or 8 through 12 or 7 or through 12, probably not 7 or 8 through 12, but definitely 9 through 12, because, as I testified before, 9th grade is where students typically drop out.

So any school that doesn't have 9th grade that's in this analysis, so a school like Reading with grades 10 and 12, the kids who are at risk of dropping out, most of them have already

dropped out prior to entering Reading, so they can't be in the Reading graduation cohort analysis because they never enrolled in Reading Senior High School.

Q Are you familiar with how many kids drop out in 9th grade and then re-enroll in Reading Senior High School?

A No, I'm not.

Q You make some statements in Page 16 of your report under the heading Alternative Schools and Alternative Education Accountability Systems. Do you see that?

A Yes, I do.

Q Is it fair to say that within this section you're making policy recommendations regarding how the commonwealth should change its accountability system?

A Yeah, I think that's a fair characterization.

Q And you cite to things that Texas is doing?

A Right. I'm most familiar with that state. Outside of Pennsylvania, I'm most familiar with the Texas accountability system.

Q And what is stated in this section is

not actually reflective of anything that's currently in existence in Pennsylvania, correct?

A That's correct. It's my professional judgement about a school accountability system.

Q Are you familiar with how many students enrolled in I-LEAD Charter School were actually dropouts?

A No, I'm not aware of that number.

Q On Page 18 you cite to an article in Footnote 22. So I'm looking at the last paragraph on Page 18 where you say, quote, Given that research suggests charter schools improve their effectiveness over time, end quote.

A Right.

Q And you cite to one article which is regarding charter schools in Utah. Is that accurate?

A Right.

Q Is that the only research that you utilized to render that statement?

A There was other research, but I couldn't locate the citation for it. But I know that when I was writing my charter school paper about charter schools in Texas that that consistently came up in research on charter

schools that the longer that charter schools are in existence typically the better performing that they are, which is not surprising.

Q And is that -- any of that research regarding charter schools in Pennsylvania?

A Not that I know of, no.

Q On Page 19 you have a heading called Recommendations.

A Yes.

Q Now, again, these are all recommendations that you are making from a policy perspective.

A Correct.

Q Have you -- I assume you've not spoken to anyone at the charter school regarding these recommendations since you only met them for the first time today.

A That is correct.

Q So do you have any information sitting here today whether they are implementing the recommendations you're making?

A I do not.

Q Within those last two pages, 19 and 20, you're also talking about recommending specific targets for performance. Is that

correct?
A Correct, yes.
Q And those are reflected in the bulleted points on 19 and 20?
A Yes. And some of those bullets I know that I did make that recommendation. It would have been helpful if I had numbered them instead of bulleted them. But yes, it's in one of those. You are correct.
Q Are you aware that the charter school has a pending amendment request?
A I'm not familiar with that, I don't believe.
Q So you have never reviewed that amendment request?
A I'm not sure. Can you be more specific? I'm not --
Q That the charter school has a pending request to amend its charter.
A I have some vague knowledge that they are. I don't know the specifics.
Q Now, if you turn to Page 22, please, the Table B, as in boy, dash 1.
A Yes, I see that.
Q What is set forth here?

A This is my effort to identify the comparison schools for I-LEAD Charter School based on four student characteristics. I wanted to find schools that were demographically similar to I-LEAD and then to look at their PVAAS growth because growth tends to be -- even though we don't calculate it as well as we could in Pennsylvania, it's a fair representation of school effectiveness than just using percent passing or percent proficient or advanced.
Q So you think the PVAAS growth measure is actually a fair --
A It's fairer -- more fair than the -- or fairer than the percent proficient or advanced. However, because they don't control for student background characteristics, it's not as fair as it could be.
Q So in terms of then what's included in Table B-1, you have a column for I-LEAD Charter School there, right?
A Right.
Q And where is that data coming from that's represented in that column?
A From the PDE SPP profile data. So it's the demographic characteristics from the SPP

