

1 HOUSE EDUCATION COMMITTEE MEETING

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NESHAMINY HIGH SCHOOL AUDITORIUM
LANGHORNE, PENNSYLVANIA

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Proceedings held at Neshaminy High School

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Auditorium, 2001 Old Lincoln Highway, Langhorne,

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Pennsylvania, on Thursday, August 25, 2011, commencing at

11

approximately 10:14 a.m., before Jennifer L. Bermudez, a

12

Registered Professional Reporter, and Notary Public,

13

pursuant to notice.

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15

16

BEFORE REPRESENTATIVES:

17

PAUL CLYMER, MAJORITY CHAIRMAN

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JAMES ROEBUCK, MINORITY CHAIRMAN

19

REPRESENTATIVE MICHAEL H. O'BRIEN

20

REPRESENTATIVE TODD ROCK

21

REPRESENTATIVE FRANK A. FARRY

22

REPRESENTATIVE SCOTT PETRI

23

24

25

1 ALSO PRESENT:

2 Dustin Gingrich, Majority Research Analysts

3 Christopher Wakeley, Minority Executive Director

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1 CHAIRMAN CLYMER: The issue today is
2 teacher strikes. House Bill 1369 will be the vehicle for
3 discussion; however, the committee is also here to be a
4 sounding board whereby we may learn how the present
5 situation has developed, no teachers' contract for four
6 years, and perhaps assist both sides in finding a
7 resolution to this impasse.

8 I have personally been through a teachers'
9 strike and can assure you there are no winners. They are
10 nasty strikes and there are none, no winners. The
11 healing from such a prolonged strike is years in the
12 making.

13 Historically, Pennsylvania was known for
14 its school strikes. I am pleased to announce over the
15 years, through legislation that was introduced and signed
16 into law, we have made notable progress in reducing these
17 strikes, but we must do better.

18 We are here today to do the work that will
19 be in the best interest of the students, parents,
20 schoolteachers, and administrators.

21 And now, without further ado, the Chair is
22 pleased to introduce our first testifier for today, the
23 primary sponsor of House Bill 1369, Representative Todd
24 Rock.

25 Representative, you can begin your

1 testimony.

2 REPRESENTATIVE ROCK: Thank you,
3 Mr. Chairman.

4 First of all, I would like to thank
5 Representative Farry and the school district for holding
6 this hearing today. They sort of rolled out the red
7 carpet for us, so thank you for that.

8 I would also like to thank the Chairman
9 for allowing me to come and testify before the committee
10 this morning.

11 The purpose of today is to discuss House
12 Bill 1369, the "Strike-Free Education Act." In short,
13 House Bill 1369 will eliminate teacher strikes in
14 Pennsylvania.

15 As a former public schoolteacher, school
16 board member, and parent, I understand this issue very
17 well. In my opinion, this bill takes no rights away from
18 school boards or the teachers' union, however, it does
19 recognize the rights of school children and their
20 families.

21 House Bill 1369 will ensure every child a
22 right to an uninterrupted and strike-free education. In
23 my ten years as a classroom teacher, students came
24 first. When I was serving on the local school board,
25 students came first. When I was at Penn State going

1 through my student teaching program, the emphasis was
2 that students came first. When a school district goes on
3 strike, students come last.

4 Simply put, when adult needs are placed in
5 direct competition with the needs of children, the
6 children always lose.

7 I am convinced that the overwhelming
8 majority of rank and file teachers do not want to go on
9 strike. They care deeply about their students and they
10 understand that strikes hurt kids, the educational
11 process, and their profession.

12 When you work with kids in an educational
13 setting, it is extremely important to keep a routine and
14 provide repetition and predictability. Doing things in a
15 way that kids understand and look forward to is
16 imperative to the learning process.

17 Also, when teaching a particular subject
18 or concept, one day builds on the next and it's critical
19 that students are present every day to understand the
20 material taught to them. Even a snow day, a field trip,
21 or Christmas vacation disrupts that routine, one which
22 requires much review upon their return.

23 Teacher strikes, on the other hand, are
24 much different. They stand in direct contradiction to
25 the examples I just outlined.

1 If a strike is called or even discussed,
2 and then the child is out of the classroom for a few
3 days, back for a few weeks, then out again for another
4 few days or few weeks, this pattern is very disruptive
5 and detrimental to the learning process.

6 Now, I want to share some facts about
7 House Bill 1369. During the 2009-2010 school year,
8 Pennsylvania, once again, maintained its status as the
9 teacher strike capital of the United States with
10 approximately 34,900 students locked out of the
11 classroom.

12 In the larger picture, the majority of the
13 teacher strikes since 2000 have taken place in three
14 states, with Pennsylvania, again, the far away leader
15 with 94 and counting, Illinois with 29, and Ohio with 28.

16 In addition, 37 states across the nation
17 have already taken the necessary action to outlaw teacher
18 strikes.

19 Under House Bill 1369, if and when an
20 illegal strike does occur, financial penalties will be
21 clearly defined and enforced.

22 And I'm going to list those, but I will be
23 the first to admit that this is the part of this bill
24 that does need to be reworked. We have run into some
25 problems here and some things that I would like to

1 rework.

2 So I am going to read to you what is in
3 the bill, but I will say, after speaking to the labor
4 committee and some other people, we will be making some
5 changes.

6 There will be a \$5,000 individual fine per
7 incident for inciting a strike. Striking teachers would
8 lose two days of pay per day of an illegal strike. A
9 striking teachers' union will forfeit all dues and
10 checkoff privileges for one year.

11 And, keep in mind, this only takes effect
12 if this bill becomes law. And if it is law, then, of
13 course, by striking and breaking the law, there will be a
14 fine.

15 This legislation also protects
16 Pennsylvania teachers, both union and nonunion, by
17 allowing for guaranteed mediation, fact-finding
18 arbitration, a mandatory vote, and mandatory negotiating,
19 and, again, the maximum transparency to ensure fairness
20 for all.

21 In addition, teachers opposed to strikes
22 are guaranteed the freedom to do their job, which is, of
23 course, to prepare our students for the future.

24 Our legislation effects a budget
25 bargaining process by imparting a mutually agreed

1 settlement with absolutely no binding arbitration.

2 This process will ensure that any
3 unreasonable negotiating position would inevitably be
4 exposed to the right of taxpayers' scrutiny and a rapid
5 settlement is encouraged by requiring four mandatory
6 negotiations per month and a public meeting every six
7 weeks.

8 In other words, increasing the level of
9 public access to the negotiating process will naturally
10 facilitate a more efficient contract settlement.

11 As I mentioned before, I am a father, a
12 former teacher with ten years of classroom experience,
13 and a former school board member, who believes that
14 teachers should be fairly paid for the meaningful
15 contributions they make for preparing our children for
16 tomorrow.

17 Without question, I want teachers to
18 receive whatever wage the free market allows and our
19 communities can afford to pay.

20 Speaking from a union perspective of a
21 former nonunion teacher, who witnessed the aftermath of a
22 teacher strike in Carlisle School District, and even more
23 recently witnessed the first teacher strike and the
24 threats of two other strikes in my legislative district,
25 I can personally attest that teacher strikes produce no

1 winners.

2 Regardless of outcome in terms of
3 increased pay for expanded benefits, teacher strikes, by
4 their very nature, reinforce the stereotype that public
5 schoolteachers are greedy and, as a whole, generate
6 nothing but community resentment.

7 Teacher strikes are especially unfair to
8 parents, grandparents, and other parental guardians who
9 have to scramble at the last minute to find day care for
10 their children so they can earn their paychecks.

11 Unfortunately, the biggest losers in the
12 equation are always the children who are locked out of
13 school and left behind from their classroom. They are
14 treated as mere pawns or bargaining chips -- treated as
15 mere pawns or bargaining chips.

16 Every student impacted by a teachers'
17 strike is potentially robbed of educational opportunity,
18 countless other extracurricular activities, and lifetime
19 memories.

20 Finally, I would like to reiterate, the
21 "Strike-Free Education Act" has absolutely nothing to do
22 with punishing or taking rights away from teachers in
23 Pennsylvania's 501 school districts.

24 Enacting House Bill 1369 has everything to
25 do with giving something back that is far more important;

1 that is, without question, restoring to every
2 Pennsylvania child the legal right to a strike-free,
3 uninterrupted public education.

4 Thank you, Mr. Chair.

5 CHAIRMAN CLYMER: Before we go to
6 questions, I would like to recognize Representative
7 Michael O'Brien, legislator from Philadelphia, to my
8 left.

9 To my right is Dustin Gingrich, staff
10 person from the House Education Committee from
11 Harrisburg.

12 Before I look to kindly go over here for
13 questioning, you had touched on something that I thought
14 you might want to expand on, and that is when there is a
15 strike that there is a disruption within the family.

16 You mentioned that in cases, in day care
17 centers where parents have a child in a day care center,
18 they would have to find additional places to put the
19 child, or they would have to find a day care center when
20 there is a strike.

21 What about family vacations, and how does
22 that impact on the students who need to have good
23 academics in order to submit applications in to, say, the
24 military, universities, Army, Navy, the Coast Guard, Air
25 Force, some who are great athletics -- athletes and who

1 could get a scholarship?

2 Could you kind of give us your thoughts on
3 those issues as a former teacher.

4 REPRESENTATIVE ROCK: Well, the first part
5 of that question I think I can answer as a parent.

6 Certainly, most families have a routine
7 set up that their children go to a day care either before
8 or after school. And, you know, I don't know all the
9 details of how strikes work. I know they can be handled
10 in many different ways, but strikes can be called at the
11 spur of the moment.

12 You know, so there can be a strike called
13 tomorrow and, all of a sudden, those parents or
14 grandparents have to find day care, or do something, they
15 have to take off work, to be with their children.

16 Secondly, when a strike is called or when
17 strikes are called or threatened throughout the year and
18 days are lost, those days have to be made up, certainly.
19 And many times Christmas vacations, or whatever breaks,
20 may go away because of teacher strikes. And because of
21 this, kids lose their breaks, and it's certainly not fair
22 to them. They should have no part in this negotiation.

23 And there are so many split families
24 nowadays, that many kids over those breaks use that time
25 to go be with mom or dad that live in a different state,

1 and that is taken away from them.

2 Many times the school year is extended
3 well into June, and some kids are seniors, are wanting to
4 graduate and get on to their job that they may have set
5 up in the summer. Many kids that are much younger than
6 seniors nowadays certainly work in the summer. And that
7 privilege is certainly taken away, at least temporarily.

8 So teacher strikes have a broad effect
9 over the school district. But the bottom line is, it
10 hurts kids. It hurts the educational process. Even
11 people who disagree with me on the issue don't disagree
12 with that.

13 There is no way that this can be a
14 positive in the classroom. So I'm trying to find a way
15 that we can find an easier resolution.

16 CHAIRMAN CLYMER: I have one other
17 question. And that is, I know that we conducted our
18 hearings, our educational informational hearings, as we
19 were talking about the opportunities to provide
20 alternatives to education for parents.

21 The one issue that seemed to be a common
22 thread among the testifiers was that the child, the
23 student, this is a one-time opportunity they have, they
24 cannot go back and recapture what they have lost, that
25 education. Especially at the secondary level, as a

1 freshman, sophomore, junior, senior, that those years are
2 so important to them and any lost time is very
3 unfortunate.

4 And so that was an issue that I thought
5 was very relative to today's discussion. And that is,
6 that when the strikes take place, and I can speak from
7 firsthand experience, because, as I said, I had
8 experience in my own district, that that's a loss that we
9 sometimes don't realize takes place, and I have kind of
10 touched on it when I said about the various activities
11 that they could not participate or didn't have the
12 opportunity now because of the strike.

13 Representative Rock, do you want to
14 address that issue?

15 REPRESENTATIVE ROCK: Yes. Well, what you
16 say is true, you get one chance to educate a child. And
17 there's no way to gauge that.

18 I mean, you can gauge when they lose their
19 vacations or whatever, you can gauge that. You can't
20 gauge the education lost.

21 And I don't think many would disagree that
22 if you are going through a year and there is a strike or
23 there are rumors of a strike, it does affect the
24 educational process. There's no doubt about that.

25 For me being in the classroom for ten

1 years, I can tell you, just the smallest -- and I know I
2 mentioned it in my testimony -- that, you know, a snow
3 day, even the thought of a snow day for tomorrow,
4 anything like that, takes the attention away from the
5 kids.

6 And when there are talks of a strike or
7 rumors of a strike, which I witnessed the aftermath of in
8 Carlisle, you just couldn't keep the kids concentrating
9 on anything, because the rumor was we are going to be out
10 tomorrow, or we'll be out next week. And that's
11 unfortunate, you just can't get that time back.

12 So, for all those reasons, I think that
13 teacher strikes are negative. And, in my view, what it
14 does is forces both sides, adults, to negotiate between
15 themselves. It does not force a settlement.

16 It forces both sides to, after a certain
17 point, meet four times per month and once every six weeks
18 in a public setting.

19 Now, I can tell from being a school board
20 member, if I had four meetings a month, in addition to
21 the two that I already had, and had to face the public
22 every six weeks and lay my proposal on the table and
23 defend it, I would find a way to come to an agreement.

24 So I don't think that favors either side.
25 I think that would lend a -- I think that would not be

1 favorable to either side, and I think it's a way -- it's
2 a compromise to come to an agreement more readily.

3 CHAIRMAN CLYMER: The Chair recognizes
4 Representative O'Brien for questioning.

5 REPRESENTATIVE O'BRIEN: Thank you,
6 Mr. Chairman.

7 Good morning, Representative.

8 REPRESENTATIVE ROCK: Good morning.

9 REPRESENTATIVE O'BRIEN: I caught up with
10 the questions.

11 In the course of your testimony, you spoke
12 about the number of Pennsylvania children that were
13 affected by strikes last year, and you referred to
14 Pennsylvania as the strike capital of the world, whereas,
15 you referred to other states as the number of strikes,
16 not the number of children.

17 So, to compare apples to apples here, how
18 many strikes occurred in Pennsylvania last year? How
19 many districts were on strike?

20 REPRESENTATIVE ROCK: I don't know. I
21 think we had 34 strikes. I would have to look in my -- I
22 have this --

23 REPRESENTATIVE O'BRIEN: 34 strikes?

24 REPRESENTATIVE ROCK: I think there were.

25 REPRESENTATIVE O'BRIEN: Out of 501

1 schools?

2 REPRESENTATIVE ROCK: That's correct.

3 That's correct.

4 REPRESENTATIVE O'BRIEN: So one could say
5 that teacher strikes are not the norm in Pennsylvania,
6 but it happens a lot.

7 Would you agree with that?

8 REPRESENTATIVE ROCK: I would agree with
9 that. I would agree with that.

10 REPRESENTATIVE O'BRIEN: Okay.

11 Now, do you agree with the fundamental
12 constitutional right to strike?

13 REPRESENTATIVE ROCK: For teachers?

14 REPRESENTATIVE O'BRIEN: As a question.

15 REPRESENTATIVE ROCK: Well, as a private
16 business, I have no issue. But as a school district that
17 has to run, yes, I do.

18 REPRESENTATIVE O'BRIEN: So you believe
19 that on a constitutional right, as upheld by the U.S.
20 Supreme Court every day, there is a fundamental right to
21 strike?

22 REPRESENTATIVE ROCK: I don't agree with
23 that.

24 REPRESENTATIVE O'BRIEN: You just did.

25 REPRESENTATIVE ROCK: No. At the school

1 district level.

2 REPRESENTATIVE O'BRIEN: No. That's not
3 my question.

4 REPRESENTATIVE ROCK: Okay.

5 REPRESENTATIVE O'BRIEN: We will get
6 there.

7 REPRESENTATIVE ROCK: Okay. As a private
8 business, I have no issues with doing strikes.

9 REPRESENTATIVE O'BRIEN: So you believe in
10 people having a basic constitutional right to strike?

11 REPRESENTATIVE ROCK: Okay.

12 REPRESENTATIVE O'BRIEN: Now, I will agree
13 with you that, at least firefighters, because of the
14 emergency personnel and because of the impact on the
15 common good, should not be able to strike.

16 I will go that route with you for today.
17 Okay?

18 REPRESENTATIVE ROCK: Okay.

19 REPRESENTATIVE O'BRIEN: Now, how does a
20 teacher strike affect the public safety?

21 REPRESENTATIVE ROCK: It doesn't.

22 REPRESENTATIVE O'BRIEN: It does not?

23 REPRESENTATIVE ROCK: It does not.

24 REPRESENTATIVE O'BRIEN: Okay.

25 So, I believe state law requires 180

1 school days. Correct?

2 REPRESENTATIVE ROCK: It does.

3 REPRESENTATIVE O'BRIEN: And between the
4 beginning of school in September, the end of school in
5 June, how many days are there, workdays, Monday through
6 Friday?

7 REPRESENTATIVE ROCK: Say that -- repeat
8 that, please. I'm sorry.

9 REPRESENTATIVE O'BRIEN: The statute
10 requires 180 school days per year.

11 REPRESENTATIVE ROCK: That's correct.

12 REPRESENTATIVE O'BRIEN: Between the
13 opening of school in September and the close of school in
14 June, how many workdays are there, Monday through Friday?

15 REPRESENTATIVE ROCK: I don't know how
16 many. There's 180 school days, I assume, in that time
17 period.

18 REPRESENTATIVE O'BRIEN: But we can
19 stipulate that there are more than 180 days, workdays,
20 between September and June?

21 REPRESENTATIVE ROCK: Oh, that could be.

22 REPRESENTATIVE O'BRIEN: It could be.

23 So, hypothetically, hypothetically, a job
24 action by teachers, which is the third numerator, could
25 be resolved and those students could graduate on time

1 putting in their 180-day requirement.

2 Would you agree with that?

3 REPRESENTATIVE ROCK: They could.

4 REPRESENTATIVE O'BRIEN: They could.

5 Now, in a case where the school year was
6 extended, okay, let's say we got into just a real dynamo.

7 REPRESENTATIVE ROCK: Right.

8 REPRESENTATIVE O'BRIEN: All right. And
9 they couldn't fulfill 180 days, the school year was
10 extended. Teachers get any extra pay for that?

11 REPRESENTATIVE ROCK: They -- I don't know
12 what you mean. They get their -- their yearly salary is
13 set --

14 REPRESENTATIVE O'BRIEN: They get their
15 yearly salary?

16 REPRESENTATIVE ROCK: Yes, for their 180
17 days of work.

18 REPRESENTATIVE O'BRIEN: So, if the school
19 year was extended, then the teachers would also be
20 cutting into their free time or vacation time, or, again,
21 teachers that are no longer active or work in the summer,
22 they would be impacted as well. Right?

23 REPRESENTATIVE ROCK: Well, that would be
24 their choice. If they are calling the strike, that would
25 be their choice.

1 REPRESENTATIVE O'BRIEN: But that would
2 happen?

3 REPRESENTATIVE ROCK: I guess so, yes.

4 REPRESENTATIVE O'BRIEN: I want you to
5 flush out the mediation process for me.

6 REPRESENTATIVE ROCK: As it currently is?

7 REPRESENTATIVE O'BRIEN: Uh-huh. Yes.
8 Flush out mediation for me.

9 REPRESENTATIVE ROCK: It's exactly the way
10 it is right now.

11 REPRESENTATIVE O'BRIEN: So we are getting
12 into year two of a three-year contract. Okay? So, we
13 know it is now September 2011, and our contract is going
14 to expire September 2012.

15 Take me to a time line in your
16 legislation.

17 REPRESENTATIVE ROCK: Well, in this
18 packet, it does lay out a time line, but just to make it
19 quick, you go through the exact same process as it is
20 right now.

21 And I will admit that this process that's
22 in place right now works in most cases, it does. And
23 that's why I didn't want to mess with that whatsoever.

24 So the process would be exactly the same
25 as the school district would go through currently. The

1 only difference, my legislation kicks in at the end, when
2 an agreement cannot be reached, that's before forced
3 negotiation sessions are four per month and one every six
4 weeks.

5 That's really the only difference in my
6 legislation. The rest of the process stays exactly the
7 same.

8 REPRESENTATIVE O'BRIEN: Now, court
9 rulings allow collective bargaining and a right to
10 strike. Do you believe that your bill stands
11 constitutional?

12 REPRESENTATIVE ROCK: I think it does.

13 REPRESENTATIVE O'BRIEN: Why?

14 REPRESENTATIVE ROCK: I think, when it
15 comes to children, I think, most people look differently
16 on it when it comes to children and taxpayer dollars.

17 REPRESENTATIVE O'BRIEN: No disrespect,
18 Representative, but the Constitution is the
19 Constitution. It doesn't stand on constitutionality.

20 REPRESENTATIVE ROCK: Well, all I can say
21 is -- all I can say is, that 75 percent of the people,
22 the general public, agree with what I'm doing and believe
23 that children should not be a part of the teacher
24 strikes.

25 And so I'm not sure if it will stand on

1 constitutional or not, but I believe it is.

2 REPRESENTATIVE O'BRIEN: So the shorter
3 answer is what we are looking for --

4 (Applause)

5 REPRESENTATIVE ROCK: I'm sorry?

6 REPRESENTATIVE O'BRIEN: I said, so the
7 short answer is what we look for in court because we are
8 not justices.

9 REPRESENTATIVE ROCK: That's exactly
10 right.

11 REPRESENTATIVE O'BRIEN: Thank you,
12 Representative, for being here today.

13 REPRESENTATIVE ROCK: Thank you.

14 CHAIRMAN CLYMER: The Chair thanks you.
15 Thank you for your testimony. We appreciate your remarks
16 here this morning.

17 And if you want, you can join us up here.

18 REPRESENTATIVE ROCK: Okay. You look sort
19 of lonely up there.

20 REPRESENTATIVE O'BRIEN: So far away.

21 CHAIRMAN CLYMER: Our next group of
22 testifiers this morning will be Brian Boland, attorney
23 for the Pennsylvania School Board Association; Ritchie
24 Webb, president of the Neshaminy School Board; Mark B.
25 Miller, school board director of Centennial School

1 District.

2 The Chair welcomes our three testifiers,
3 and you may take your seats.

4 Gentlemen, before you begin your
5 testimony, will each of you mention your names so that
6 the court reporter has the right person giving testimony,
7 so that would be helpful.

8 And you may begin your testimony whenever
9 you are comfortable and ready to begin.

10 MR. MARK B. MILLER: Representative
11 Clymer, I'm going to go a little bit out of order.

12 Mr. Webb is going to testify first, and I
13 will follow, and then Mr. Boland.

14 MR. RITCHIE WEBB: Good morning.

15 My name is Ritchie Webb. I am the
16 president of the Neshaminy School Board of Directors, and
17 on behalf of the Neshaminy School District, we thank you
18 for coming here from Harrisburg.

19 And, again, we are also honored to appear
20 before you and also allowing our Neshaminy taxpayers to
21 also have a say.

22 CHAIRMAN CLYMER: Can you bring the
23 microphone a little bit closer to you, please.

24 MR. RITCHIE WEBB: Is that better?

25 CHAIRMAN CLYMER: That's it.

1 MR. RITCHIE WEBB: Okay. Thank you.

2 A little more than 30 years ago, the
3 Neshaminy School District suffered a painfully long
4 strike, teachers' strike, that lasted for several
5 months. Even today, graduates from the Class of 1981
6 still look back upon those days with great disappointment
7 and frustration.

8 Undoubtedly, that fear of the past is what
9 fueled our school boards in more recent years to give in
10 to union demands and sign off on very lucrative contracts
11 that would soon become unaffordable to Neshaminy
12 taxpayers.

13 No school board and no community should
14 have to live in such fear for the health and educational
15 well-being of their children that they make regrettable
16 financial choices all for the sake of avoiding disruptive
17 strikes. But that's exactly what we are faced with
18 because Pennsylvania continues to permit teachers to walk
19 off the job.

20 Labor strikes have deep roots in this, in
21 our own nations. Actually, one could argue that
22 organized labor built this nation while protecting the
23 quality of life of the American worker. We all have
24 benefited from the labor movement. It is as American as
25 homemade apple pie.

1 I'm not here to disrespect or to argue
2 what a great American legacy and a necessity in many
3 professions that strikes are. However, I am here to tell
4 you unequivocally that teacher strikes aren't strikes in
5 the truest sense.

6 Part of the labor union legacy is about
7 the oppressed class of workers expressing their
8 collective resolve by protesting and suffering loss of
9 wages for a cause. It was more about sacrifice of one's
10 livelihood and family welfare for a cause more important
11 than a day's pay.

12 Unfortunately, the present Pennsylvania
13 law permits teachers to strike without the essence of
14 what a strike is. They lose nothing.

15 It's more a vacation reallocation, as
16 teachers do not lose salary because of their job action.
17 Only the students, parents, and communities suffer in the
18 disruption of an essential service guaranteed to each of
19 us as Americans.

20 We have been without a Collective
21 Bargaining Agreement in Neshaminy for over three years
22 and face a potential strike.

23 I might respect such an action if those
24 involved were so committed to their cause that each was
25 willing to suffer the loss of ten or more days of salary,

1 but not here in Pennsylvania where the suffering is
2 completely one-sided.

3 In this state, education is compulsory for
4 our children ranging in age from eight years to 17 years
5 old. Since it is required, then education should be
6 treated as an essential service just as police, fire, and
7 emergency services.

8 If a child is required to participate,
9 then the service should be available to them, without
10 interruption, as defined by state.

11 Some would say that teachers, as public
12 workers, must be permitted the ability to strike, but I
13 disagree, because nothing would trump the rights of our
14 children.

15 While limiting the amount of time teachers
16 can strike may seem to be a happy medium in Harrisburg,
17 it represents gross neglect of our children's rights in
18 my eyes. And I think every parent in the audience today
19 will agree with me.

20 Think of it another way. If my company
21 indulges in a practice of hiring discrimination, would
22 the courts tell me it is okay to continue for another two
23 weeks, but then I must stop? Of course not. The law
24 will come down on me harshly, as well it should.

25 So how is it acceptable for Harrisburg to

1 say there is an amount of time that a child's right to an
2 education should be denied?

3 Pennsylvania still has more teacher
4 strikes than any other state in the nation. Tens of
5 thousands of innocent children across the state are
6 denied their right to an education because Pennsylvanians
7 fail to follow the good advice of many other states.

8 37 states prohibit teacher strikes. Most
9 of these states do not mandate that contract impasses
10 must be resolved by a fixed date. They rely on good
11 faith negotiations between parties while prohibiting
12 strikes.

13 I'm not anti-union, and I'm not anti-
14 teacher. My father was a coal miner. However, I am
15 opposed to laws that tip the balance of power in favor of
16 the teachers' union to disrupt our children's lives
17 without consequence or sacrifice of their own.

18 It's also important to understand that
19 strikes can come in different forms. Work-to-contract is
20 also a form of strike and the state must treat it as
21 such.

22 In the Neshaminy Collective Bargaining
23 Agreement, it states that the Neshaminy Federation of
24 Teachers shall not authorize, condone, support, or
25 participate in any work stoppage, slowdown, or other form

1 of curtailment of effort.

2 Later, in the very same Collective
3 Bargaining Agreement, it states the Federation shall
4 encourage all staff members to provide service beyond the
5 regular school day to participate in programs designed to
6 improve teaching skills, as well as help and counsel
7 children.

8 Despite these very clearly stated
9 contractual expectations, the NFT has now twice
10 implemented a work-to-contract action in which there will
11 be a curtailment of effort, and in which service beyond
12 the regular school day will be affected.

13 If the NFT has no respect for a contract
14 that is still in force, then this is a clear proof that
15 the state must include work-to-contract and any other
16 curtailment of effort in its definition of a strike.

17 In our state, teachers are well-respected,
18 well-compensated, as they should be. It is now time for
19 our elected officials in Harrisburg to show the same
20 level of respect to the children and parents of
21 Pennsylvania.

22 It is time to enact House Bill 1369 to end
23 the unreasonable threat of teacher strikes and to restore
24 a balance of power to the school boards and the
25 communities they represent.

1 And, finally, here in Neshaminy, we have a
2 very simple motto. When in doubt, err on the side of the
3 kids. And that's exactly what we are doing. That's what
4 this is all about, our children.

5 Thank you.

6 (Applause)

7 CHAIRMAN CLYMER: I understand that there
8 is enthusiasm in the audience, but I would just ask that
9 perhaps we could just refrain from an expression of that
10 sort so that we can both move forward and have both sides
11 feel comfortable when they come to the microphone.

12 I do understand your emotions on the
13 issue, but the Chair does ask that we refrain from that
14 type of encouragement. Not that it's wrong, but it's
15 just not the proper thing to do at this time of the
16 hearing.

17 Thank you.

18 And we will go to the next person that is
19 testifying.

20 MR. MARK B. MILLER: Thank you.

21 Good morning.

22 My name is Mark B. Miller. I am a School
23 Board Director with the Centennial School District. I am
24 also an Assistant Regional Director with the Pennsylvania
25 School Board Association working in Bucks and Montgomery

1 Counties, including Neshaminy School District. I'm also
2 co-chair of the Keystone State Education Coalition and a
3 member of the PSBA Legislative Platform Committee.

4 Representative Clymer and Representative
5 Roebuck, and I'm not sure that Representative O'Brien is
6 here, thank you for appearing today.

7 I know this is a serious matter, but I do
8 want to share with you, as I sat down to prepare my
9 testimony, that I realized this is the first time in a
10 few years that I have come to support something in front
11 of the committee, and I enjoy that feeling.

12 Representative Rock, thank you very much
13 for bringing this bill to the legislature. I think it's
14 an important piece of legislation, and I will get right
15 into why.

16 I don't believe that strikes or lockouts
17 have any place in education; they do nothing to add to
18 student achievement, which is my primary concern.
19 However, I do respect the history of the American Labor
20 Movement and I recognize the important role these tactics
21 have played in shaping today's relationship between
22 management and labor.

23 While I cannot support an outright ban on
24 strikes and lockouts, there are many parts of this
25 proposed legislation that I believe will keep parties at

1 the table and, more importantly, will level the playing
2 field.

3 My colleague testifying on behalf of PSBA
4 will go deeper into the effects of prior legislation,
5 including reasons that "no strike" bills in the past were
6 never obeyed.

7 I sense the drafters of this important
8 legislation know that history and have given the careful
9 attention paid to the penalties if a strike should
10 occur. Collective bargaining just should not take place
11 when one party does not agree to meet.

12 House Bill 1369, by identifying additional
13 penalties under a strike, serves as a strong deterrent.

14 We should also realize the dynamics of
15 negotiation between school districts and their
16 professional education associations have changed from
17 decades ago.

18 The total cost of providing a free and
19 appropriate public education, where salary and benefits
20 represent, plus or minus, 70 percent of the costs,
21 together with our economy, funding formulae, being
22 compelled to share revenue with charter and cyber charter
23 institutions, who have lesser requirements of
24 accountability, and many other unfunded mandates imposed
25 on school districts, do not permit concessions made in

1 negotiations that were made as recently as a contract or
2 two ago.

3 Likewise, as many communities are aging
4 due to the extended life expectancy, it is not uncommon
5 for suburban school districts across Montgomery County to
6 find 80 percent of tax-paying households do not have
7 children enrolled in public education. Many of these
8 households are on fixed incomes and many carry bitter
9 memories of a crippling strike which affected them
10 personally.

11 In short, no matter what House Bill 1369
12 has in store, today's education associations can no
13 longer count on the sympathy or support from their
14 community, nor can school districts or unions rely that
15 their community will consent to a tax increase to fund
16 wages and benefits. Strike is not the answer that
17 collective bargaining is.

18 Centennial School District is just such a
19 district. The strike of the '70s looms large in the
20 memory of residents who were students at that time or are
21 now the parents of those children and have grandchildren
22 in the schools.

23 Centennial Education Association is very
24 sensitive to that and also cares for the quality of
25 education we deliver as a district. We recently entered

1 into a four-year agreement, which included a year of time
2 that elapsed between the expiration of previous
3 agreements.

4 Both sides acted professionally through
5 the collective bargaining process. No students were ever
6 in jeopardy of losing services, letters of
7 recommendation, or academic support.

8 There were no threats or intimidation from
9 either side, and no animosity or appeals to the parents
10 of any student. Numerous talks were held and neither
11 side played games to hold student achievement hostage.

12 There were both academic and financial
13 items on the table. I think it is fair to say that each
14 party offered concern and positive input into both
15 categories. In many ways, except for the duration of the
16 process, it was a model of cooperation.

17 In just one way the process was off track.
18 The last two years of this agreement were not funded.
19 And when it came time, the agreement was approved by the
20 narrowest of margins because the association was able to
21 hold a club over the head of one school director who
22 lived through that strike and has never forgotten the
23 pain.

24 I sit in this hearing wishing House Bill
25 1369 had been introduced and passed two years ago.

1 This important legislation will not have
2 an impact for all districts. Over recent years, PSEA and
3 PSBA have put student achievement ahead of everything
4 else and this philosophy is filtering down to our member
5 districts.

6 As new concepts are embraced, changes are
7 bubbling up that will shape the future of collective
8 bargaining and labor relations.

9 Another district in PSBA's BuxMont region,
10 the Quakertown School District, is headed toward a
11 groundbreaking method of compensating its teachers.

12 Quakertown avoided an interruption to the
13 education of its students by simply agreeing to spend the
14 next year working on a new model that is economically
15 feasible and moves away from the traditional salary
16 matrix, and could ultimately include compensation based
17 on teacher effectiveness in the classroom. Slowly, this
18 is becoming the wave in negotiation of tomorrow's
19 contracts.

20 In Montgomery County, Abington School
21 District's Board and Education Association were not alone
22 in deciding to take a year to think about what both sides
23 wanted to do. They extended their agreement for a year,
24 while freezing salaries and protecting employment of
25 staff that might not have survived a difficult renewal

1 process.

2 Both KeySEC and the PSBA are not in favor
3 of eliminating strikes or lockouts as the avenue of last
4 resort. We do support legislation that will require
5 certain conditions be met before a lockout or strike can
6 be called, including a mandatory vote by the respective
7 board of school directors or professional association
8 within 72 hours of taking action, and possibly even some
9 final mediation requirement that would precede the vote.

10 Strikes and lockouts are the supreme
11 action in a labor dispute. If a school district and its
12 professional association reach the point of taking the
13 ultimate step in negotiation by terror, the victim will
14 be the very students they are so dedicated to serve.

15 Where the parties and districts cannot
16 find other means to come together, I would like to see
17 House Bill 1369 lay the groundwork to focus the
18 bargaining process on maximizing student achievement
19 under a fair budget.

20 With those thoughts in mind, I would like
21 to turn to Brian Boland, Esquire, to present the official
22 testimony of PSBA in representing our 501 member
23 districts, career technical centers, and other entities.

24 Thank you.

25 MR. BRIAN BOLAND: Thank you.

1 My name is Brian Boland. I'm an attorney
2 with Kozloff Stoudt in Reading, Pennsylvania. I have
3 been representing school districts for approximately 26
4 years, including extensive labor negotiations throughout
5 that period of time.

6 I believe you have a transcript of our
7 testimony from PSEA relative to PSEA's position in this
8 matter.

9 What I would like to do, however, is take
10 a couple of minutes and just run through certain aspects
11 of the legislation that we see and try to offer some
12 insight and perspective in terms of what happens in the
13 negotiation process and how this piece of legislation
14 will impact it, both positively and negatively.

15 First of all, there is a great deal of
16 communication that goes on with the public already. The
17 school district, typically, as the legislation requires,
18 inform the public monthly or twice a month. As the
19 representative knows from his days on the school board,
20 your opinion to hold regular board meetings where updates
21 are given on negotiations.

22 However, the one thing that should be
23 pointed out is, our Office of Mediation in Pennsylvania,
24 we have some outstanding mediators, Bill Kramer, Dick
25 Stover, and some others, who do an outstanding job.

1 That office is becoming smaller, they are
2 being strained more. And that is a terrific resource
3 that has proved very valuable to us in labor
4 negotiations, is having those people in and available
5 early in the process.

6 This legislation keeps that involved. We
7 want those mediators involved as early as possible.
8 Those people are invaluable to us. We would like to see
9 that office expanded so that more of them can be in our
10 districts more often.

11 One of the issues that we have with the
12 legislation when we ramp up the meeting four times a
13 month are schedules. Typically, we are not able to
14 schedule four times a month with mediators with board
15 member schedules.

16 I think the representative indicates that
17 he had two meetings a month. I think if he was honest
18 with you, he would probably tell you it was more like
19 eight or ten, with committees as a whole, your curriculum
20 committee meetings, your negotiation committee meetings,
21 and buildings and grounds, and everything else.

22 So when you try to insert four more
23 meetings in there, that will become somewhat problematic.

24 I will tell you, though, from a lawyer's
25 standpoint, I will be happy to meet four times a month.

1 It may not be able to be done, but I understand the
2 pressure to put it on.

3 Another piece of the legislation that is
4 very interesting is the no retroactivity provision. That
5 cuts both ways. In this economic environment, where we
6 have givebacks coming to the school districts, we would
7 like to have such aspects retroactive.

8 When we are increasing premium shares,
9 when we are increasing contributions to health insurance
10 and/or other aspects of our agreement, we would like to
11 have them go back retroactive. In the days where
12 increases would come along every single contract, the
13 lack of retroactivity would have been a huge help for us.

14 So that is something that will be an
15 interesting dynamic going forward. And I don't know the
16 exact answer, but I do know that it will cut both ways in
17 the coming days because of the economy and because every
18 single school district is looking for givebacks.

19 I'm involved in six negotiations right
20 now. Every single one of those negotiations included a
21 wage freeze and givebacks. Every single one of them.
22 And that's a credit to the school board, it's a credit to
23 the legislature in what's been going on.

24 But all of them included wage freezes in
25 the first year, and many of them included substantial

1 givebacks in the first year as well, or in the second and
2 third year, if there was anybody willing to go a third
3 year in this current environment.

4 One of the concerns I do have with the
5 legislation is, if we go public with our proposals, it
6 will cause the districts, I believe, and the associations
7 to hold firm in their proposals.

8 One of the flaws -- and I believe
9 Representative O'Brien brought it out with police. One
10 of the flaws in Act 111 is, police have lost the courage
11 to negotiate, in many circumstances. They come in with a
12 list of 48 items and they know that they can go to
13 arbitration, binding arbitration, so they don't negotiate
14 with us anymore. They simply sit tight.

15 They don't have the courage to go back to
16 their buddies and say, I can't get you that gym
17 membership paid for by the township anymore, so they
18 don't negotiate. They leave all 48 items on the table
19 and then they hope that the arbitrator goes yes, no, yes,
20 no, yes, no, yes, no.

21 Well, the townships and boroughs have
22 learned that, too. So they leave their items on the
23 table and hope that the arbitrator goes yes, no, yes, no,
24 yes, no to their proposals. And their proposals are
25 givebacks to match up with the police proposals for

1 gifts.