data file that I downloaded from PDE website.
Q And for what year?
A Good question, because I should have put that on there. It's 2014-15.
Q So it's your understanding that I-LEAD Charter School's economically disadvantaged subgroup was 81. Is that 81 percent of its total student body?
A Yeah. Actually, this statement came from the PVAAS website, PVAAS data file, not the PDE School Performance Profile. I went to the PVAAS public website and looked and typed in I-LEAD and then downloaded or copied and pasted their data from there.
So this is their testing demographics. It's not the demographics of their school. So there's generally a difference. In most cases, it's usually not particularly large.
Q So you didn't use the testing demographics when you adjusted the other table within the report. You used the school demographic data.
A Right, because the SPP data file doesn't include the testing demographics. And the testing demographics across grade levels would --

is quite difficult to download and put together using the PDE website data.
Q So in '14-'15, I-LEAD testing demographic data is showing that they only had 81 percent economically disadvantaged students. Is that correct?
A According to that website, yes.
Q And they only had 21 percent ELL incidents in '14-'15.
A Right, because my understanding is only one of the four grade levels tested in the high school.
Q In terms of taking the Keystone exam.
A Correct.
Q And they only had 16 percent special ed percentage.
A Right.
Q Now, in that same table there's a Comparison 1 and a Comparison 2 column.
A Right.
Q What information is included there?
A So I wanted to make explicit how I was going about finding these comparison schools so that anybody reading this could understand. So my first set of comparisons -- and this is based

on, you know, 25 years of experience finding similar schools because I've done lots of these studies -- is just look at -- I kind of expanded, and I go plus or minus 5 percentage points based on this characteristic to find similar schools.

When I did that, I can't remember how many schools I found, but it wasn't very many that were within that range, the ranges under Comparison 1. So I went, Oh, I found zero schools. So it's in the bottom. Like none of the schools met all those ranges in there.

The only school that would meet those ranges in all four categories is I-LEAD. So I had to expand the ranges so that I could find some schools that were demographically similar to I-LEAD in terms of this analysis.

Q And when you say that you had to expand it, you did not include Reading Senior High School in these comparisons because it did not have 9th grade?

A Correct.

Q Is that the only reason that you did not include Reading Senior High School?

A Yes.

Q Because comparatively, based on the

demographics, they would have had a similar population to I-LEAD Charter School.

A I'm not aware if that's true to not.

Q You're not aware one way or the other?

A No. I can't remember what they looked like.

Q So then the comparison schools that you reference in Table B-1, are those the comparison schools listed in Table B-2 and B-3?

A Yes. Yeah, I used Table B-1 as an explanation of how I arrived at the schools included in B-2, at least in terms of the ranges of their demographic populations.

Q And you would agree with me that none of the schools identified in Table B-2 are located in Berks County or in the Reading CBSA?

A Right. I believe that is correct, yes.

Q And I think all of them but maybe one are in Philadelphia?

A It would appear so. Medical Academy may be, but I'm not sure.

Q I believe Medical Academy Charter School is in Allentown. Does that sound familiar

to you?

MR. STACEY: In Catasauqua.

MS. PETERSEN: Catasauqua. I'll take his word for it.

THE WITNESS: I'll take his word for it.

BY MS. PETERSEN:

Q Okay; but not in Berks County.

A No.

Q And to your knowledge, would any single student enrolled in I-LEAD otherwise attend any of these schools?

A I can't make a judgment on any of the -- they would have to move, physically move to attend those schools.

Q You don't know one way or the other.

A Right.

Q Could you just describe -- if you could turn to Page 7, and Table 3, I didn't follow you when you described what is included in Table 3.

A It's complicated. What I'm trying to show there is how much of the variation or the spread in the scores in the selected indicators are explained by student characteristics. So how

much of the -- like when we're doing a regression analysis, how much of the overall differences and scores across schools are explained just by differences in student characteristics alone.