2 In this environment what concerns me a
3 little bit with the legislation is, if we go to an
4 arbitrator -- first of all, I'm not keen on the American
5 Arbitration Association.

6 Just because a person passes the American
7 Arbitration Association's academy doesn't mean he knows
8 anything about coming into the Wissahickon, the
9 Neshaminy, the Wyomissing School Districts and deciding
10 what is good for them.

11 We have had fact finders, frankly, that we
12 had to educate what Act 1 was about. Act 1, where we
13 spent a half a day explaining the impact of Act 1.

14 This Act will be even more difficult to
15 explain to them. So we prefer that perhaps they come out
16 of the Department of Labor and train in negotiations and
17 train in arbitrations, and things of that nature, where
18 they have a good fundamental understanding of what school
19 districts are doing, much like your mediators do who come
20 out of the Department of Mediation.

21 So that concerns us a little bit that
22 those people are going to be making those decisions from
23 the arbitration association.

24 And then the factors that they will
25 consider concern me as well. Number one factor that the

1 panel shall consider is going to be the interest and
2 welfare of the public. What public?

3 I'm interested in the public in Neshaminy,
4 I'm interested in the public in Wyomissing, the public in
5 the City of Reading, period. I don't care if the school
6 district next door wants to give 4 percent a year for
7 three years. I don't care.

8 My district doesn't want to give
9 anything. I don't want to be saddled by what the
10 district next door did.

11 And that goes into number two of the
12 criteria, the financial ability of the employer to fund
13 the costs. I don't care if the school district has the
14 financial ability to fund the costs. That doesn't mean
15 they have to do it.

16 If GE is making a profit, that doesn't
17 mean they have to give every dime of the profit to their
18 workers.

19 If a school district is doing a good job
20 of managing their funds, it doesn't mean if they have a
21 \$600,000 surplus at the end of the year, that that's
22 available for raises. It's not. That's always been the
23 push.

24 The push has been, hey, we are going to
25 have retirements, there are attritional savings,

1 therefore, that should go to us in raises. The financial
2 ability to me is irrelevant. It should be the
3 desirability of the school district to fund the school --
4 to fund that contract.

5 The next item, number three, is the
6 comparison of wages, hours, and conditions of employment
7 for those performing similar services or similar skills,
8 or other employees generally in the public and private
9 employment in comparable communities.

10 Again, the fact that the Hempfield School
11 District in Lancaster County gives 3 and 4 percent raises
12 doesn't mean Palmyra is doing it in Lebanon County. We
13 want to do what is in the best interest of the Palmyra
14 School District, period. It is in our four walls.

15 If we have managed our money right and we
16 have managed things correctly, we want to be able to give
17 a raise that we think is correct, irrespective of the
18 fact that the district next door might be reckless.

19 We want to be able to control our costs.
20 Our neighboring school districts no longer matter. We
21 have a different tax base. We may have lost a big
22 employer, maybe we are getting one in.

23 Typically, tax bases are eroding right now
24 because of all the assessment appeals, and we want to be
25 able to manage only what's particular to our concern in

1 our school district.

2 It should only matter when we are here in
3 an arbitration or a mediation what is going on here in
4 Neshaminy or Centennial or Reading or Governor Mifflin.
5 Those should be the only considerations, that school
6 district in particular.

7 The meetings concern me a little bit, in
8 that we want to be careful that in our public
9 transparency, which I agree is very, very important, that
10 we don't develop two things going on in negotiations.

11 One is our public posture that we submit
12 to the mediator and/or the fact finder, and the second
13 are the unofficial negotiations going on on the side. We
14 want to be careful that what we are doing -- it is a very
15 delicate process. And in Labor Law 101 they always tell
16 you, please respect the process.

17 So we want to be careful that we don't
18 develop a public persona and a sidebar persona that comes
19 along with this, and that those two can somehow marry and
20 meet, and that we can keep an honest dialogue going
21 forward with the association as we move forward.

22 So those are some of our concerns, or some
23 of my concerns, as it relates to the legislation, just in
24 some of its particulars in moving forward, and so I would
25 put those things out and place them on the record.

1 I would make one parenthetical issue or
2 put them as a side. I have three children in college who
3 were all public -- right now, who were all public school
4 district graduates. They have all gone down south to
5 major universities.

6 And I will tell you that routinely, and
7 they tell me, that they are outperforming their
8 counterparts in the southern states as they -- as they go
9 through college.

10 And so we do have a lot of to be thankful
11 for here in Pennsylvania. Our kids are being prepared
12 well and they are doing well when they leave Pennsylvania
13 and go other places.

14 Thank you.

15 CHAIRMAN CLYMER: I thank the three
16 gentlemen for their testimony.

17 And would like to recognize joining us
18 here this morning is Chairman Jim Roebuck.

19 And, Jim, welcome. Is it raining out
20 there?

21 At this time I'm going to hold my
22 questions and I'm going to recognize Representative
23 O'Brien for questions.

24 REPRESENTATIVE O'BRIEN: Thank you,
25 Mr. Chairman.

1 Mr. Boland, if we can refer to Page 6 of
2 your testimony that you submitted, and if we can come
3 down to the last bullet point, Article III, Section 31 of
4 the Pennsylvania Constitution, only permits police and
5 firefighters to have their contract disputes settled
6 through compulsory binding arbitration.

7 Want to flush it out for us?

8 MR. BRIAN BOLAND: That's correct.

9 The Constitution in that case indicates
10 that those two separate and distinct entities are the
11 only ones who are going to arbitration as a mandatory
12 requirement due to the public safety nature of the
13 services provided, that is correct.

14 REPRESENTATIVE O'BRIEN: Is it your
15 opinion to include teachers' mandatory arbitration would
16 require a constitutional amendment?

17 MR. BRIAN BOLAND: It may.

18 REPRESENTATIVE O'BRIEN: So let's go
19 through this process and review the constitutional
20 amendment to require mandatory arbitration.

21 Let's refer back to -- well, let's put a
22 hypothetical situation on the table and maybe ask you to
23 address this.

24 Teachers' union goes to arbitration.
25 Arbitrator makes an award that the school board considers

1 to be overly generous. I believe on the table is 4
2 percent over the three years, for a total of 12 percent
3 over the term.

4 Let's say that the school board considers
5 that to be an overly generous award because the school
6 board looks at their tax revenues and says, we can't pay
7 this, just can't do this, but, nonetheless, the award is
8 on the table.

9 In a similar circumstance as the
10 Philadelphia firefighters, the City took it up on appeal,
11 so the thought of the firefighters continuing to work on
12 that contract, under the old contract.

13 Talk to me about the long-term push and
14 shove of an overly generous contract.

15 MR. BRIAN BOLAND: That's an outstanding
16 point. To your point, I'm involved in two police
17 negotiations where the awards came in three, four, and
18 five, and four, four, and five, today, in the last 90
19 days those awards came in.

20 I don't know what planet those guys are
21 on. They are not living in the economic environment that
22 we are. And certainly, the townships and boroughs that
23 received those awards are not living in that economic
24 environment and certainly school districts aren't.

25 But you make a very good point, that sets

1 the floor. And in the case of firefighters and police,
2 it is mandatory, you are stuck with it, you are going to
3 fund it.

4 Well, the way you fund it is, you reduce
5 services. If the district or the township or the borough
6 is out of money, you simply reduce services by cutting
7 what typically is 80 or 90 percent of your budget, which
8 is personnel, so that's what happens.

9 In this case what concerns me in this
10 legislation with the arbitration is, we bring those
11 outsiders in, you know what these results are going to
12 be, they are going to be in these high ranges, and that
13 then sets the floor for the argument.

14 The argument from the association is,
15 well, look this independent guy came out of nowhere and
16 he said it should be 3 or 4 percent, that's what we
17 should be getting. Here is a guy without any -- you
18 know, without any stake in this race who thinks we should
19 be getting 3 or 4 percent.

20 The board then is in the position of
21 saying, well, yes, I know, but we still don't think you
22 should get that much money.

23 And so in the case of nonbinding
24 arbitration, while you won't have the award entered by
25 the courts like you do with the police and firefighters,

1 you will have, typically, the association holding up an
2 award and saying, you guys ought to enforce this, you
3 ought to put it in place. An independent person, you
4 know, came up with these numbers based on your findings.

5 And my point is, it doesn't matter that
6 the district might be able to afford it this year or next
7 year. The point is that the district wants to say we
8 think we are paying these people fairly, and we think a 1
9 or a zero percent increase is appropriate this year, they
10 ought to be able to enforce it.

11 REPRESENTATIVE O'BRIEN: But it's a matter
12 of equity. Okay? Teachers' union enters into the
13 arbitration and we get to the point that the board can't
14 or won't pay the award. What's the recourse?

15 MR. BRIAN BOLAND: If it was binding, in
16 this legislation it is not binding, but with the
17 firefighters and police, if it is binding, it is going to
18 eventually be enforced by the courts.

19 REPRESENTATIVE O'BRIEN: And if it is the
20 case that this legislation is not binding?

21 MR. BRIAN BOLAND: If it is not binding,
22 it will only serve as a point of argument in the
23 discussions after the award was entered.

24 So my concern is, if there is going to be
25 an arbitration, even though it is not binding, we want

1 somebody, either, A, local to this area deciding what
2 Neshaminy is going to pay, maybe even somebody from
3 Neshaminy, or we want somebody who is going to look at
4 the criteria for determining the award, and those
5 criteria ought to be things local to Neshaminy.

6 They ought to factor in not what Council
7 Rock is doing, they ought to factor in what is going on
8 here.

9 Did Neshaminy just lose an assessment
10 appeal on the Neshaminy Mall? Did they just lose a major
11 manufacturer? Are their real estate taxes trending
12 downward? What's their Act 1 index? And so forth and so
13 on. It ought to be confined to the four walls of what's
14 going on here in Neshaminy, period, end of story.

15 REPRESENTATIVE O'BRIEN: In my mind, in my
16 mind, one of the questions in my mind, if you begin down
17 a path, you come to the table, you come to the
18 arbitrator, the arbitrator makes a decision, very simply,
19 you have acted in good faith and you are entitled to the
20 award of the arbitrator.

21 And if the board refuses to act in good
22 faith, you have a right to strike. And, certainly, in my
23 mind, this is a flaw of this legislation.

24 Thank you, Mr. Chairman.

25 CHAIRMAN CLYMER: The Chair thanks

1 Mr. Boland.

2 And acknowledges Representative Rock for
3 questioning.

4 REPRESENTATIVE ROCK: Just real briefly, I
5 want to thank all three of you gentlemen.

6 I think there may be some potential
7 glitches, which you pointed out in the bill, and, of
8 course, my objective is to have the best bill possible.
9 So this is a work in progress.

10 We put a lot of work into this bill, don't
11 get me wrong, but I'm always looking to make it better.
12 So those concerns are valid. And if I could get a copy
13 of the changes that should be made, I would certainly
14 appreciate that.

15 MR. BRIAN BOLAND: Be glad to.

16 CHAIRMAN CLYMER: The Chair recognizes
17 Chairman Roebuck for questioning.

18 CHAIRMAN ROEBUCK: Thank you,
19 Mr. Chairman.

20 And I would certainly like to thank those
21 of you who have testified in negotiating Bucks County
22 Roads or Tax Code Bill, or whatever it was, but I am very
23 happy to be a part of this today.

24 I just wanted to focus in on a couple
25 things that were said, particularly with the last

1 testimony of Mr. Boland.

2 But let me preface it by saying that I do
3 represent a neighboring school district, the School
4 District of Philadelphia. We have not had a strike in
5 the City of Philadelphia for 30 years.

6 And I think that's, in part, a product of
7 a climate that's been created that facilitates
8 negotiation. It also facilitates the ability to
9 compromise and to resolve differences, perhaps as a
10 premise upon which any labor relation ought to be based,
11 a sense of trust and a sense of looking for what
12 ultimately benefits both sides.

13 In the course of the testimony that was
14 given, it was noted that every school district is looking
15 for givebacks. And I guess that struck me, because it
16 seems to me that as a person who works for a given
17 employer, I would hope that when it came time to
18 negotiate my salary, the premise upon which that
19 negotiation was faced would not meet the motivation of
20 getting givebacks.

21 And I wondered if you might clarify what
22 you meant by that or at least clarify what drives that
23 kind of motivation.

24 MR. BRIAN BOLAND: The givebacks that I
25 refer to -- I represent seven school districts, and so

1 I'm intimately involved in seven. In each of those seven
2 school districts, they were faced with varying degrees of
3 deficits this year over the prior fiscal year. They
4 ranged from 350,000 to several million dollars.

5 In one particular school district, the
6 deficit ranged around \$600,000. The way that that
7 deficit was -- and in that district about 70 percent of
8 the budget is salaries and benefits.

9 In that particular district what the
10 district did was meet with both the association, the
11 teachers' association, and the support staff association,
12 and worked on either a 5 percent across-the-board pay
13 cut, a pay freeze, or, in the case of the nonprofessional
14 association, keeping their raises in place. And what
15 they did was they identified how they would bridge this
16 \$600,000 gap.

17 It resulted in the teachers' association
18 of a wage freeze and a complete suspension of tuition
19 reimbursement in the contract where they would take
20 classes and be reimbursed for the classes they would
21 take. That was costing that district about \$450,000 a
22 year. The teachers agreed to remove that from the
23 contract for one year to help bridge this gap.

24 The nonprofessional association, instead
25 of agreeing to a 5 percent across-the-board pay cut,

1 agreed to a pay freeze. When those two things were put
2 together, it resulted in approximately 42 layoffs.
3 Several teachers and support staff were laid off. Had we
4 taken a 5 percent across the board from everybody, we
5 could have reduced those layoffs further. But that's
6 the -- that's the process that is going on in school
7 districts today in order to bridge the gap.

8 In another district, just two nights ago,
9 I met with an association and we have about \$750,000
10 anticipated deficit for next year, assuming where the Act
11 1 index is coming in.

12 We are in negotiations. And we formed a
13 committee with -- at the negotiation table we formed a
14 committee with the teachers to sit and go line item by
15 line item through the budget to identify cuts to the
16 budget that will save, in effect, staff, so that we don't
17 have to try to lay off as many staff as we might
18 otherwise have to do.

19 So we've invited the teachers in. We are
20 sitting down. Our first meeting is late September. And
21 we are going to go through the budget and try to identify
22 cuts, so we can minimize the cuts and they can help us
23 make the cuts and be part of that process. Those are the
24 types of givebacks I'm talking about.

25 CHAIRMAN ROEBUCK: All of the givebacks

1 you are talking about are what the teachers and staff
2 would do, the layoffs, salary increases, education
3 reimbursement.

4 What did the other side give back?

5 MR. BRIAN BOLAND: You mean the school
6 district?

7 CHAIRMAN ROEBUCK: Yes. Nothing?

8 MR. BOLAND: The school district was
9 reducing either salaries or benefits in order to balance
10 their budget in the past year.

11 So the school district was faced with
12 either larger layoffs or reduction in salary and benefits
13 in order to balance their budgets.

14 CHAIRMAN ROEBUCK: But I thought we were
15 talking about negotiations with each side giving up
16 something. What you are setting forth is something where
17 one side gives up something.

18 Also, this note that -- you talk about
19 layoffs, you talk about tuition reimbursement, you are
20 talking about quality education, as well as you are
21 talking about diminishing -- the potential diminishing
22 quality of education.

23 So I'm a little confused as to how this is
24 a good solution for students. Your teachers, teachers
25 who aren't getting -- they don't do professional studies

1 and you are talking about leveling compensation, how does
2 that help students?

3 MR. BRIAN BOLAND: In the case of those
4 districts, we have reduced aides, teachers, support
5 staff, people like that. I'm fairly certain it did not
6 improve education in any of those districts.

7 MR. RITCHIE WEBB: May I comment, sir?

8 I think our attorney hit the nail on the
9 head. I can only give you what happened here in
10 Neshaminy as a biggest example.

11 First of all, 80 percent of our budget is
12 salaries and benefits. So if you are trying to balance a
13 budget, there is not a whole lot of room any other place.

14 Now, when you get right down to it, Act 1,
15 prior to Act 1, we had unlimited taxing ability and,
16 unfortunately, here in Neshaminy, they used it. We get
17 to a point where there is only so much money in the pot.

18 So we cannot, you know, raise taxes
19 because of Act 1. The interest rate that we are getting
20 on our people paying taxes in advance, I think that's .5
21 or .15 last month, that is like paying the bank to keep
22 your money.

23 We go into classes and we try to economize
24 and try to get as scruple as we can, but what it really
25 boils down to, sir, if we don't have the money, we either

1 cut programs or we cut staff or we look for givebacks.

2 In Neshaminy's case, they have a Rolls
3 Royce health plan, second to none. We want them to move
4 off of that plan, which would save us several million
5 dollars. We want them to contribute. These are all past
6 boards gave this away.

7 So when you are looking to givebacks, now
8 as far as what did the administration give back? They
9 gave that back three years ago. So they have.

10 But the bottom line is, there was so much
11 money and when you funnel through everything, it comes
12 down to programs, it comes down to hurting the children,
13 or it comes down to cutting staff wherever possible,
14 laying them off. We have done the same thing here in
15 Neshaminy.

16 Thank you.

17 CHAIRMAN ROEBUCK: I might just point out
18 that certainly this last budget, just like with the
19 reduction in the state budget based education, most of
20 them have done all those things and more. They eliminate
21 programs, as well as the furloughing or releasing staff.

22 It's gone all the way across the board,
23 even to the point of eliminating basic programs that I'm
24 not certain is in play and the example isn't given.

25 But let me just ask one more question,

1 because I don't know if you would agree, there is
2 probably a basic standard at which education would
3 cooperate across the entire Commonwealth, a line which we
4 should not go. And certainly, the Constitution and
5 powers that are required that we provide an efficient
6 system of public education in Pennsylvania.

7 Would you favor some kind of statewide
8 contract for teachers that would set a standard against
9 which no one could go, could certainly go below, and then
10 have flexibility above that standard?

11 MR. MARK B. MILLER: I think I'm answering
12 for all three of us by saying no.

13 There's too many disparages across the
14 state that could allow something like that to work. We
15 encourage you to hold our feet to the fire in delivering
16 the best education possible in every district.

17 If you look at the 500 districts across
18 the state and you rank them on performance, and you heard
19 us back in -- when we were at Temple University on August
20 2nd and 3rd. If you look at the top performing 50 school
21 districts and you look at the salaries there, the average
22 is \$74,000 per teacher, you look at the average education
23 of those teachers, and it's Master's degrees, plus
24 credits.

25 You look at the 50 lowest performing

1 school districts and the average salary there is
2 \$47,000. The average education is Bachelor's degree.

3 The state contract is not going to allow a
4 district that doesn't have the money -- where is Chester
5 Upland School District, who just lost \$19 million from
6 their state subsidy last year, or this coming year, going
7 to come up with the money to match the salary of a state
8 contract, unless you are talking about different
9 districts having different salary levels.

10 It goes back to what a district can
11 provide with its budget and be fair to the taxpayers. We
12 don't have the ability, as Mr. Webb pointed out, to go
13 back to our taxpayers and just say, we need this much
14 money because, and put it into play. We have to go back
15 to a referendum.

16 There's very few school districts where
17 that referendum would pass. In recent years, there is
18 only one school district that has successfully passed the
19 referendum and that's Upper Dublin. Everything else has
20 failed.

21 The givebacks that you talk about are not
22 all the best. They are from everything as small as
23 cutting a coach in a middle school, or an assistant coach
24 in a middle school, in order to keep sports in the middle
25 school, all the way up to health care costs and more.

1 CHAIRMAN ROEBUCK: I'm sorry. What in the
2 middle schools?

3 MR. MARK B. MILLER: Health care costs and
4 coaching in the middle schools.

5 Just in the last three days -- I'm also
6 a -- I have my fall schedule and games are dropping off
7 of it, because school districts are cutting 9th grade
8 sports. Our district kept them, but we might not have
9 anybody to play.

10 CHAIRMAN ROEBUCK: Well, certainly that is
11 nice, but not happening at my school district, sports at
12 that level, but we don't.

13 And, I guess, that's part of the problem,
14 is that the disparity and opportunity defines the level
15 of education of young people in this state, and as long
16 as we have that disparity, there are problems.

17 I mean, we have excellent teachers who
18 come in to Neshaminy to teach, and for them that's what
19 you pay for, that's reality.

20 And so as long as we have equalities and
21 as long as we are producing a program of middle school
22 sports, that's something I would love to have in my
23 district. It doesn't happen.

24 So I think if you are going to put this as
25 an issue, and, subsequently, we ought to look broadly at

1 what are those elements that we, as a Commonwealth, can
2 agree upon are basics to public education, and then make
3 sure that every student in every district has that kind
4 of opportunity.

5 MR. MARK B. MILLER: That's an excellent
6 premise, but it doesn't come out of the state teachers'
7 contract, it comes out of the requirement to provide
8 prudent and appropriate public education, and defining it
9 and funding it.

10 MR. RITCHIE WEBB: It all comes down to
11 money.

12 CHAIRMAN ROEBUCK: Thank you.

13 CHAIRMAN CLYMER: I just have a few
14 thoughts. The Chair thanks the gentleman for those
15 questions.

16 One of the reasons that some of the school
17 districts may be struggling with their budgets is that we
18 lost money through the economic stimulus that did not
19 come through this year. However, it should be noted that
20 in the money for basic subsidies, the state did give \$450
21 million more than we had given the year before.

22 So while the state contributed more money
23 to the education process, it looked like there were cuts
24 because we did not get that economic stimulus. I just
25 need to bring that to your attention.

1 And, also, Mr. Boland, and to the other
2 gentlemen as well, we are always interested in looking at
3 ways that we can through mandate waiver.

4 So if you come across an issue and we can
5 save X thousands of dollars, then you need to contact us
6 and tell us how we can -- how together we can partner and
7 we can put through legislation that would save the school
8 districts money.

9 We did pass an education bill this past
10 year, and there were some mandated waivers that were in
11 there, ways that the school districts could save dollars,
12 and that's what we are interested in as well.

13 While we recognize that we need to
14 continue to provide a quality education for our students,
15 at the same time, we are very sensitive to the fact that,
16 you know, things have to change. And they have to change
17 in Harrisburg as to the way we -- to look at the way that
18 we work with and partner up with our 500 school
19 districts.

20 So I just wanted to bring those thoughts
21 in mind as well. And we are a cooperative team, so
22 wherever we can help, we want to do that.

23 I think that concludes the questioning
24 from the members here.

25 And we thank you, gentlemen, for taking up

1 your time here this morning. Your testimony was very
2 helpful.

3 And the Chair thanks the members of the
4 committee as well.

5 Thank you, gentlemen.

6 MR. MARK B. MILLER: Thank you, sir.

7 CHAIRMAN CLYMER: Our next testifiers here
8 this morning are Pearre Dean, who is Deputy Director of
9 Public Affairs Commonwealth Foundation, and Larry Pastor,
10 Taxpayers for a Fair Neshaminy School Budget. We welcome
11 the gentlemen.

12 And, again, as each one gives testimony,
13 if you would just announce your name, so that the court
14 reporter can identify who the person is that's providing
15 the testimony, we would appreciate that.

16 Okay. The testimony has been passed out,
17 gentlemen.

18 You may begin. Who wants to start first?

19 MR. PEARRE DEAN: I will go first.

20 CHAIRMAN CLYMER: Okay.

21 MR. PEARRE DEAN: Good afternoon.

22 My name is Pearre Dean and I am the Deputy
23 Director of Public Affairs for the Commonwealth
24 Foundation of Pennsylvania's free-market think tank that
25 crafts free-market policies, convinces Pennsylvanians of

1 their benefits and counterattacks on liberty.

2 Most importantly, I'm a proud parent of
3 two sons currently in the Pennsylvania school system and
4 a taxpayer.

5 Today's topic, teacher strikes, is an
6 affront to parents, children, taxpayers, and liberty.
7 Ultimately, it diminishes the ability of five through 18
8 year olds to get consistent, uninterrupted, and a
9 superior public education in an increasingly competitive
10 global market.

11 Pennsylvania has the dubious distinction
12 of being the teacher strike capital of America,
13 continually putting students in the crossfire between
14 teachers' unions and school boards during contract
15 negotiations.

16 Since 2004, Pennsylvania's strikes have
17 accounted for more than half of America's public school
18 strikes. That is, more teacher strikes have occurred in
19 Pennsylvania than the other 49 states combined.

20 The Keystone State averages about 12
21 strikes a year since the passage of Act 88 in 1992. And
22 in the 2009-2010 school year, there were eight school
23 strikes by teachers and employee unions affecting 34,900
24 children in the classrooms.

25 This is unacceptable, that school children

1 could be held hostage while teacher unions negotiate
2 taxpayer-funded salaries and benefits.

3 The six-week Bethel Park strike, which
4 ended last fall without an agreement, should be seen as a
5 wake-up call for the need to enact legislation, similar
6 to that of most other states, that bans teacher strikes.

7 Starting in 2010, the Bethel school board
8 and union officials' contract negotiations went into a
9 non-binding arbitration and failed to reach an agreement
10 that the district could afford.

11 Now, Bethel parents, who last year
12 protested against the teacher strikes, are waiting to see
13 if the classes start on September 12th of this year, as
14 planned, or if the teachers, once again, hit the streets
15 in protest.

16 The Bethel Park School District ranks in
17 the top 10 percent of property taxes in the state.
18 Education spending has increased by 11 percent since
19 2000, and enrollment in Bethel Park has gone down by
20 almost 8 percent over that same time.

21 Bethel Park's average salary is \$58,978 a
22 year, and teachers have been entitled to a 4.1 percent
23 annual pay and benefit increase for the last four years,
24 contributing less than 1 percent of their -- toward their
25 health care costs.

1 We don't want what happened with Bethel
2 Park to become the reality for parents in the
3 Philadelphia School System, but without action from the
4 legislature, it likely will.

5 The Neshaminy School District has been
6 operating under an expired contract that provides
7 generous compensation for teachers that cost taxpayers
8 \$78 million.

9 Neshaminy schoolteachers are among the
10 highest paid teaching staff in the state, with a base
11 salary ranging from \$42,552 to the top range of \$95,923.
12 And teachers don't put a dime towards their health care
13 premiums, where taxpayers pay 100 percent.

14 This is an insult to those who fund the
15 premiums, the taxpayers; not because they find their
16 teachers unworthy, but because they live beyond the
17 private sector reality that must contribute to their
18 benefits. Private sector employees should reflect the
19 realities of their communities, not live outside of them,
20 and certainly not demand to live above them.

21 The Neshaminy Federation of Teachers have
22 already threatened to strike to ensure the new contract
23 continues to provide lavish compensation, despite the
24 fact that the school district has a \$5 million deficit
25 this year.

1 Teacher strikes without consequences
2 provide union officials an edge at the bargaining table
3 to leverage, using children as pawns, for compensation
4 packages that school districts can no longer afford.

5 Under the current system, working families
6 are punished first during the school strike. They must
7 find child care with little or no notice at all, for an
8 unknown time, and this will be further inconvenienced by
9 make-up exams and a late school year. If the school
10 board approves a more generous contract, parents will
11 likely be hit with paying higher tax bracket -- higher
12 property taxes, excuse me.

13 Only 12 states allow public schoolteachers
14 to strike. They are Alaska, California, Colorado,
15 Hawaii, Illinois, Louisiana, Minnesota, Montana, Ohio,
16 Oregon, Pennsylvania, and Vermont.

17 In March, Wisconsin became the most recent
18 state to prohibit strikes and fine teachers -- I'm sorry
19 -- and fine school employees who go on strike.

20 Allowing government employees to strike
21 makes little sense. While parents would face legal
22 ramifications if they prevent their child from attending
23 classes for weeks, teachers can interrupt classes in
24 order to negotiate taxpayer-funded compensation packages.

25 While everyone in attendance and who is

1 testifying today would certainly speak to the importance
2 of education as a public good, this importance is
3 undercut by allowing interruption of school childrens'
4 education over disagreements about money for adults.

5 In fact, employees do not even lose pay
6 for striking in Pennsylvania, which is one of the reasons
7 why Pennsylvania leads the nation in the number of
8 strikes.

9 Outlawing teacher strikes, fining --
10 outlawing teacher strikes, fining school employees for
11 each day they strike, could be a first step to improving
12 the public education system in the Commonwealth.

13 While Act 88 reduced the number of strike
14 days by mandating 180 days of instruction to be completed
15 by June 30, striking teachers have very little to lose.

16 And a limited ability to extend the school
17 year means they can still lose -- still lose -- I'm sorry
18 -- extending the school year still means they can still
19 make close to 100 percent of their pay. That's not a
20 luxury striking workers in other industries enjoy.

21 Loss of pay is a deterrent from striking
22 in other occupations in the public and the private
23 sector. Auto workers, grocery clerks, and construction
24 workers, all take a financial hit and are less likely to
25 strike.

1 Many unions have established strike funds
2 which pay workers when they choose to walk the picket
3 line, paying anywhere from \$8 to \$25 a day, but with the
4 price of gas and food today, that is not enough to
5 support and sustain a family.

6 By contrast, states that prohibit teacher
7 strikes exact stiff penalties for breaching ban --
8 breaching the ban. Employees in Florida risk getting
9 fired and unions receive fines for damages of \$20,000 per
10 strike day.

11 In addition, the union has to wait a year
12 before being certified again. The penalties are so
13 severe that one strike occurred between 1975 and 1987.

14 In Iowa, an employee violating a strike
15 ban is charged with a simple misdemeanor, which carries
16 the fine of \$50 to \$500, or a maximum of 30 days in
17 prison.

18 In Maryland, a strike means unions lose
19 representations for two years and dues deductions from
20 employees paychecks for a year.

21 Wisconsin's Act 10, enacted this year, not
22 only forbids teacher strikes, but teachers unions are
23 only permitted to negotiate for salaries, not benefits or
24 paid sick days.

25 This year, contracts in 130 school

1 districts expire, and only nine school districts have
2 settled on contract negotiations so far.

3 Another 42 districts are at risk of
4 immediate strike because they are operating under expired
5 contracts. These represent hundreds of thousands of
6 school children who are threatened with missed school for
7 weeks on end from strikes.

8 We should not allow striking teachers to
9 turn our childrens' education into a mere bargaining
10 chip. It's time for Pennsylvania to put their children
11 above the system and ensure that the kids, not salaries
12 and benefits, are the focus of education in Pennsylvania.

13 CHAIRMAN CLYMER: You may proceed.

14 Thank you.

15 MR. LARRY PASTOR: Good morning,
16 gentlemen.

17 Thank you for holding this important
18 hearing at ground zero for work-to-contract and strike
19 actions by unions. And thank you for allowing me to
20 address you on behalf of the taxpayers.

21 My name is Larry Pastor. I'm a business
22 executive from Middletown Township and a 28-year resident
23 of the Neshaminy School District. I'm also a taxpayer
24 advocate in the Neshaminy School District.

25 We run a non-partisan political action

1 committee and informational website called Taxpayers for
2 a Fair Neshaminy School District Budget at
3 www.neshaminytaxpayers.com.

4 Both are focused on speaking for
5 taxpayers' rights, ensuring that we elect school board
6 members that support taxpayers and, more importantly, are
7 committed to improving quality education for our
8 children. But, foremost, we are focused on education
9 reform and curbing teachers' union power.

10 I am delighted to be here to offer
11 testimony in full support of House Bill 1369 for strike-
12 free education in Pennsylvania.

13 My comments will be specific to our school
14 district, Neshaminy, but I would also like to address the
15 general issue concerning the negative impact that
16 teachers' unions, including our own NFT, have upon the
17 quality of American public education and on the
18 struggling taxpayers of the Commonwealth.

19 Just so you know, 70 percent of taxpayers
20 in Neshaminy do not use the school district, do not have
21 children in the school district.

22 To help illustrate why teachers' strikes
23 and work slowdowns that were referenced by Mr. Webb need
24 to be eliminated in PA, I will explain the current
25 economic status of our teachers, their union, the

1 Neshaminy Federation of Teachers', priorities and the
2 reasons for this protracted Neshaminy contract
3 negotiation.

4 I think when you understand the background
5 of our school district issues with the NFT, you will have
6 a clear idea of what we need -- why we need to pass 1369
7 and begin to shift the balance of power back towards the
8 people who pay the bills, the taxpayers. And we expect
9 an acceptable return on investment for our tax dollars.

10 Let me note first, after three and a half
11 years of holding out for demands, the NFT approved a
12 strike and work-to-contract this past May for the 2011-
13 2012 school year.

14 Now, Neshaminy has had two major problems
15 related to the teachers' union over the past decade or
16 more.

17 First and foremost, we have had a \$33
18 million budget shortfall over the last three years,
19 predominantly caused by out-of-control labor costs,
20 resulting from unaffordable and excessive teachers'
21 contracts negotiated over 13 years ago.

22 This contract was then extended in an
23 early bird special in 2002, with additional unaffordable
24 teacher perks, along with an annual pay increase for six
25 years, significantly above the norm in Pennsylvania.

1 This old contract that has nearly
2 bankrupted our district expired in June of '08, and the
3 NFT is now working under status quo, which is the full
4 breadth of that contract.

5 Even after three years, this contract,
6 this Collective Bargaining Agreement, is the richest in
7 Bucks County and in the State of Pennsylvania.

8 Based on this, this CBA, the tax -- the
9 effect of taxpayers is that this is now a district, that
10 compared to any district in the State of Pennsylvania,
11 has overall the highest compensated teachers, including
12 salary and, basically, free benefits. The health care we
13 referred to I will talk about in a little while.

14 Secondly, the Neshaminy Federation of
15 Teachers, in the midst of the worst economic crisis since
16 the Great Depression, is making demands building on their
17 last contract for a new contract with literally no
18 concessions that save the bottom line of a financially
19 strapped district one penny, and that, in fact, it would
20 cost us \$36 million previous to our current budget over
21 the next three years.

22 Shockingly -- now, remember, a \$33 million
23 budget, if you recall, in the prior three years.

24 Shockingly, they are asking hardworking,
25 struggling taxpayers to now continue to increase their

1 level of funding for what now can only be called, by any
2 measure, an affluent lifestyle for teachers in our
3 district and in Bucks County.

4 Over the past few years, this union has
5 tried every union antic and trick to persuade people to
6 force our school board to concede. The most heinous of
7 these was a work-to-contract slowdown that started in May
8 2010 and ended in November 2010.

9 They, with willful intent, hurt 9,000
10 children of the Neshaminy School District for the work
11 slowdown that is tantamount to a strike.

12 Kids went without extra help,
13 recommendation letters, home access, decorated
14 kindergarten classes, and even no teachers at our
15 graduation. Now, the NFT has started another work-to-
16 contract that will take effect when school starts.

17 Taxpayers have been speaking and writing
18 to express our complete outrage, not only for the expired
19 teachers' contract, but, more importantly, for the ever-
20 escalating financial demands these teachers are making
21 for a new contract on a district that is literally out of
22 money.

23 And with Act 1 limits, we cannot raise
24 taxes enough to cover the demands or even the current
25 contract under status quo. The union simply does not

1 care and continues to demand blood from the taxpayers'
2 stone.

3 This display of self-interest at the
4 expense of taxpayers and students is exploitation at a
5 level not seen before and I'm certain at a level that
6 does not exist in the Commonwealth. The Neshaminy School
7 District has a union that is truly a poster child for
8 unions gone wild in Pennsylvania.

9 As you all know, when a teachers' union
10 doesn't succeed in getting their way, their tactics
11 include intimidating the school board, disrupting back-
12 to-school nights, continuing to wear antagonistic union
13 shirts in the classroom, which all of ours have done for
14 four years, shouting down parents and taxpayers who stand
15 up at board meetings to speak for their rights, and then
16 a work slowdown that we consider a strike in the truest
17 sense of the word here in Neshaminy.

18 The NFT has done all these things so far
19 to us and is now threatening our community with ultimate
20 assault on the public, a strike affecting and damaging
21 9,000 students of the district.

22 Teachers' unions in Pennsylvania feel
23 entitled by law to do almost anything to get what they
24 want from taxpayers. Harrisburg has permitted the
25 empowerment of teachers' unions to a point where they now

1 hold all the cards and school boards and taxpayers are
2 held hostage by everything they do.

3 They are protected by laws passed long ago
4 that have tipped the balance of power entirely for one
5 single special interest group, teachers' unions.

6 As an example, this week, we learned that
7 our union accessed private parent information from a
8 confidential district database, including home phone
9 numbers to call parents to propagandize about their
10 contract impasse and to bad-mouth our school board.

11 This was information to be used for
12 district business, not union business. We hope the
13 district will take action against the union leaders for
14 violating our public trust.

15 From the day we entered this battle to
16 take our district back and to fight for taxpayers and a
17 fair contract, I believe our community could and would
18 stand up to union threats, like strikes, and the abusive
19 actions we have seen for the past four years.

20 Voters were informed by a completely
21 transparent school board like none other that we have
22 seen and taxpayer groups about the contract demands and
23 the last contract of the Neshaminy Federation of Teachers
24 that no one had any prior knowledge of. They responded
25 overwhelmingly to that information both at the polls and

1 at school board meetings.

2 Many of us recall when private sector
3 workers enjoyed annual raises, free health care, and
4 company-funded retirement plans. And during those times,
5 most taxpayers could afford to pay for what were then
6 underpaid public workers, teachers.

7 That is no longer the reality of the
8 American worker, and it really hasn't been for two
9 decades. So why is it that teachers' unions keep trying
10 to draw water from our dry well?

11 Simply put, there is no money to meet
12 their demands any longer. The money is just not there in
13 Neshaminy, and hundreds of other districts in the
14 Commonwealth, and we certainly see that there isn't
15 enough money in Harrisburg to help them.

16 80 percent of our school district budget
17 is union labor costs, salary, and benefits. The argument
18 that excessive pay and free benefits guarantee quality
19 teaching does not stand.

20 For example, we are 14th in per student
21 cost, out of 501 Pennsylvania school districts, and, yet,
22 in a recent local ranking of 105 Philadelphia area
23 districts, we came out 44, in the middle of the pack, in
24 student performance, and number one in student costs.

25 We are 203 out of 500 districts in the

1 PSSA rankings in 2010. We are 269 out of 500 in the last
2 ten years. 199, 199 PA school districts, are higher in
3 SATs for 2010, and 150 for the last decade.

4 In Pennsylvania, 92 percent of school
5 districts meet requirements, but the majority are far
6 less than our \$15,000 per student cost.

7 How can Neshaminy be in the top in teacher
8 compensation, in the top two districts in Bucks County,
9 and now the union wants more for its members that are not
10 performing as well as other less costly districts?

11 What we need in Pennsylvania in public
12 schools is more accountability for teachers and
13 administrators and not union control, which is what
14 Neshaminy has had for over 30 years, yielding mediocre
15 student outcomes.