And so, for example, in Academic Year 2013-2014 for the SPP score, 64 -- roughly 64 percent of the differences in SPP scores are explained by differences between schools and their student demographics. So that's a really large percentage of the variation explained by student demographics.

So going back to that Pennsylvania Administrator article that I wrote, what I say is the SPP actually captures student demographics a lot better than it does student -- I mean it captures student demographics a lot better than capturing school effectiveness. So, in essence, what the SPP score does that the state calculates is capturing who goes to your school, not how good is your school.

Q So in terms of Table 3, are you saying that the variation figures that are included in Table 3 are only for the charter school?

A No. That's across all schools.

That's a variation -- that's the difference in scores between all schools, all high schools in that particular academic year that are explained by differences in the student demographics of the schools.

Q And that's based upon you looking at all of the high schools in the commonwealth.

A Right; that were included in the SPP file.

Q And not just the Reading CBSA.

A Right. It's the entire all the schools included in the file, 600-something.

Q Then in terms of your comments about closing the achievement gap measures, I believe that the footnote that you cite on Page 2, Footnote 2, was to a comment made by a presenter at an SPP stakeholder meeting held at IU No. 10 on December 9, 2015.

A Yes.

Q Has PDE published anything regarding --

MR. STACEY: I want to object on the basis of mischaracterization. I think what you referenced is in Footnote 1. Then the next sentence references Footnote 2.

MS. PETERSEN: Okay. Well, let's start over then.

BY MS. PETERSEN:

Q You say that the closing of the achievement gap measures are not calculated correctly in the SPP.

A Right. And I cite some researchers.

Q You cite to a blog post?

A Yeah. Matt DiCarlo with the Shanker blog, he's considered one of the --

Q And am I correct that at the time he wrote that blog post in November of 2014, that the state had not calculated closing the achievement gap measures for schools throughout the state?

A That's probably true for that year, yes.

Q And then the other citation in the Footnote 1 is to an article from 2012?

A That's correct. So in both of these they're looking at like how you should calculate achievement gaps. And that's two of the articles that I base my judgement on that. The way Pennsylvania does that is not -- calculates the achievement gap, is not an acceptable strategy to accurately measure the achievement gap.

Q So these two, the blog post and the article, were not actually opining about Pennsylvania's calculation of closing the achievement gap measure.

A No, they were not.

Q And then in Footnote 2, you reference a comment made by someone at an SPP stakeholder meeting.

A Yes. Two individuals were representing PDE at this PDE stakeholders group at IU 10.

Q Has PDE published anything indicating that closing the achievement gap measures are not calculated correctly?

A Not that I know of.

Q If they are not calculated correctly, would that mean they are not calculated correctly for any school in Pennsylvania?

A That's correct. They are inaccurate measures of the achievement gap for every school in the state.

Q So not just for I-LEAD Charter School.

A Reading; everybody else too.

Q Sir, are you being paid to testify

today?

A Yes.

Q How much are you being paid?

A Between 5 and $10,000.

Q Were you paid to prepare your report?

A Yes.

Q How much were you paid to prepare your report?

A Between 5 and 10,000 was inclusive of writing the report and testifying.

Q So the totality of your work in this matter is going to be between 5 and $10,000.

A Yes, ma'am.

Q Are you going to be billing the charter school for that?

A I will provide them an invoice, yes.

Q And is that based on an hourly rate?

A No. Well, it's based on an estimate of how much time it was going to take me to write the report and to testify.

MS. PETERSEN: That's all I have.

THE HEARING OFFICER: Jeff, do you have any redirect?

MR. STACEY: Just one question.