16 I provided some census information in the
17 document that I gave you. And just for reference, this
18 is from a U.S. Census Study, 2008 data: There are 9
19 percent of workers that are individual wage earners in
20 this country that earn \$80,000 to \$100,000. There is
21 between \$90,000 and \$100,000, only 7.75 percent of
22 workers. The median income by education level for a
23 Master's degree in this country is \$61,000, and for Ph.D.
24 it is \$79,000. Our teachers at the top 50 percent, the
25 top scale, make far more than both of those.

1 Top 9 percent of workers had an annual
2 income exceeding \$82,000. That's about the Neshaminy
3 average. With additional earnings it is actually much
4 higher.

5 NFT union teachers earning over \$90,000 in
6 our district are 52 percent, 37 percent earn over
7 \$95,000, 10 percent over \$100,000. Only 6.8 percent of
8 the American workers, individual wage earners, for a
9 12-month income, exceed \$95,000. That's the top of the
10 NFT scale.

11 Our teachers are in the top echelon of
12 individual American wage earners, and teachers reaching
13 that income level can do so in our district using
14 nondegree Master's equivalencies for salary only. No
15 other Bucks district has that or permits that.

16 In our district, the board has made an
17 excellent offer for three years, complete parity with the
18 surrounding Bucks County districts. This has been
19 rejected out of hand and a strike has been threatened.

20 Schools exist for the sole purpose of
21 educating children, not enriching teachers. How do
22 striking teachers enhance the education of our children?
23 Many people do not stop and think how much Neshaminy and
24 all Bucks teachers actually garner in making benefits.

25 According to the 2008 census I referenced,

1 top paid teachers, of which are 50 percent of our staff,
2 are in the top 5 percent of individual wage earners in
3 this country, including imputed costs of benefits. They
4 earn that for ten months' work. These are affluent wage
5 earners now. This is not the poverty stricken and poor,
6 downtrodden teacher of the 1970s and '80s.

7 Now, the median household income for our
8 school district on a relative basis is around \$70,000.
9 That's median household, not individual.

10 These are resident taxpayers, often two or
11 more wage earners per household, with multiple jobs, and
12 many, many seniors in our district on fixed income that
13 are stressed by taxes, with or without a major recession,
14 and choosing between food, medicine, and bills.

15 These are entire households, not just --
16 entire households, not just individual wage earners who
17 work 12 months, pay 35 to 100 percent of their health
18 insurance, fund 100 percent of their retirement, and pay
19 huge Neshaminy tax bills.

20 After all of that, taxpayers are still
21 required to fund excessive teacher salaries, free
22 teachers' Rolls Royce health care, even in retirement,
23 and PESERS that we pay most of.

24 When did it become acceptable for public
25 servants to become affluent on the taxpayers' dime?

1 That's not my or any taxpayer's view of public service,
2 and we now have K through 12 union teachers that fit that
3 description in Bucks.

4 We need to speak openly and honestly about
5 our work-to-contract slowdown and what teacher strikes
6 really are. In straight talk, a strike, including work-
7 to-contract, by educators is plain and simply legalized
8 extortion of taxpayers by blatantly exploiting children
9 as pawns in a game of chicken with the school board and
10 the community.

11 With a strike, high school seniors in
12 their final year do not receive the help that they need
13 to transition to higher education. Students moving up do
14 not have the attention needed to make it through a smooth
15 transition.

16 Parents with younger children incur
17 financial hardship to pay for child care and then loss of
18 educational services that are guaranteed by the state.

19 Our children are unconstitutionally denied
20 what is guaranteed to every individual in the
21 Commonwealth, a thorough and efficient education. But,
22 of course, protected by laws, the teachers have no
23 financial loss with the 188 school days needed to be
24 completed.

25 For this reason, I fervently support a law

1 that will prevent future teacher strikes and work-to-
2 contracts that serve to hurt children and extort
3 taxpayers. This has to end here just like 37 other
4 states have done.

5 The teachers' unions have far too much
6 power in Pennsylvania, they have maliciously abused this
7 power, they have used it recklessly to the detriment of
8 school districts and taxpayers and, most importantly, to
9 the stakeholders that we value the most, the children of
10 Pennsylvania.

11 I am not anti-private union or anti-
12 teacher. However, no private union or public union that
13 calls a strike can use innocent minor children for ransom
14 as pawns for outrageous demands.

15 Unions all across our state continue to
16 hurt children over and over through strikes and work-to-
17 contract slowdowns. It is their legal right to do so,
18 but is it morally right to hurt kids?

19 Teachers were undercompensated 30 years
20 ago. Those days are long gone, certainly in Bucks
21 County. This is now mostly in the name of union
22 entitlement and self-interest, and it is a violation of
23 our rights to a thorough and efficient public education
24 for every single citizen of the Commonwealth.

25 The laws are completely one-sided,

1 favoring teachers' unions and hurting our children. You,
2 in Harrisburg, singularly hold the power to now protect
3 children and their education quality, which is guaranteed
4 by the Commonwealth's Constitution.

5 I certainly hope you and your colleagues
6 in this session will now step up and do this for the kids
7 and for the struggling taxpayers of the state.

8 Do not let special interests that focus on
9 adults only continue to control taxpayers and our
10 children's education by holding us hostage with strikes
11 any longer.

12 If you really want to be the legislature
13 that is known for improving and reforming education, and
14 one that really supports taxpayers that are tapped out,
15 then pass 1369 and ban teachers' strikes.

16 It is time to move this legislation
17 forward. It is one of the best things you can do for
18 school boards, for parents, for struggling taxpayers, and
19 most of all, and, most importantly, the children of the
20 Commonwealth.

21 Thank you for your time and attention.

22 (Applause)

23 CHAIRMAN CLYMER: Thank you for your time.

24 The Chair recognizes Chris Wakeley, who is
25 with the Democrat House staff.

1 Welcome, Chris. Good to have you here.
2 And also Representative Scott Petri.
3 Scott, good afternoon -- good morning.
4 Scott, you are welcome to join us up here,
5 if you like. Glad to have you.

6 This is Scott Petri, also a Bucks County
7 legislator.

8 And at this time the Chair recognizes
9 Chairman Roebuck for questions.

10 CHAIRMAN ROEBUCK: Thank you,
11 Mr. Chairman.

12 I want to first go to Mr. Dean, if I
13 could. And I'm confused by a portion of your testimony.
14 If you go to the second page of what you gave us, you
15 talk about Bethel Park.

16 And then at the beginning of the second
17 full paragraph on that page, you say, quote, We don't
18 want what happened at Bethel Park to become the reality
19 for parents and students in Philadelphia, but without
20 action from the legislature, it likely will. I want to
21 find out what you mean.

22 MR. PEARRE DEAN: We don't want what
23 happened in Bethel Park to happen anywhere, especially in
24 the City of Philadelphia, or here in Neshaminy, or
25 Wissahickon, or anywhere else in the Commonwealth. Long,

1 dragged-out strikes are unneeded, unwanted.

2 The taxpayers don't want it. The people
3 don't want it. And this is what I meant by that
4 sentence. We don't want what happened there to happen
5 anywhere else or here.

6 CHAIRMAN ROEBUCK: I guess I'm
7 particularly confused because we haven't had a strike in
8 Philadelphia in 30 years. Perhaps you might have, maybe
9 in Pennsylvania, but I'm just curious as you represent
10 Philadelphia why you got special attention.

11 But let me go to the third page of what
12 you note here in your testimony. You talk about all of
13 the other states that have enacted teacher bans, and then
14 you specifically reference in this discussion Wisconsin.
15 And I'm trying to find the exact language here.

16 In March, Wisconsin became the most recent
17 state to prohibit teacher strikes and fine school
18 employees for going on strike. And then you go on to
19 say, in effect, that the only thing that they can
20 negotiate for are salaries, but not benefits or -- or
21 benefits -- I wanted to be clear on what you are
22 suggesting here.

23 You would favor a plan where teachers
24 would negotiate only for salaries. Is that correct?

25 MR. PEARRE DEAN: What I'm inferencing

1 here is what states have done differently. Some have
2 banned, some have only said, look, you can only negotiate
3 for these, these are out of your control.

4 CHAIRMAN ROEBUCK: What is your proposal
5 with this analogy for Pennsylvania? Is it your
6 suggestion that teachers should only negotiate for
7 salaries?

8 MR. PEARRE DEAN: In this sentence I'm
9 only -- I'm only referencing what happened in Wisconsin.
10 What I think should happen here in Pennsylvania is a
11 total ban of teacher strikes.

12 CHAIRMAN ROEBUCK: So the banned teachers
13 would negotiate for what? Anything?

14 MR. PEARRE DEAN: They can negotiate, but
15 they cannot strike.

16 CHAIRMAN ROEBUCK: Negotiate, but not
17 strike.

18 And, I guess, what struck me about the
19 Wisconsin reference particularly is that, it seems to
20 suggest that if you had an agreement, a negotiation
21 process, you come to a salary agreement, and then the
22 school board, or whoever is negotiating at the time,
23 chose to eliminate all benefits, that would be acceptable
24 in your mind?

25 MR. PEARRE DEAN: I'm sorry. Repeat that

1 again.

2 CHAIRMAN ROEBUCK: If you were in the
3 process of negotiations and you were limited to only
4 salaries as a point of discussion, if the other party in
5 that negotiation said, we will come to a salary
6 agreement, but we are going to eliminate all benefits as
7 part of this, that would be acceptable?

8 MR. PEARRE DEAN: That would be acceptable
9 to our position or --

10 CHAIRMAN ROEBUCK: To your position.

11 MR. PEARRE DEAN: I mean, each negotiation
12 at some point is different. If the agreement in the
13 contract says, look, you can only -- you can only
14 negotiate for these benefits or salaries and, you know,
15 then that's all you do.

16 But what our position is, you can only --
17 we are trying to get banned strikes period. Teacher
18 strikes in Pennsylvania have gotten out of control.

19 CHAIRMAN CLYMER: I think the gentleman is
20 saying that you can negotiate for whatever is on the
21 table, go ahead and negotiate that, benefits, salary,
22 whatever. However, I think what we are saying is that,
23 at the end of the day, we don't want strikes, we don't
24 want school strikes.

25 MR. PEARRE DEAN: That's correct.

1 CHAIRMAN CLYMER: We are not interfering
2 with negotiations, we are just saying that we don't want
3 the school strikes to take place. I think maybe --

4 CHAIRMAN ROEBUCK: I guess what I'm trying
5 to understand, in the process of the negotiation, when
6 you also restrict what you are negotiating for, how then
7 do you protect other parts of your job besides that which
8 is defined by salary?

9 MR. PEARRE DEAN: Well, if the teachers
10 want to give up their salary -- if they want to strike
11 and give up their salary, give it up.

12 CHAIRMAN ROEBUCK: No, that's not what I'm
13 saying.

14 If the point of a negotiation is to
15 determine salary, benefits, and working conditions, and
16 you restrict the point of contention negotiation to
17 salary only, how do you deal with benefits and working
18 conditions as a form of discussion?

19 I mean, in your proposal, that's what we
20 are trying to do. How do you do that?

21 MR. PEARRE DEAN: The school board and the
22 teachers' union have to sit down and negotiate what is
23 the best, what is the best for the group.

24 CHAIRMAN ROEBUCK: Okay. Thank you.

25 Let me go on to Mr. Pastor, if I could.

1 You mentioned that 70 percent of the
2 residents of Neshaminy have no kids in the school?

3 MR. LARRY PASTOR: It's about that number,
4 correct.

5 CHAIRMAN ROEBUCK: Okay. As an individual
6 who has no children at all, so I will never have kids in
7 the Philadelphia School District, I'm not certain what
8 the relevance of that is in terms of my responsibility as
9 an individual citizen to make sure that other kids, all
10 kids, those who are the bedrock of our society, young
11 people, get an education.

12 I certainly don't think I should be able
13 to say that I should not pay taxes because I do not have
14 kids in the school. It certainly doesn't mean I don't
15 have a stake in the schools or an interest in the
16 schools, but the fact that I already have school children
17 in or out, I'm not sure I understand the relevance of
18 that.

19 MR. LARRY PASTOR: Representative, you
20 inferred a different meaning to that than the intent of
21 the statement.

22 The intent of the statement was to let you
23 know that 70 percent of the people do not have kids in
24 the district, but they have a vested interest in the tax
25 base of a district and how the taxes go up. And I

1 represent the rights of the taxpayers.

2 So many people say, and there are people
3 in this community that say, if you don't have a kid in
4 school, why are you showing up at the school board
5 meeting, why are you talking about this?

6 Well, because we have a very vested
7 interest in what happens to our tax base, what happens to
8 our tax increases, and why it is happening.

9 And more so, I think even though they
10 don't have -- I mean, we are all committed as American
11 taxpayers to the American public school system. We
12 understand that, and that is not what this battle is
13 about. It's not about we don't want to support it.

14 It's about how do we get more value out of
15 our system for taxpayers, for parents, and for the
16 students. It is really -- what's the return on
17 investment?

18 If you look at the statistics I gave you,
19 I mean, I have been in business for 30 years, you would
20 conclude we made a bad deal 25 years ago. We made a bet
21 that we were going to have a Council Rock, a ranking
22 state.

23 25 years later, after investing in taxes
24 that have gone through the roof, we have, at best,
25 represented a mediocre school district. So, as a

1 business person, I look at it and say we had a lousy
2 return on our investment.

3 CHAIRMAN ROEBUCK: I know that certainly
4 many probably will argue that Neshaminy, with a lousy
5 return on investment, has a far better district than the
6 majority of districts in the Commonwealth of
7 Pennsylvania. Be that as it may.

8 MR. LARRY PASTOR: Not that much.

9 CHAIRMAN ROEBUCK: What's that?

10 MR. LARRY PASTOR: It's not that much.
11 You heard my statistics.

12 CHAIRMAN ROEBUCK: We're still in the
13 top -- well above the middle line of institutions in the
14 state.

15 MR. LARRY PASTOR: We are like in the top
16 50 percent, but there are school districts that spend
17 less that are above us. So what's the rationale?

18 CHAIRMAN ROEBUCK: It may be what they are
19 doing and what you are not doing, if that's a comparison
20 you want to draw.

21 Let me ask you this one further question,
22 if I might. And I wanted just to mention, you mentioned
23 teachers' salaries versus other workers. And I wonder
24 whether indeed that's a reflection of the fact that
25 teachers get paid too much or they, in fact, don't get

1 paid enough.

2 My background is in education, is to teach
3 actually at college level, and it always struck me on
4 graduation day, because I talked to most of the kids in
5 the institutional environment, that absolutely the
6 dumbest engineering student graduating from my
7 university, the absolutely dumbest one, would walk off
8 that college campus and immediately make more money than
9 I did, although I had far more academic credentials or I
10 had longer service in the profession.

11 So I'm not quite certain what we are
12 saying in making such comparisons. Certainly, I believe,
13 and I think you would believe, too, that teachers should
14 not be disadvantaged because they become teachers.

15 I heard what you said, and it almost seems
16 like you want teachers to take a vow of poverty in order
17 to teach, and I am not sure I hear what you are saying.

18 The young people who want to invest their
19 lives in teaching, that if you do that, you are going to
20 be disadvantaged in economic opportunity. And that's
21 what we see, there are many, many teachers, that it
22 doesn't make any difference if you make less, you ought
23 to be happy that you have a job.

24 MR. LARRY PASTOR: Once again, I think you
25 have kind of inferred more into what I have written and

1 said. I value teachers greatly. Teachers serve the
2 community in a tremendous capacity, and we respect
3 teachers.

4 I think what has happened is -- and I
5 don't know what year you graduated with this dumb kid
6 that went out into business. But, you know, it's one
7 thing to say we don't want them to make less, it's a
8 whole other thing to say taxpayers ought to support them
9 making significantly more than the median household
10 income of the tax base that they represent. And that's,
11 Representative, where we are today.

12 The skew has gone from when my wife
13 started in 1977 as a special ed teacher making \$9,000 a
14 year, right, and let's go fast forward to 2011, we have
15 many teachers in our district making \$100,000 for nine
16 months' work, right? This is not parity at the public
17 sector.

18 I have got public sector folks that are
19 making far less than six figures, they are working 12
20 months, maybe multiple jobs.

21 And, here is the other issue, when you
22 accrete in or impute the value of what the teachers get
23 in benefits, they far outstrip a private worker, they are
24 far more affluent than private workers in Bucks County.

25 So I understand what you are saying, the

1 average -- somebody referenced that the average in
2 Pennsylvania is around \$60,000 for teachers, our average
3 is around \$80,000 in Bucks County.

4 But when you look at what they earn -- I
5 don't like when people talk about teachers' salaries,
6 because teachers' salaries aren't the issue. What do
7 they earn?

8 Go look at the total earnings and outlay,
9 and what you will find out is that most of the Bucks
10 County are well up into the high 90s or up to \$100,000.
11 Ours have free Rolls-Royce benefits. You know what that
12 costs us? It cost taxpayers \$29,000 for just that plan,
13 and we get a hundred percent of that. Do the value of
14 that compared to private workers.

15 I'm a private worker. I pay about 35
16 percent of my health benefit, and I have a plan that's
17 worth about \$15,000 a year, theirs is worth \$30,000.
18 That's a plan in the State of Pennsylvania.

19 Our argument is that the pendulum has
20 swung way far beyond where it needs to be. And this is
21 not unique to Neshaminy or unique to Pennsylvania, it's
22 happening all around the country. And it's not just
23 teachers. It's public workers in general.

24 So when we think about public service, did
25 you go into public service to make a lot of money? No.

1 You go into public service because you are committed, you
2 are dedicated, you want to change the world. We respect
3 that.

4 But where in God's name did it happen that
5 taxpayers now owe public servants an affluent lifestyle.
6 They don't. We don't owe them that. We owe them a fair,
7 respectable wage, living wage, and that is now something
8 that unions are demanding more about.

9 They don't want just a fair, respectable
10 wage. They want to be affluent. How far is this on the
11 wage earners?

12 Our joke, when our teachers go on strike,
13 what are they going to have on their sign, no more top 5
14 percent, we want to be top 1 percent, give us more
15 money. What are they going on strike for?

16 It boggles my mind when I think about it.
17 Now, we may be a little bit unique, right? I have
18 compared a lot of CVAs across the State of Pennsylvania
19 to ours. Ours is one of a kind. I will give you that.

20 And Bucks County is the highest paid --
21 one of the highest paid counties, but I tell you, you
22 guys are looking at a trend, you are facing a trend here
23 with these unions, and if you don't start to curb this,
24 and start to put some controls on it in Harrisburg,
25 taxpayers are going to go broke. School districts will

1 start filing for bankruptcy.

2 And, by the way, if you want to change
3 something, change health care, because the only reason we
4 are sitting here arguing about any of this is 140 percent
5 increase over the last decade in health care costs.

6 And when you have the most expensive plan
7 in the state, you know, 10 percent of our plan is a lot
8 of money that goes up every year. So that's an area
9 where you guys could really help.

10 CHAIRMAN ROEBUCK: You haven't chosen to
11 be a teacher in order to be a legislator, I can assure
12 you of that, but also the health care needs to be
13 resolved as our new national health care law gets in and
14 is implemented, and then it's history.

15 MR. LARRY PASTOR: If that happens, it's
16 going to kill our district. If that happens, it will
17 kill our district. Unions are exempt from it.

18 (Applause)

19 CHAIRMAN CLYMER: The Chair recognizes
20 Representative Petri for questions.

21 REPRESENTATIVE PETRI: Thank you,
22 Mr. Chairman.

23 And thank you for allowing me to sit
24 temporarily on the Education Committee. It's a pleasure.

25 Mr. Pastor, I would like to ask you a

1 couple questions, but I am going to preface them, and I
2 apologize for that.