BY MR. STACEY:

Q In the binder that says Joint Exhibits, can you flip to Joint Exhibit 21, please?
A Okay. I'm there.
Q Do you recognize what this document is?
A Yes. It's a PVAAS report. And it looks like it's a PVAAS report for I-LEAD Charter School.
Q And does it contain student demographic information at the top?
A Yes, it does.
Q And so when you were finding comparison schools, this is the data set that you were using.
A Right, that's correct, percent tested economically disadvantaged.
MR. STACEY: Thank you. That's all I have.
THE HEARING OFFICER: I do have one question for you, Doctor.
BY THE HEARING OFFICER:
Q In looking at your report, Charter School 26, can you turn to Appendix B.
A Appendix B you said?

Q Yeah, Appendix B. And I know you had just testified about Tables B-1 and B-2.
A Correct.
Q My questions are about Table B-3 on Pages 23, 24.
A Okay.
Q Is that just PVAAS data that you obtained on the public website, or did you do any added analysis of what's reported under growth measure, standard error, average growth index in B-3?
A It's straight off the PVAAS website, so it's similar to what we saw on that page.
Q Okay. Thank you. And again, if you could turn to Page 1 of that exhibit, Charter School 26.
A Um-hum, I'm there.
Q And then I believe you answered this, but I just want to make sure. If you go to the fourth paragraph beginning, Third, based on school performance measures that have been statistically adjusted, later in that sentence you talk about slightly below average, average, slightly above average. Would that sentence be referring back to particular tables?

A Tables 5 and 6 are what I used to base that sentence on.
Q That's what I thought. And again, if I heard you correctly, when you used the term average for purposes of Table 5 and 6, 50 would be the average number because that would be 50 percent of all the schools in that SPP data file.
A That's correct.
THE HEARING OFFICER: Okay, thank you. That's all the questions I have for the witness. Do you have any questions based on mine? Any redirect?
MR. STACEY: No. I just did it.
THE HEARING OFFICER: Okay. I just want to make sure. So anything else for this witness?
(No response.)
THE HEARING OFFICER: Is there any reason that the Doctor can't be excused?
MS. PETERSEN: No.
THE HEARING OFFICER: Okay. You're excused, sir.
Mr. Stacey, do you have any other witnesses to present?
MR. STACEY: I do not.

THE HEARING OFFICER: Okay. So you are resting. And, Ms. Petersen, do you have anything else to present?
MS. PETERSEN: I do not.
THE HEARING OFFICER: Okay. So it appears we have concluded our witness testimony. We had previously discussed earlier this morning off the record about moving exhibits into evidence.
And what I would like to do is go through the binders and start with the Joint Exhibit binder. Based on my identification of the exhibits, we would be moving into evidence Joint Exhibits 1 through 30 and then Joint Exhibits 32 to 34. That means we're not moving in Joint 31. Is that acceptable to both of you?
MS. PETERSEN: Yes.
THE HEARING OFFICER: Mr. Stacey?
MR. STACEY: Yes.
THE HEARING OFFICER: So those joint exhibits I just identified are entered into evidence. As to the School District exhibits, based on what I have identified, we have School District Exhibits 1 through 10. And unless there is an objection, I'm going to move School District

Exhibits 1 through 10 into evidence. Is there any objection?

MR. STACEY: I would just like to renew my objection regarding the relevance of course of studies for the high school.

THE HEARING OFFICER: Okay. It's noted. It's in the record.

So with that, I'm going to move School District 1 through 10 into evidence, and then Charter School Exhibit -- if I've identified these correctly, we would be moving Charter School Exhibits 1 through 4, Charter School 7 through 10, Charter School 13 through 19, Charter School 25 and 26, and Charter School 28 through 35. Am I missing anything there?

MR. STACEY: No.

THE HEARING OFFICER: If not, those are moved into evidence.

MS. PETERSEN: Whoa, whoa, whoa, whoa. I have an issue with some of them. I don't disagree that those are the ones that were introduced. I do have an objection to the Reading Eagle article, which I noted when that was testified about regarding the hearsay aspects of that.