3 For me, the easy part of the bill or the
4 easier part of the bill is the idea of a no-strike. And
5 the reason for that is two-fold: One, I believe that
6 professionals, such as teachers, are downgraded in public
7 view when they -- when they have the ability to strike or
8 when they strike.

9 They have somehow taken these advanced
10 degrees they have and the commitment they have for
11 students and said to the public, not intentionally so,
12 but said to the public, we aren't quite at the level of
13 professionals, and I believe teachers are at that level.

14 Number two, I believe that teachers in our
15 society, the way people work, the way -- the importance
16 of education are essential, much like our policemen. And
17 I'm going to come back to that thought in a minute.

18 In Pennsylvania, we have identified our
19 policemen as being essential workers that cannot strike
20 and there is a procedure for resolving their contractual
21 disputes.

22 Likewise, I have to commend Representative
23 Rock in this bill for coming up with what is probably a
24 very rigorous, comprehensive, and well-thought out
25 procedure for trying to resolve it. I mean, one can

1 argue about the details, but as I review it, it seems
2 like it is a five-step process.

3 It starts with negotiations, proceeds to
4 mediation, nonbinding arbitration, if that doesn't work,
5 there's a mandatory public vote.

6 And let me say, I heard your comments
7 about Act 1, but I would not -- personally, I believe
8 that Act 1 has a lot more impact in what a school board
9 can and can't do, particularly as amended in the
10 elimination of some of the exceptions. So I think that
11 has given the taxpayers a lot more say.

12 And then we go to post year negotiations.
13 So after the school year is over, we have tried four
14 other steps, we have failed. There's an impasse. The
15 public has still not approved the contract and has voted
16 it down, and we are down to what do we do.

17 And the bill talks about at the end, there
18 will be -- the contract will continue month to month and
19 there will be no retroactivity effect.

20 I haven't heard from the union side yet,
21 but I'm sure they are going to take issue with those two
22 things.

23 So the question I have for you is, one
24 procedure we have identified is an Act 111 type
25 proceeding for police officers where there is a neutral.

1 I think many townships would tell you that that has not
2 been a great result for them because of the way the
3 neutral is selected.

4 And so my question really is, as a school
5 board member, have you come up with what might be viewed
6 as an ultimate final process to go through after all
7 these other steps have been exhausted and you are still
8 at odds?

9 What do you think the legislature should
10 say, what process should be established to finally settle
11 who's right or who's wrong?

12 MR. LARRY PASTOR: Well, first of all, I
13 just wanted to identify myself as a non-school board
14 member. I'm an independent taxpayer.

15 REPRESENTATIVE PETRI: I apologize.

16 MR. LARRY PASTOR: That's fine. I just
17 wanted to clarify that.

18 And let me -- I don't have -- if I had the
19 golden answer there I would probably be on that panel up
20 there like Todd.

21 But let me just talk a little bit about
22 Act 1. Act 1, in some ways, the reforms were excellent,
23 because it does begin to empower taxpayers, but I'm not
24 sure how it is on boards. It puts a lot of stress on
25 boards. Because on the one hand, they take money away,

1 and then on the other hand, they restrict how they can
2 raise it.

3 So I am an advocate for reform on Act 1,
4 don't get me wrong. But that's been -- that's been sort
5 of a dicey thing, particularly for districts like
6 Neshaminy that are essentially broke, you know, we don't
7 have excess funds.

8 Your comments on unions, right, teachers'
9 unions are unique in a sense, they really want to have it
10 both ways. Every day they show up to work as the
11 professionals that they are, and we respect them as
12 professionals, they are a union of professionals. That
13 is a unique entity.

14 And then when they get in the picket line,
15 they might as well be Teamsters, right? This is a hard-
16 core union, the NEA and the NFT are very ruthless, very
17 aggressive unions. They want what they want and they are
18 going to do everything that they can to fight it. So
19 that's a paradox.

20 And that really does relate to the
21 problems that teachers have with their reputation right
22 there. They are tainted somewhat by the union activity.
23 That certainly is the case in our district, and I think
24 in multiple other districts. Bethel is one of them.

25 The other thing I think is really

1 interesting, and I am going to stress this because I
2 don't -- I'm not going to stall answering your question,
3 I just don't have, you know, the perfect answer, I will
4 take a stab at it.

5 It amazes me that we have a paradox
6 existing in our Constitution. I don't even think it's a
7 construction issue or an interpretation issue. It's a
8 plain paradox.

9 How can you on one hand say that the
10 children of the State of Pennsylvania, the Commonwealth
11 of Pennsylvania, are entitled to a thorough and efficient
12 education, and on the other side, you have Act 88 that
13 allows a strike?

14 How can you possibly have those two things
15 existing simultaneously in the collective brain of
16 Harrisburg? It makes no sense.

17 So this is an unconstitutional issue by
18 definition. Now, I know that there is also a bill to
19 amend the Constitution, I think that is certainly on a
20 parallel track with this. But that needs to be
21 rationalized in Harrisburg. It can't exist anymore.
22 Because at the end of the day, children are being hurt.

23 Now, the other part is, you know, what do
24 we do at the end of this process? You know, people ask
25 me that all the time because I have been in this for four

1 years. How is this going to end?

2 Unfortunately, given the tools at hand
3 today, this school board is doing everything humanly,
4 legally, in good faith that they can do to solve this
5 essentially crisis in our district.

6 It's a financial crisis and it's really a
7 moral crisis, given the dilemma that we have in our
8 community with this threat to strike.

9 There is nothing more that they can do.
10 Their hands are tied. And I go back to my reference,
11 Harrisburg tied our hands. It's maybe not you, but it's
12 40 years of legislation that has essentially stacked the
13 laws and, subsequently, the courts, in the favor of the
14 unions.

15 I'm not going to argue collective
16 bargaining. I have my views. But that has really
17 damaged the situation in our state for a lot of school
18 districts. You are on -- you know, we are talking about
19 a double-dip recession, revenues are not going up in any
20 way, shape, or form. You are going to see significant
21 failures of school systems starting very soon.

22 Now, a lot of the districts are -- you
23 know, their budgets differ. Ours is a very excessive
24 budget and it has got an excessive union contract, but
25 you are going to start to see these fail over the next

1 four or five years.

2 I mean, all we are doing is what we can
3 do. I don't know if there is a resolution here. The
4 union's -- the union power is so high. The question is
5 going to be for the union is, how many more years can you
6 hold out without retro?

7 Our board has said from the beginning no
8 retro, but they didn't say it because they wanted it
9 imputed to young teachers who weren't going to get
10 discussed, they said it simply because you can go through
11 our budget seven ways from Sunday, there is no money.

12 And the only way they could ever turn
13 around -- by the way, Representative, it is 11.5 million
14 for retroactivity for our teachers. There's only one to
15 raise that, and it's a referendum with the taxpayers.

16 What do you think that vote would look
17 like? Yeah, right.

18 So, we are doing everything we can. Our
19 hands are tied. The union has the power and control
20 because they are under status quo, so they can go on.

21 Our teachers are probably better off,
22 because they are so affluent in terms of their salary and
23 benefits, but Act 1 has helped and hurt in both ways.

24 REPRESENTATIVE PETRI: I just briefly want
25 to try to tackle that.

1 I'm really asking this sincerely, because
2 I think it's the rub of the issue that the legislature is
3 going to have to deal with, first through this committee,
4 and then ultimately on the floor of the House and then
5 the Senate, and this is the one area where I think things
6 start to fall apart and it becomes very difficult.

7 I have been involved with Act 111
8 proceedings as an attorney before representing Police
9 Benevolent Associations and I am familiar with how it
10 worked at that time.

11 And at that time, 20 years ago, there were
12 many arbitrators that you could get as neutrals, because
13 the neutral basically folds the agreement. Today,
14 there's only a handful. And maybe that doesn't work out
15 so well.

16 So I didn't know if you had a thought on,
17 if you just get to the end of the road and people can't
18 agree, maybe the answer is as simple as the taxpayers'
19 decision is the one, because they are paying for it.
20 Maybe that is just as easy to do.

21 But I wanted to know if you had any
22 thoughts there.

23 MR. LARRY PASTOR: Actually, that was a
24 thought that I had that I didn't put in the testimony.
25 That if it ever comes down to, look, we can't come to an

1 agreement, let the taxpayers vote for it.

2 They are the ones -- like you said, they
3 are the ones paying the bill. They are the ones being
4 affected. Let them put the vote on it.

5 REPRESENTATIVE PETRI: Well, and the
6 ultimate check and balance on that is, I guess, that if
7 I'm a taxpayer in a school district and I don't want to
8 fund my school district in a way that it's probably going
9 to have an impact on my property value, so, you know, I
10 have to at least seek that information.

11 Maybe that is the answer or maybe that's
12 the conclusion Representative Rock came to today, after
13 he had been through this rigorous process and put it up
14 to public scrutiny, and the public has turned it down and
15 you still can't get it done, then the public wins. They
16 are the ones -- their will is the one that moves forward.

17 MR. LARRY PASTOR: It's not all that
18 different than a referendum, which is in the law today.

19 The only question I would have for you is,
20 why is the balance of power correct to have a strike as
21 an ultimate action that the teachers can do, but there's
22 no counterpart to that on the side of the taxpayers or
23 the board?

24 REPRESENTATIVE PETRI: I think I answered
25 that from the beginning by saying, for me, the idea of a

1 no-strike is not a heavy left.

2 MR. LARRY PASTOR: Right. Thank you.

3 CHAIRMAN CLYMER: The Chairman recognizes
4 Representative Rock for questions.

5 REPRESENTATIVE ROCK: Just a few points of
6 clarification.

7 First of all, earlier on in the
8 conversation, I think it got a little confusing when we
9 started talking about what is in this bill as far as
10 negotiations are concerned.

11 The procedure that is in place currently
12 would stay in place. Now, I will be the first one to
13 admit that, in most cases, it works, in most cases around
14 the state, the current procedure works, and we are going
15 to leave that in place.

16 But to the second question as to what will
17 we do at the end, I don't have the answer for that. But
18 I can say in the bill that we did force the four
19 mandatory meetings per month and the one public meeting
20 every six weeks to put pressure on both sides. That was
21 the best I could come up with.

22 And like I said earlier, it is a work in
23 progress, so all suggestions will be taken seriously.

24 Thank you.

25 MR. LARRY PASTOR: Can I make one last

1 comment?

2 CHAIRMAN CLYMER: Sure.

3 MR. LARRY PASTOR: To that end, one thing
4 that I would ask that you really look seriously at is
5 this issue of transparency in the bill. And that needs
6 to be really edicted from Harrisburg.

7 Taxpayers have been forbidden for years
8 from understanding the process and the facts about where
9 their money is going in every school district in this
10 state.

11 And our school board, the one thing they
12 have done, which has been respected and admired, and is
13 the right thing to do, is, they have had 100 percent
14 transparency and that has made a difference for taxpayers
15 in the Neshaminy School District.

16 Thank you.

17 CHAIRMAN CLYMER: And I believe the bill
18 stresses that.

19 MR. LARRY PASTOR: Yes. But it really
20 needs to be in the law. It needs to be codified.

21 CHAIRMAN CLYMER: Just one comment, and
22 that is the general summit did pass legislation that now
23 makes available the transactions of the Commonwealth when
24 they spend money.

25 You can go online -- I don't know the

1 website, but you can go online now and you can see how we
2 spend your dollars.

3 REPRESENTATIVE PETRI: Pennwatch.

4 CHAIRMAN CLYMER: It was Pennwatch. Very
5 good.

6 The Chair thanks you, gentlemen, for your
7 testimony here today. We appreciate your taking time
8 from your schedules to come and speak to us on this very
9 important issue.

10 Thank you very much.

11 MR. LARRY PASTOR: Thank you.

12 MR. PEARRE DEAN: Thank you.

13 CHAIRMAN CLYMER: Moving forward on our
14 agenda, the next testifier is Jerry Oleksiak, Vice
15 President Elect of the Pennsylvania State Education
16 Association.

17 The Chair wants to go on record that we
18 did invite the AFT Pennsylvania to testify and be part of
19 our next panel, but they were unable to attend.

20 Additionally, the Neshaminy Federation of
21 Teachers was also invited to testify to be with us today,
22 but we did not receive confirmation from anyone that the
23 organization would be able to be with us today.

24 So we want you to know that we wanted to
25 be fair in hearing all sides.

1 Jerry, how did I make out with your last
2 name?

3 MR. W. GERARD OLEKSIAK: You were close,
4 Representative Clymer. I appreciate that.

5 Good afternoon, Chairmen, and other
6 members of the committee.

7 My name is Jerry Oleksiak, and I'm the
8 vice president elect and currently the treasurer of the
9 Pennsylvania State Education Association. PSEA
10 represents 193,000 teachers, educational support
11 personnel, professionals, and other individuals charged
12 with the responsibility of educating Pennsylvania
13 students.

14 Before my time with the association, I
15 spent over 30 years as a classroom teacher in
16 Pennsylvania, most of that as a special education teacher
17 in the Upper Merion Area School District.

18 On behalf of our members, I want to thank
19 you for inviting PSEA to share our views on the right to
20 school employees to strike.

21 We recognize that this issue is certainly
22 divisive and emotional, because it is a confluence of two
23 important and related issues, important to me both
24 personally and professionally, and they are the right of
25 our children to a free, appropriate public education and

1 the right of education professionals to have a voice in
2 determining how they are treated, to be respected as
3 professionals, and to be appropriately compensated.

4 I know from my own experience as a local
5 leader that no local union enters into negotiations with
6 an intention to go on strike. Going on strike is a
7 difficult, emotional, often gut-wrenching decision on the
8 part of educators, one taken only as a last resort when
9 all else has failed, often over years of negotiations.

10 I can tell you they do not happen in
11 districts where the district and the associations work in
12 partnership in an atmosphere of common interest and
13 respect.

14 The ultimate goal on the part of the local
15 is always to reach an equitable settlement that is fair
16 to employees, the school district, and the community,
17 and, of course, to our students.

18 In the overwhelming majority of cases this
19 occurs without a strike.

20 And just to correct something that was
21 said earlier, during the 2010-2011 school year, only
22 three districts experienced teacher strikes, while over
23 300 school districts were bargaining of the over 500
24 school districts in Pennsylvania, three districts.

25 Given that reality, and at the same time

1 recognizing the very serious challenges we collectively
2 face to ensuring educational opportunities for all
3 students, PSEA questions the need to enact the severe and
4 punitive measures contained in House Bill 1369.

5 We believe that the focus of the
6 legislature, and all of us committed to public education,
7 should be on solving the state's school funding crisis,
8 rather than rewriting a law, Act 88, that except in the
9 rarest circumstances generates hundreds of peaceful
10 negotiated settlements.

11 Our public schools are opening their doors
12 in the next week or two to larger classes, fewer
13 programs, and smaller staffs because of the historic cuts
14 in funding for our public schools. These funding cuts
15 will have a huge impact on 1.7 million students, our
16 children and our grandchildren here in Pennsylvania, and
17 at the same time, strikes are very rare.

18 Act 88 of 1992, the current law governing
19 school district contract negotiations, ensures that
20 students do not lose a single day of instruction and
21 limits the number of days a local union can strike. No
22 strikes have been empirically proven to impact student
23 achievement, none of them.

24 Funding cuts and significant reductions in
25 programs proven to work for student learning, however, we

1 know will have a negative impact on student achievement.

2 The right to strike provides balance to
3 the parties engaged in bargaining. It allows educational
4 professionals a voice in determining the budgetary
5 priorities of the district, and these have a direct
6 effect on student learning.

7 Although, the system established through
8 Act 88 is not perfect, Pennsylvania has achieved a
9 reasonable process for determining the standards by which
10 educators will work and the compensation they are
11 provided. Changes to this system, as proposed in House
12 Bill 1369, will decisively tip the balance significantly
13 against educators.

14 Before making dramatic changes to Act 88,
15 policymakers should first evaluate systematic evidence of
16 how the Act has performed. All evidence shows it has
17 been working well.

18 Proponents of the changes proposed in
19 House Bill 1369 have not made a convincing case that
20 there would be a net benefit from altering its current
21 structure. Anecdotes can be compelling, as can using the
22 possibility we would see strikes in the future, but they
23 provide a weak basis for policymaking.

24 An important feature of Act 88 ensures
25 that students' instructional time cannot be affected.

1 Since the passage of Act 88, no strike has prevented a
2 school district from delivering the mandatory 180 days
3 instruction to students.

4 Again, this begs the question, what is it
5 that the proponents on eliminating this right think this
6 will change? All sides may offer anecdotes, but there is
7 no evidence to suggest that banning teacher strikes will
8 increase student achievement or drive down costs.

9 The primary purpose of Act 88 was to
10 reduce the number and duration of teacher strikes. The
11 facts demonstrate that Act 88 has met that purpose.

12 During the decade of the 1970s, the
13 average number of teacher strikes per year was 34. That
14 was the beginning of negotiations in Pennsylvania, that's
15 when teachers were first allowed to negotiate.

16 During the 1980s, that average was down to
17 20 per year. During the 1990s, following the passage of
18 Act 88, the average reduced to 12 per year.

19 The yearly average from 2001 through today
20 is less than seven strikes per year, and last year, as we
21 mentioned, there were three.

22 We recognize that work stoppages are
23 difficult for students, families, community, and
24 employees involved. I know that as an educator, and I
25 know that as a parent, but they are hardly rampant

1 throughout the Commonwealth.

2 There are some who opine that it is the
3 teachers' unions who hold students hostage for exorbitant
4 salaries or use the threat of a strike to their financial
5 advantage.

6 Again, we would suggest that an
7 examination of the actual evidence illustrates a
8 different reality. Today, teachers' salaries account for
9 a smaller portion of total school district budgets than
10 at any other time in recent history.

11 Between 1986 and 2009 salaries as a
12 percent of total district expenditures fell. At the same
13 time, the bargaining unit sizes were increasing by over
14 26 percent.

15 When benefits are added to the equation,
16 the same holds true. Peaking in the mid-1990s at just
17 under 57 percent of total school district budgets,
18 salaries and benefits now account for less than 50
19 percent of all costs statewide. That bears some evidence
20 -- some emphasis.

21 Although, the number of teachers and other
22 bargaining unit members have increased by more than 30
23 percent, and this during a period of rapidly rising
24 health care costs, the share of district budgets devoted
25 to educators' compensation has declined substantially.

1 In addition, starting and career salaries,
2 those paid to beginning and experienced teachers, have
3 struggled to keep up with inflation. Over the lengthy
4 period from 1992 to 2008, starting salaries increased
5 51.1 percent, career rates increased 56.6 percent, while
6 the Consumer Price Index, CPI, increased 54.8 percent.

7 In more recent times, since the year 2000,
8 both starting and career salaries have trailed the CPI.
9 The bottom line is, the teachers' right to strike does
10 not equate to disproportionate increases in wages or to
11 overall cost burden -- to the overall cost burden of the
12 school district. And it is important to remember that
13 money spent on teachers is money spent directly on the
14 quality of instruction.

15 Actually, House Bill 1369 is nothing more
16 than a thinly disguised attack on unions. The very
17 unions that have brought significant reforms and changes
18 to the public school system.

19 It was not that long ago, within our
20 lifetimes, that teaching positions in many places around
21 Pennsylvania were patronage positions, some school board
22 members required payment in order for an individual to
23 secure a teaching position. And this sometimes meant
24 that good teachers were fired for no reason other than to
25 make room for those positions.