And then with respect to 14, 15, 16, 17, 18, and 19, I have several issues. They are documents that were supplied to the charter school, or actually specifically to Mr. Stacey, pursuant to a Right to Know request. And therefore, they were deemed public records. However, from an admissibility standpoint, that does not render them admissible in a proceeding simply because they were produced in response to a Right to Know request.

None of the folks who are labeled as being either the senders or recipients of those e-mails have testified in these proceedings. They were not called as witnesses. The documents themselves contain hearsay. They technically have not been properly authenticated in terms of what they specifically were by folks who have knowledge of those e-mails.

And, as I stated, simply because they were produced in response to a Right to Know request does not make them admissible, per se. So the School District has an objection to the admissibility of those documents in these proceedings.

THE HEARING OFFICER: Here's what I'm

going to rule. On Charter School 13, my recollection is we did have a witness who testified and was quoted in that, and there was testimony on that. So I'm going to allow it, understanding the article is not being accepted to assert anything other than the fact that the person used it to refresh her recollection as to being at a meeting and what she said at the meeting.

MS. PETERSEN: And that was Ms. McCree, just so the record is clear.

THE HEARING OFFICER: Yes. I am going to admit 14 through 19 because, again, my recollection was there was testimony with regards to a Right to Know request and a response that was given and what was produced.

Again, I'm not necessarily admitting 14 through 19 for the truth of the matter asserted to the extent we didn't have any witness testimony to substantiate what is said in those things independent of the documents themselves.

But I do think it's important for the record that we have the total compilation of what was produced in response to the Right to Know request. So I'm going to put them in with those

caveats.

Anything else on Charter School exhibits?

(No response.)

THE HEARING OFFICER: And I believe I already introduced into evidence Hearing Officer Exhibits 1 through 4 the very first day. So just for the sake of the record, that is -- they are moved in as well.

So is there anything else with regard to exhibits?

MR. STACEY: The public notice?

THE HEARING OFFICER: That's my next step. The other thing, and I did discuss with counsel a proposed means to address solicitation of public comments. And I believe we have an agreement between the parties about an advertisement we would run in a newspaper of general circulation to advise individuals of the right to submit public comment.

And that advertisement would state as follows: Public Notice pursuant to Section 1729-A, Subparagraph C of the Charter School Law, 24 P.S. Section No. 17-1729-A, Subparagraph C, the Reading School District Board of School Directors

is required to allow the public to make comment on the proposed revocation of the charter for the I-LEAD Charter School for at least 30 days before any revocation vote at a public meeting of the school board. The public may send written comments by First Class U.S. mail to the appointed hearing officer from now through -- make that Monday, March 14th, 2015, at the following address, Jeffrey D. Litts-Hearing Officer, Kegel, Kelin, Almy & Lord, LLP, 24 North Lime Street, Lancaster, PA 17603. Electronic communications may be submitted via e-mail to Litts@kkallaw.com. All comments shall identify the date, full name and address of the person submitting them.

Is that public notice acceptable to you, Ms. Petersen?

MS. PETERSEN: Yes.

THE HEARING OFFICER: Is that acceptable to you, Mr. Stacey?

MR. STACEY: Yes.

THE HEARING OFFICER: Since that's acceptable to both parties, I will be providing an electronic copy of the same to Ms. Petersen and ask her to make arrangements to have that advertised, and if we can get a Proof of

Publication --

MR. STACEY: Can I interject for a second? I was just asked by my client, if the comments are sent in Spanish, what happens then?

THE HEARING OFFICER: I'll address that in a second. Let me finish this.

So the District administration is to make the arrangements to advertise that, obtain a notice, a Proof of Publication, and to provide a copy of that Proof of Publication to both myself and Mr. Stacey. And we will make that Public Notice Hearing Officer Exhibit 5 and move that into evidence, unless there is any objection to that. So that's as to the public notice. And I do want to address that in a second.