1 It was also within our lifetime that
2 expectant mothers were fired simply for being that,
3 expectant mothers, wanting to start a family. And all
4 this occurred in the midst of near poverty wages and
5 sometimes terrible working conditions.

6 It was the influence of unions that curbed
7 these despicable practices. It was also the unions that
8 secured practices, such as adequate preparatory time for
9 their lessons, strong professional development,
10 appropriate input into the curriculum, representation on
11 school district committees, input into administrative
12 hirings, and other educational initiatives that good
13 districts now do as a matter of course. All of this has
14 contributed to better public schools in Pennsylvania and
15 our nation.

16 And while I typically cringe when I hear
17 comparisons to international test scores, in this
18 instance I do want to make some international
19 comparisons, and I will note that a number of countries,
20 often cited for their outstanding performance: Finland,
21 Sweden, Russia, Hungary, the Netherlands, Denmark, the
22 Czech Republic, France, Canada, Germany, are all heavily
23 unionized and they respect a teacher's right to withhold
24 labor and to go on strike.

25 Now, what are the impacts on student

1 outcomes of strikes? One of PSEA's respected staff
2 researchers, Harris Zwerling, Ph.D., has conducted
3 externally -- and this is important -- externally peer
4 reviewed research in this often unexplored area.

5 Prior to his study, "Pennsylvania
6 Teachers' Strikes and Academic Performance" being
7 published in the Journal of Collective Negotiations, the
8 most comprehensive review of the scholarly literature on
9 the academic correlates of teachers' strikes was
10 performed by Dr. Perry Zirkel of Lehigh University in
11 1992.

12 He concluded that "contrary to the common
13 conception, teacher strikes do not have a marked effect
14 on the attitudes, attendance, and achievement of public
15 school students."

16 Dr. Zwerling's main conclusion, or we
17 provided that as far as testimony, were consistent with
18 the prior research. He found no systematic evidence that
19 teachers' strikes or their duration were associated with
20 diminished performance on the PSSA math and reading tests
21 administered from 2003-2004 through 2006-2007.

22 In fact, he found that the incidence of
23 teacher strikes and their duration were weakly associated
24 with higher district level graduation and attendance
25 rates for the school years 2002-2003 through 2005-2006.

1 Now, having said all of this, let me state
2 what I believe is obvious. No amount of facts and
3 figures, no evidence, no research will dissuade those
4 vehemently pushing for House Bill 1369.

5 Many of these individuals, certainly not
6 all, but many of these individuals wish to piece by
7 piece, systematically weaken unions, particularly public
8 sector unions, which are quickly becoming the last best
9 hope, the battleground for the middle class in this
10 country.

11 We heard Wisconsin used as a model, and
12 Wisconsin is the poster child for destroying public
13 sector unions. Finishing unions would finish this
14 country's race to the bottom and destroy the middle
15 class.

16 This is an ideological battle, at some
17 level. It is not about education or strikes. It is
18 about the inherent fairness for working men and women, in
19 this case, educators, to have a voice.

20 The working conditions of these dedicated
21 individuals are also our students' learning conditions.

22 Providing a voice for our labor in
23 determining our wages and working conditions ensures a
24 check and balance on the system, as it has for many, many
25 years. And that check and that balance benefits our

1 students, our communities, and every working family every
2 day.

3 Thank you for the opportunity to speak to
4 you today.

5 CHAIRMAN CLYMER: The Chair thanks the
6 gentleman for his testimony.

7 And the Chair recognizes Representative
8 O'Brien for questioning.

9 REPRESENTATIVE O'BRIEN: Thank you,
10 Mr. Chairman.

11 Quick question. But before I do, I would
12 like to thank you very, very much after a morning of what
13 I believe to be rhetoric for speaking to the bunch.

14 Now, as I recall, after the budget was
15 passed, back in July, PSEA took the position of
16 recommending to its various locals to take cutbacks. Is
17 that correct?

18 MR. W. GERARD OLEKSIAK: What we did,
19 Representative O'Brien, we recommended to our members
20 that they consider -- the governor in his budget address
21 called for wage freezes, and we recommended to our locals
22 that they consider wage freezes or other cost-saving
23 measures.

24 We recognize that it is a local decision,
25 as the governor did, and we encouraged locals to work

1 hand in hand with their school districts and their
2 administrations and find, if not a wage freeze, other
3 cost-saving measures.

4 Many of our districts have taken wage
5 freezes over the past several years. Many of them have
6 increased their contributions to their health care
7 system, many of them have made other -- added days, other
8 kinds of things that have been part of those cost-saving
9 measures.

10 So, yes, we encouraged our locals to do
11 that and worked with them to help them find areas where
12 they might be able to do that.

13 REPRESENTATIVE O'BRIEN: Have any idea of
14 the number?

15 MR. W. GERARD OLEKSIAK: The number is
16 hard to pin down. Many of them have. I know that -- and
17 I don't know the exact number. I want to say over a
18 hundred have agreed to some kind of a pay freeze.

19 Many of those, when you look at the
20 statistics, they were only captured by the PD, I believe,
21 if it was a pay freeze. So other -- those other cost-
22 saving measures, which amount to significant savings in
23 the district, are not reflected in the numbers.

24 I will get the most up-to-date -- and it's
25 changing all the time. So I will get the most up-to-date

1 numbers and provide them for you.

2 REPRESENTATIVE O'BRIEN: I appreciate
3 that.

4 But, you know, it somehow seems very, very
5 interesting that of the 501 school districts, you guys
6 don't represent all of them, I think you represent what,
7 about 490, 495, but the district, as a representative of
8 PSEA, approximately 20 percent of the locals have stepped
9 up at the local school boards, were working together to
10 do this cost restructuring, whereas, vis-a-vis, locals
11 that are going on strike become less than 1 percent of
12 the districts that you represent.

13 And I know I'm musing. And, I guess, my
14 point is, where I deeply admire Representative Rock's
15 initiative and his thought processing here, it comes to
16 me that it is really a solution seeking a problem, but I
17 will stop musing now, and thank you for your time.

18 MR. W. GERARD OLEKSIK: Thank you.

19 CHAIRMAN CLYMER: The Chair thanks the
20 gentleman for his questions.

21 And recognizes Representative Rock.

22 REPRESENTATIVE ROCK: Thank you,
23 Mr. Chairman.

24 I don't know that I really have a
25 question. I just wanted to maybe make a statement and

1 point out a few things here, that I -- in his
2 testimony -- and it should not apply to me, the one where
3 it says, House Bill 1369 is nothing more than a thinly
4 disguised attacks on unions. That is not my position.

5 And we talked privately before this
6 meeting about my position and role. I was a teacher for
7 ten years and I, unlike the testimony here, where it
8 says, actually, teacher strikes are good for education, I
9 did not see that when I was in the classroom. I saw
10 disruption, that really months and months were really
11 wasted in the classroom.

12 So I just want to make sure -- and also
13 the statement that says, for it is individuals that wish
14 to piece by piece, systematically weaken unions,
15 particularly public sector unions, that is not my hope in
16 this at all.

17 And because this problem is so small, we
18 pointed out there's only a few strikes a year, I don't
19 know what the problem would be if we outlaw them because
20 they very rarely happen.

21 So I would just like to clarify those
22 points. It is my position I'm trying to do the best I
23 can for education. I was there for the role of the
24 committee and I served on the school board. I care
25 deeply about this and I want to try to find a solution.

1 And I have no motives beyond that.

2 Thank you.

3 MR. W. GERARD OLEKSIAK: I can certainly
4 respect that, Representative Rock, and in an interview
5 before my testimony I said exactly that about you.

6 Thank you.

7 CHAIRMAN CLYMER: The Chair recognizes
8 Representative Petri for questioning.

9 REPRESENTATIVE PETRI: Thank you,
10 Mr. Chairman.

11 Just briefly, first of all, let me say I
12 agree wholeheartedly with the third paragraph of your
13 testimony, in that any teacher that I know -- every
14 teacher that I know does not want to strike and that they
15 actually detest the process, and I think to some degree,
16 whether they acknowledge it or not, they feel like they
17 have abandoned their primary interest which is pursued,
18 so I will agree with you on that.

19 I just have a three-part question, if I
20 could, and some of them are very short. A, or first
21 part, do you think that outlawing teacher strikes, as the
22 legislature previously did with police departments,
23 essentially raises teachers to the level of essential
24 employees?

25 Part two would be, the record seems to

1 suggest there are 30-plus schools -- or 30-plus states
2 that have already undertaken outlawing teacher strikes,
3 and you talked about balance of power.

4 In those 35 states, in your opinion, or do
5 you know of any empirical evidence to suggest that the
6 process is not fair to teachers in those states, in those
7 35-plus states?

8 And then, part C, are you -- is your
9 organization going to some day make comments on the
10 substantive portion of this bill?

11 I know you focused your testimony on
12 whether to strike or whether to outlaw strike or whether
13 not to outlaw strike. This bill has a very, very
14 detailed process of trying to reach a resolution.

15 Are those things you are in favor of?

16 And you don't have to give that answer
17 today, and maybe you are not even allowed to --

18 MR. W. GERARD OLEKSIAK: I can certainly
19 give that answer today. I will be happy to answer that,
20 and I will start with that last question.

21 As Representative Rock stated, many of
22 the -- a lot of the guts of the bill are already in Act
23 88, and Act 88 has provided a process that has been
24 generally effective in the overwhelming majority of the
25 school districts.

1 Of the 37 states that were referenced
2 earlier, some of them, it really isn't an apples to
3 apples comparison because -- I did make some notes here.

4 Many of those states are -- do not have
5 the right to collectively bargain, so there's -- I would
6 like to spend some time and look at that, the list of
7 those states, but I can tell you that I know that, just
8 off the top of my head, that many of them do not have the
9 right to collectively bargain, so they don't have the
10 same kinds of relationship with their school boards and
11 with their state legislatures. It is all over the place
12 with those states.

13 And I was thinking when Mr. Boland from
14 the PSEA mentioned his kids being in southern schools and
15 how far ahead of the game we are here, most states down
16 south do not have collective bargaining. They do not
17 have strong unions. So that would be my answer to that
18 section.

19 And, I think, as far as the essential
20 piece you are talking about, we are really talking about
21 binding arbitration. And our concerns of binding
22 arbitration actually mirror the concerns of school boards
23 where you are taking a third party and imposing something
24 that may make both sides unhappy.

25 What we have found -- and that's why I

1 mentioned in the beginning, what I have found in my
2 experience and I was a local president and I was a chief
3 -- not chief negotiator, I was a negotiator through five
4 different contracts, and I know what it was like the
5 first time when the atmosphere of respect and cooperation
6 did not exist, and we took a strike vote and were ready
7 to go.

8 And it was only at that point we were able
9 to make a settlement after a year without a contract.
10 Whereas, now, in my school district where there is an
11 atmosphere of cooperation and respect and trust and that
12 we are in this together, and we have been reaching
13 settlements that have been overwhelmingly approved by the
14 membership, by the school board, and supported by the
15 community.

16 So I do have some concerns with moving in
17 the direction you are saying.

18 CHAIRMAN CLYMER: The Chair thanks the
19 gentleman for his questions.

20 And recognizes Representative Roebuck for
21 questions.

22 CHAIRMAN ROEBUCK: Thank you,
23 Mr. Chairman.

24 I only wanted to ask a question. I'm not
25 sure if you can or are able to answer, but much of the

1 discussion, earlier discussion, focused on the uniqueness
2 of this particular school district, Neshaminy, and its
3 recurring problems around trying to get settlements and
4 the continuing threats of strikes in the district and how
5 that impacts upon all segments of the community.

6 And I wondered if you might have anything
7 that you might offer as a way to resolve that kind of
8 long-standing dispute that transcends, whether it is Act
9 88 or whatever, or transcends this particular
10 legislature?

11 Is there any device that you could
12 suggest, and maybe you need to think about that and will
13 offer some input, that allows a district that gets you to
14 this point -- which I don't quite understand, it seems to
15 me it is very hard to get to this point, but when you get
16 to this point, how do you bring things to a fair
17 resolution, perhaps without going as far as banning
18 teacher strikes?

19 MR. W. GERARD OLEKSIAK: Well, as you
20 know, Representative Roebuck, the PSEA does not represent
21 the teachers here in Neshaminy. They are part of a
22 federation. And I would no more speak for them than I
23 would want them to speak for us.

24 Any questions that refer specifically to
25 Neshaminy should be referred to their federation.

1 CHAIRMAN ROEBUCK: Given that, perhaps you
2 might give some thought to ways, as a generic, I will
3 make it a generic question instead, of ways to resolve
4 raw, deep-rooted disputes, seeking ways to resolve those
5 kinds of issues and offer that at some point.

6 MR. W. GERARD OLEKSIAK: Well, I can -- I
7 can tell you from my own experience that I referred to a
8 minute ago, as a local president and negotiator in a
9 situation that was very ugly for a time, and I'm going
10 back before Act 88, and up to today where the
11 relationships in my school district are very positive.

12 It really is a process. It happens over
13 time. It happened through different attitudes on the
14 part of administrators, school boards, associations
15 working together, some tentative steps of reaching out to
16 groups that we don't normally reach out to. It is
17 something that took some time and it is very fragile.

18 And the reality is that it could change as
19 a new superintendent comes in or a new local president
20 takes over. There's no guarantee that that process is --
21 it's very fluid, it's very dynamic.

22 So I would -- every local is different,
23 every situation is different, every community is
24 different. We heard about diversity in Pennsylvania, and
25 that's one of the things that really hit me when I became

1 a statewide officer for the PSEA, how I grew up in
2 Philadelphia and the whole state is not like
3 Philadelphia, I can tell you that, as you well know.

4 So it really is a very interesting and
5 diverse state, and to offer what would work in a
6 particular school district really is a local issue.

7 CHAIRMAN ROEBUCK: Thank you.

8 Perhaps one day we will get to this stage
9 in Philadelphia.

10 CHAIRMAN CLYMER: Well, Mr. Oleksiak --

11 MR. W. GERARD OLEKSIK: You got it.

12 CHAIRMAN CLYMER: I knew I would.

13 -- thank you for coming here today and for
14 sharing testimony, and we appreciate your taking the time
15 to do this.

16 Thank you.

17 MR. W. GERARD OLEKSIK: Thank you.

18 CHAIRMAN CLYMER: Moving ahead on our
19 agenda, there were some parents and students, a few of
20 them asked that they share some testimony before the
21 committee and I said that would be fine.

22 So at this time, if they are present,
23 Kevin Gallagher. He is a parent.

24 This is the parent panel. Okay. I am
25 going to ask for Kevin Gallagher, for Stephen Pirritano,

1 and Mark Shubin.

2 So these are our parents who are in the
3 Neshaminy school, have students that are enrolled, and we
4 just welcome you to our committee information hearing
5 this afternoon.

6 And, again, before each of you speaks, if
7 you would identify yourself so that the court reporter
8 knows who is speaking before you give remarks. We would
9 appreciate it.

10 So, gentlemen, thank you for your
11 interest. And as you are comfortable, you can begin your
12 testimony.

13 MR. STEPHEN PIRRITANO: Thank you.

14 Mr. Chairman, in the interest of time and
15 hopefully to provide for an increased question-and-answer
16 period, I would like to read from a condensed version of
17 my submitted testimony, but I ask that my full submittal
18 testimony be entered into the official record.

19 All right. First, I would like just one
20 correction. Mr. Rock, it seems that I accidentally
21 promoted you to chairman of this board, so my apologies
22 to Mr. Clymer.

23 CHAIRMAN CLYMER: That's all right. We
24 are friends here, we get along, so it doesn't matter.

25 MR. STEPHEN PIRRITANO: Hopefully one day.

1 Mr. Chairman, members of the House
2 Committee on Education, I would like to thank you for
3 this opportunity to address you directly with my concerns
4 and thoughts on the legislation in consideration in House
5 Bill 1369.

6 It is of special significance to me that
7 this committee sought to come to the public instead of
8 having us come here. Many concerned residents cannot be
9 here today because of the hour and somewhat late notice
10 of this hearing.

11 I want to assure you that there is
12 overwhelming community support in Neshaminy for school
13 reform at every level, as well as overwhelming support
14 for our Neshaminy School Board.

15 Employment issues as well as educational
16 progress are forefront in Neshaminy, primarily due to our
17 contract crisis now going into our fourth year.

18 This is compounded by what many in our
19 community feels is the school district's lack of
20 educational progress, a lack of excellence that has been
21 seen in our state PSSA scores, scores that rank our
22 district about middle of the pack in Pennsylvania, but
23 our professional certified staffs' total compensation is
24 in the top of Pennsylvania school districts.

25 Let me continue to give you some personal

1 background since those on this committee do not know me.

2 As mentioned, my name is Stephen
3 Pirritano. I'm married for 17 years. We have two
4 children, a daughter 13 and a son 15, both enrolled in
5 the Neshaminy School District. We have been residents of
6 Lower Southampton Township here in Bucks County since
7 1994, and I am employed in the private sector.

8 I feel our community has succumb to market
9 forces. The market forces in this equation are the
10 imbalance. This imbalance exists because there was never
11 any to start with. There is no incentive for a union to
12 bargain reasonably with their district, bargain with
13 their real employer, the taxpayer.

14 The Neshaminy Federation of Teachers
15 demands far surpass our ability as an employer to
16 provide. This lack of balance ultimately forces
17 consequences on our children. What would happen to
18 private industry when the same imbalance occurs?

19 That is why we are here today, to talk
20 about restoring the balance and how House Bill 1369 can
21 start towards the progress of doing so.

22 Let my comments not be mistaken. By no
23 means do I believe that House Bill 1369 is the end-all,
24 cure-all for Pennsylvania's public educational system
25 woes. It is a starting point from which we should build

1 upon.

2 The primary focus of present issues that I
3 see is the need for reform, reform at every level of our
4 public education system. The educational reforms cannot
5 start without revisiting the state sanctioned work rules
6 that our local school district must follow regarding how
7 the employee maintain and bargain with staff.

8 The current status quo that exists within
9 our contractual agreements, a provision that is a
10 judicial remedy, not a legislative one, precludes a
11 school district from having any instance of a balanced
12 bargaining position, leaving the employed ultimately
13 protected in the entire bargaining process with no
14 potential loss of status.

15 How do school districts like Neshaminy
16 have any power to negotiate a fair settlement for the
17 taxpayer while also trying to find a settlement with the
18 union when the current laws protects the union at every
19 level of the bargaining process?

20 We are bound by state laws regarding
21 collective bargaining. We cannot solicit employment in a
22 free market. We definitely cannot pick up and move
23 somewhere else. We cannot stop what I feel are illegal
24 work actions by our union, the NFT, like the work-to-
25 contract that they have instituted before and threaten to

1 institute again, a policy action that goes against every
2 past practice that has existed in Neshaminy since
3 collective bargaining began.

4 We are prevented from initiating any
5 merit-based pay system, asking the employed to take some
6 responsibility for the results of their labors, but the
7 union is protected more than any other entity in this
8 equation.

9 Our union, like some others in
10 Pennsylvania education, one that refuses any merit
11 analysis in their salary or any responsibility for low
12 PSSA scores, also refuses any shared parity with
13 taxpayers relative to hours worked, salary, benefits,
14 retirement, or work rules.

15 Given that 70-plus percent of our
16 district's budget are made up of wages and benefits, I
17 realize that any contract being negotiated will steer our
18 district's future for years to come.

19 It is my intent as a community member to
20 advocate for affordable, well-rounded, AAA education for
21 all students, at a fair cost to the residents of their
22 district, without disruption.

23 Our system cannot withstand the growth in
24 salary and benefits requested by our teachers' union or
25 the continuation of the current salary and benefit

1 structure and still maintain a viable public education
2 system.