With regard to the submission of public notice, what I've advised both counsel off the record is this. In other similar situations where I have been involved and public comment has been solicited, I have had representatives of the respective parties sort of collect those things on their own.

So I would fully anticipate and I would not have any objections if folks from the I-LEAD charter school or their supporters were to

work cooperatively with folks to prepare those things, translate them to English or provide them in Spanish with an English translation or have petitions and sort of gather those things together and submit them in groups or chunks; and similarly, the School District could do the same thing.

That would probably make it a lot easier for folks having to go down to the post office and buy postage and mail them individually or send them to me individually. So if that would assist some folks that may not be comfortable communicating in English, feel free to do that. We will accept those.

But if they're in Spanish, they're in Spanish. But my Spanish is this pretty poor. So I just have to tell you that for the record. It's been a long time since I've taken my Spanish classes. So that's as to public notice.

The other issue we have is this. We are going to receive the transcripts. Within 30 days of receiving the last transcript, i.e. the transcript for today, it's my understanding counsel is going to provide me with proposed Findings of Fact and Conclusions of Law and maybe

a memorandum with that as to their respective positions on each of the issues. Is that acceptable to counsel?

MS. PETERSEN: Yes.

MR. STACEY: Yes.

THE HEARING OFFICER: You can transmit those to me directly at my e-mail address, which you both have. Please send those in Microsoft Word. And if you want to send that in PDF as well, that would suffice. You don't have to send it U.S. mail.

In your proposed Findings of Fact and Conclusions of Law, I would ask you to cite to the record, and please identify the transcript page for the exhibit. And if it's a multiple-page exhibit, maybe the page number, you know, with some level of specificity so it's easier to find in support of each of your Findings of Fact.

With regards to Conclusions of Law, please provide me with citations, all citations of court cases, the reporter, and if it's through a Charter School Appeal Board decision, you know, the docket number, and if there's multiple decisions under that same docket number, the date of the CAB order so it's clear we know what

decision we're referring to.

After receiving all of the briefs and the public comments, it's my responsibility to draft a proposed adjudication, which I will have to convey to the School Board. I cannot tell you guys right now how long that is going to take me to review all this stuff and prepare it by the time I meet with the board.

But I will probably communicate to you once I have a better understanding. But I would imagine it's probably going to be at a minimum, a minimum probably 45 days after I get your briefs that that would be taking place. I'm sort of guessing. It could be longer; it should be shorter. It's not going to be an immediate thing after I get the briefs. There's going to be adjudication next step.

MS. PETERSEN: The only thing I want to note related to that is that I believe there is some time frame set forth in the resolutions appointing you. So because I don't want there to be any objections or questions related to that, if it is going to take longer, then there may need to be some board action taken or something that occurs to reflect that.

So I just want to note that for the record now so that there's no surprises.

THE HEARING OFFICER: I will review that. But my goal is to try to do that as expeditiously as possible. So we'll see what we have to go through in order to do that. But I'll double-check.

And then I would advise counsel -- and again, I appreciate your professional courtesy throughout this thing. If you have any questions throughout the process, you can give me a call, we can schedule a conference call, and we can work through those issues.

So is there anything else for purposes of the record?

MS. PETERSEN: Not from me.

MR. STACEY: No.

THE HEARING OFFICER: So we are going to close the hearing at this point in time. And like I said, the next public action would be before the school board. And that's going to be at an advertised meeting and on an agenda. And if and when I know when that's going to be scheduled, I'll notify both of you.

So unless there is something else,

we'll close the hearing. Thank you.

(Whereupon, the proceedings concluded at 3:07 p.m.)

CERTIFICATE

I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me, to the best of my ability, in the hearing of the foregoing cause, and that this copy is a correct transcript of the same.

Susan Quigley, Court Reporter
Notary Public in and for the
Commonwealth of Pennsylvania

My Commission expires December 18, 2016

BERKS COURT REPORTING SERVICE

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