3 Currently, as I stated, in our district,
4 salary and benefits continue at an excess of 70 percent
5 of our budget, leaving less than 30 percent for
6 transportation, building maintenance, insurance, utility,
7 food services, and somewhere in that educational
8 supplies, material, and curriculum.

9 Local school boards have their hands tied
10 when it comes to union contract negotiations. Current
11 state laws prevent school boards from using free-market
12 bargaining practices.

13 This leaves taxpayers with only one choice
14 when it comes to a school district's ability to negotiate
15 a fair contract for taxpayers.

16 With no competition in the hiring system,
17 once a particular union has been given a contract, when
18 that contract has ended, the district cannot bargain for
19 employment with any other entity, regardless of the
20 results that union's employment has generated.

21 I ask, how is this fair? After a certain
22 amount of time has passed and no agreement can be made,
23 the current status quo continues to benefit the employed
24 wholly. Where it has been shown that the employer has
25 limited funds to meet demands and/or requires concessions

1 in order to keep the operations of the district solvent,
2 what are taxpayers to do?

3 Current law says, too bad, you must find a
4 way to reach a settlement or continue to operate under
5 the status quo until you do so. This isn't negotiation.
6 This is the employed swinging the hammer and the employer
7 having to take the beating.

8 Then they have that ultimate bargaining
9 tool, to strike. Another tool in their arsenal to
10 continue the assault of the community, currently, with 21
11 uninterrupted days of confusion and uncertainty,
12 disrupting the lives of 8,800 students here in Neshaminy,
13 plus countless more in their families.

14 With what working families are up against
15 to have to deal with this tactic, on top of how powerless
16 we are to start with, is unreasonable, and can be totally
17 devastating for a family to work around.

18 I would like to inform you about some
19 other facts here in Neshaminy for comparison. There are
20 approximately 670 members of the NFT, 670, that can hold
21 129,000 residents residing in the six towns that make up
22 the Neshaminy School District financially hostage.

23 That includes over 22,000 residential tax
24 parcels, as well as 1,300 business parcels. How can so
25 few be given so much power over so many?

1 Regardless of what is heard in the media
2 or other public accounts, no one is against our
3 teachers. This community and I may be against the
4 bargaining practices, but not against the profession of
5 educators.

6 What I can say I am against is how
7 beholding our children's education has become to the
8 collective, the union bargaining unit. If this was a
9 private school district, I would say, go ahead and get as
10 much as you can, but it is not.

11 We, the people, the taxpayers, are the
12 true employers and we have spoken through our elected
13 representatives overwhelmingly, we cannot afford any
14 more. We need relief and we need long-term financial
15 stability. These issues are intertwined with the
16 discussion of House Bill 1369 today.

17 Moving back on House Bill 1369,
18 restricting the right to strike. While, on its face, I
19 personally have an issue with the premise, because why
20 allow a union if you restrict the right to strike? There
21 are current examples, police, firemen, doctors, other
22 essential public safety employees where this is the
23 policy.

24 Do public schoolteacher unions rise to the
25 level of these essential workers? Yes, I think we can

1 make a similarity between them.

2 Being that in this situation, the
3 bargaining unit in question here our teachers' unions
4 already have all the negotiating power to begin with I
5 can support the provisions of this bill.

6 I will state that I would much rather have
7 changes in the status quo provision to equal the
8 bargaining playing field, but since that is not the
9 intent of this hearing and no other remedy for restoring
10 balance is in front of us, I support the change to
11 eliminate public teacher strikes.

12 This is one step in restoring some balance
13 back to taxpayers because, in reality, we have none to
14 begin with.

15 I have heard some other local legislators
16 from other districts suggest instituting binding
17 arbitration. I have elected my school board members to
18 represent my interest, and I am not willing to relinquish
19 those rights to any entity that has no interest in my
20 community. Please do not consider implementing that
21 provision.

22 Both sides do need to be held
23 accountable. And if you look at the record of
24 negotiations using Neshaminy again as an example, I think
25 you will find there is no merit to the NFT's claim that

1 the Neshaminy school board will not negotiate.

2 The Neshaminy School Board's labor
3 attorney, Mr. Sweet, has shared with me, from a request I
4 made to the board, information from session notes he kept
5 regarding attendance, and the length of discussions from
6 all the negotiation meetings up to May of this year.

7 It has been the NFT who has been
8 responsible for the majority of meetings either ending
9 early or not occurring at all, due to their behavior or
10 unwillingness to meet.

11 If you, the legislators, believe that Act
12 1 was the right thing to do for taxpayers as I do, you
13 need to finish the job. Taxpayers are strapped. The
14 recent recession only accelerated these pressures. They
15 would have hit us in a few years anyway.

16 This state has done everything short of
17 Wisconsin to indirectly show teachers' unions you must
18 come with reasonable demands to the bargaining table, but
19 when they don't, current status quo still protects them.
20 Where is the taxpayer protection?

21 Yes, you gave us Act 1, and thank you.
22 But you have done nothing I'm aware of on bargaining
23 reform. The two need to go hand in hand.

24 You, the lawmakers, must address these
25 collective bargaining rules that have long since needed

1 updating for a modern economy. Our union, the NFT, has
2 definitely not gotten the message. House Bill 1369 will
3 help and should be the law in Pennsylvania.

4 I do support a suggestion from my State
5 Rep, Frank Farry, that he expressed to me in a
6 conversation while we were debating the issue on amending
7 the status quote to include a limitation of any benefit
8 costs that exceed the cost at the time the contract
9 expires shall be the responsibility of the employed
10 during the interim period. I think this is reasonable
11 and meets a middle ground.

12 Hopefully, discussion among fellow
13 legislators will allow this or similar language along
14 these lines into a future bill that can be presented to
15 the governor for his signature.

16 Ultimately, I feel there should be a free-
17 market system that would allow all school districts to
18 bargain with multiple units to find the best possible
19 employees for their individual district.

20 If Pennsylvania wants to maintain public
21 sector collective bargaining, you have to revisit the
22 rules that govern and balance them to be fair to
23 taxpayers not just unions.

24 House Bill 1369 is a start. It can ease a
25 period of transition for parents and children alike by

1 removing the fear and uncertainty for parents that have
2 no way to adjust their daily work schedules to provide
3 day care, and also remove any disruption in the education
4 of our children.

5 If teachers really need to maintain this
6 tool, to strike, there is generally nine weeks between
7 the end of one school year and start of another that they
8 can make their signs, walk the line in front of their
9 school where their respective community members can see
10 them and get informed on their grievance.

11 Please make HB 1369 law in Pennsylvania.

12 Thank you again for this opportunity.

13 I am willing to answer any questions this
14 committee would like to put forth to me.

15 CHAIRMAN CLYMER: The Chair thanks the
16 gentleman.

17 And we can go to the next testifier.

18 MR. KEVIN GALLAGHER: My name is Kevin
19 Gallagher. I reside in Middletown Township. I have been
20 here for 21 years. I have four children, two outside
21 that are now in post secondary education, and I have two
22 children here in public school.

23 I would like to thank you for holding this
24 hearing, and I deeply appreciate the opportunity to be
25 heard.

1 As you know, the contractual dispute here
2 in the Neshaminy School District is now in its fourth
3 year. What I have to say has nothing to do directly with
4 the stalemate.

5 My comments are not intended to be
6 critical of unions, and this is not an indictment of the
7 collective bargaining process. Both sides of this issue
8 can continue to find some kind of compromise.

9 I'm here for one reason, and one reason
10 only, to advocate for kids. They didn't cause this labor
11 issue, they are innocent in this conflict, and they
12 certainly don't have the power to rectify the situation.
13 Any job action by a union is designed to gain attention
14 by putting pressure on weak points. What better weak
15 point than a kid?

16 The essence of my thoughts will be
17 crystallized into three points. First, a union job
18 action that targets the innocent and has nothing to do
19 directly with the contract impasse.

20 Next, taking advantage of the defenseless
21 just because you have the power to do so is the worst
22 kind of weakness.

23 And, lastly, isn't it one of the duties of
24 the legislative body to protect the innocent?

25 A job action of this nature, in my

1 opinion, is immoral. By all means, a union can promote
2 its position and stress to the school board and the
3 public their concerns, but to involve the children is
4 just wrong.

5 I know that right now a teachers' strike
6 is legal, and, in my opinion, a work-to-contract is
7 essentially the same thing, but, by any moral definition
8 I can find, it is wrong.

9 A teacher has made a commitment to kids.
10 It is implied when he or she picks up his or her
11 paycheck. That moral obligation should supersede all
12 other things. I do not judge teachers from a distance.
13 I was a high school and university level teacher for a
14 number of years.

15 A work-to-contract action is harmful to
16 students in its own special way, and I would respectfully
17 ask that this committee consider that as part of the
18 wording in the bill.

19 A work-to-contract occurs when people who
20 call themselves professionals decide to perform all those
21 duties that are specifically enumerated in their
22 contract. For example, the NFT has directed their
23 teachers to not take work home with them.

24 Now, perhaps I should be ashamed to tell
25 you that in my years as a teacher I never read my job

1 description. I'm sure I had one, but I never asked to
2 see it. My confusion with this aspect of a work-to-
3 contract is how I could administer tests, assign papers,
4 and assign homework and not take it home to correct it.

5 And I thought well, gee, I guess I will
6 just stay after school and do that, but the NFT has gone
7 a step further and they have mandated to their membership
8 that they can't arrive at school fifteen minutes prior to
9 the start of the day, nor stay fifteen minutes beyond.

10 And how do I deal with the child that is
11 having difficulty with a concept or idea that is being
12 taught? This student needs one-on-one help and we need
13 to stay late to help, but the NFT seems to think this is
14 beyond the scope of a teacher's job description, that's
15 an extra.

16 Unless I'm missing something, the end
17 result of a work-to-contract is that the education of
18 children is being impacted negatively. And the message
19 that the NFT is sending out is that a teacher can't do a
20 thorough job unless he or she is compensated in the way
21 that the NFT sees fit.

22 What is next? Could the school board
23 unilaterally decide to reduce teacher pay or benefits
24 until teachers agree to a contract? That would be just
25 as wrong and immoral as a strike or work-to-contract, but

1 the difference is the school board is legally prohibited
2 from such action.

3 I have heard it said here today and I have
4 heard teachers say they don't want a strike or work-to-
5 contract. And I say, you don't want to? Then don't.
6 But if you do so, it's your wish.

7 Don't lay this in anybody's door but the
8 union. Maybe the union thinks that if they repeatedly
9 state their aversion for a strike, it will absolve them
10 of actually being held responsible for their actions. No
11 rational person accepts that.

12 The school board, taxpayers, and parents
13 are not responsible for union actions, and, most
14 certainly, the children are not responsible for union
15 actions. The union, and the union alone, is responsible
16 for their actions. To suggest otherwise is the height of
17 hypocrisy.

18 If you tell someone you want something
19 from them and you threaten to take some kind of harmful,
20 unpleasant, punitive action on an innocent third party
21 unless someone concedes to your request, that's what I
22 call extortion.

23 Here are two thoughts with a common
24 thread. NFT supporters who advocate for job actions say
25 that this won't hurt children. And as a result of a call

1 for involving kids in this dispute, NFT supporters seem
2 surprised and hurt at the negative reaction that this
3 causes. I submit that the former don't understand the
4 nature of their actions, and the latter don't understand
5 the consequences of theirs.

6 As a parent and taxpayer and voter, I
7 would like Harrisburg to protect students from job
8 actions by teachers' unions.

9 Here in Middletown Township, I personally
10 feel that the NFT leadership has lost its way. Without a
11 moral compass, they won't be inclined to listen to me.
12 But this is America. They can advocate for anything they
13 want. And I defend their right to promote their
14 position.

15 But here is what is unfortunate. When a
16 guiding moral principle is absent or distorted,
17 responsible behavior must be legislated.

18 In plain English, could we just leave the
19 kids out of this?

20 Prior to my involvement, I had only hope
21 that those in charge would look after the best interests
22 of the children. I have learned that hope is not an
23 acceptable strategy when the well-being of children is at
24 stake.

25 Thank you for your time.

1 (Applause)

2 CHAIRMAN CLYMER: The Chair thanks the
3 gentleman.

4 And we will continue to our next
5 presenter.

6 MR. MARK SHUBIN: Thank you, Mr. Chairman.
7 My name is Mark Shubin. I'm a resident of
8 Langhorne.

9 Chairman Clymer, Chairman Roebuck, Members
10 of the Committee, I would like to start my testimony by
11 first complimenting the bill sponsors, particularly
12 Representative Rock.

13 As a member of this community, I speak for
14 many in expressing our gratitude for your efforts.

15 I would also like to thank my local House
16 Representative, Frank Farry, for helping to secure this
17 important session here in the great school district of
18 Neshaminy.

19 There have been a lot of speakers on this
20 topic and I prefer not to repeat the legal justification
21 that has already been addressed in one way or another. I
22 would like to approach this from the perspective of an
23 active parent running for school board that has a young
24 child in 1st grade in Pearl Buck Elementary School.

25 The use of strikes as a weapon by teachers

1 and unions is a heartless action against parents and,
2 more importantly, children.

3 Currently, in our district, we are heading
4 towards a second work-to-contract action, and, in the
5 view of some, they consider this a work slowdown or a
6 strike. By the definition of a strike in the state of
7 PA, they may be right.

8 What bothers me, and most of the community
9 members that I speak with, particularly parents, is the
10 willingness to use the emotional bond of teachers with
11 their students' parents as a means to gain increased
12 wages and benefits in what many consider the most
13 difficult economy since the Great Depression.

14 Parents in Pennsylvania and, specifically
15 in Neshaminy, come from a diverse economic background,
16 and to think that a family struggling to make ends meet
17 with dual incomes would be forced to pay for child care,
18 or worse yet, one of the parents having to stay home,
19 would be unacceptable.

20 The teachers' union in our district just
21 cannot comprehend that people are suffering the effects
22 of this economy like no other time in the history of our
23 great nation. These are the people you represent. This
24 is why you must pass this legislation this year when you
25 return.

1 I want to give you a taste of one member
2 of the Neshaminy Federation of Teachers attitude towards
3 a possible strike.

4 A prominent teacher recently stood up in
5 front of a public session at a school board meeting with
6 300 or so members in attendance telling people that
7 strikes are not that bad.

8 She relayed a story about when she
9 attended Neshaminy, back in the '90s, when an
10 unprecedented strike hit our community prior to the
11 current legislation that went on for weeks at a time.
12 She indicated that she went to Sesame Place, and turned
13 into an honor student, and went onto college, and then a
14 teacher.

15 So, in essence, her view was that strikes,
16 they are not that harmful to students, look at me, I
17 turned out just fine. I was appalled at this lack of
18 understanding of the broader community and the harm that
19 comes to parents and students affected by strikes.

20 Children must not be used as pawns to seek
21 collective bargaining results. It is unacceptable in any
22 manner, in my opinion.

23 I'm not a lawyer, but I understand the
24 basic rights that are granted to me by our Constitution.
25 The right to strike does not supersede the rights of our

1 children to receive an education.

2 The state is obliged in this manner and
3 must act now to ensure the children are protected from
4 this vile form of intimidation and leverage.

5 It is time for this legislature to act for
6 parents to ensure that the necessary legal pendulum
7 swings back in favor -- in their favor, as opposed to the
8 current situation that favors big teachers' unions in
9 this state.

10 Yes, they are organized. And, yes, they
11 have a lot of money. And some of you may have taken some
12 of that money, but we are the people, and the people want
13 this to end now, and we are looking to you to do what is
14 right by our children and stop this behavior.

15 I want to point out that, unlike other
16 states that have entered real collective bargaining
17 reform like Ohio, Wisconsin, Indiana, Tennessee, Florida,
18 Pennsylvania is taking an incremental approach to
19 reforming our dated education legislation.

20 I do not agree with incremental approaches
21 and suggest that you, as well as the government, start
22 leading and do what we sent you to Harrisburg to do, fix
23 the broken education system that our state currently
24 suffers with.

25 I want to point out that there is

1 significant evidence coming out of Wisconsin, for
2 example, where collective bargaining has been
3 significantly curtailed, that school districts are
4 finally able to afford the necessary investments in
5 technology, building repairs, curriculum development, and
6 the necessary training in new educational practices.

7 This legislation, however, not only
8 protects children, but it has the necessary elements to
9 ensure that educators are protected with collective
10 bargaining in this state in an open and transparent way.

11 37 states in the U.S. have already
12 outlawed teachers' strikes. Pennsylvania leads the
13 nation in both the number of strikes per year and the
14 number of impacted students.

15 This state has self-imposed leadership in
16 areas that do not attract business and jobs. We do not
17 attract business because of the labor work rules that are
18 unmanageable and anti-business. If we are going to grow
19 this state, we have to stop the bleeding and make it more
20 attractive to business, and one of the keys is quality
21 education.

22 Strikes are not a tool to improve
23 education, they are destructive by their very nature.

24 I applaud the writers of this bill because
25 it takes into account not only the impact of stopping

1 strikes on children, but ensuring that the professional
2 staff has the necessary protection that will help them
3 get a fair contract that is affordable, that the district
4 can afford.

5 I would ask that you double your efforts
6 to pass this legislation this year. Children need to be
7 kept out of this, and it will be up to you to make that
8 happen.

9 Thanks for your time and for allowing me
10 the honor to testify over this important legislation.

11 (Applause)

12 CHAIRMAN CLYMER: The Chair thanks the
13 gentleman for your testimony, and we appreciate that.

14 And at this time, our Chair recognizes
15 Representative Petri for questioning.

16 REPRESENTATIVE PETRI: Thank you,
17 Chairman.

18 I really don't have a question, but I want
19 to thank you for testifying. For me, particularly coming
20 at the end of this process, I think, was helpful in
21 crystallizing what the community is feeling.

22 I guess, what disturbs me most and what is
23 probably the most compelling about your testimony is the
24 fracture that is obviously taking place between the
25 community and a very, very good school district. And I

1 sit here wondering whether that is reparable, and if so,
2 how long.

3 I understand why the community is angry.
4 I understand why there is resentment. And I will tell
5 you that sitting next to your representative for a number
6 of years on the House floor, I have heard his pain.

7 You know, we take a pride when we are
8 state representatives in our own communities, and you
9 will hear it all the time, oh, I have the best this, I
10 have the most wonderful that, and the reputational
11 issues, the fractures and the divisions in the community
12 that this creates between two really important resources
13 for educating our kids, parents and teachers, and I
14 wonder if we don't do something whether we can fix that.

15 And maybe what I have heard from you is,
16 if we don't do it, the answer is no. That's what I heard
17 you say.

18 If you want to respond, that's fine. If
19 you don't, that's fine.

20 MR. MARK SHUBIN: Thanks for those
21 comments.

22 I think it's reparable. At the end of the
23 day, you know, parents all recognize the importance of
24 teachers in the classroom.

25 You know, I always talk about the recent

1 experience of my daughter in kindergarten and what a
2 great experience she had with her teacher last year. I
3 classify teachers in my perspective as heroes, right, the
4 good ones.

5 But I think what we need to try to do, you
6 know, broadly is deal with the ones that aren't taking
7 this job as seriously as they should, and beyond this
8 strike legislation, it's important that the legislature
9 recognizes that reform is spreading across the country.

10 President Obama has a very aggressive
11 education program, and I would hope that Pennsylvania
12 would figure a way to participate in trying to get some
13 of that Race to the Top money by instituting some of the
14 key programs associated with valuing teachers, and trying
15 to put into place a mechanism by which we can start
16 looking at hiring higher quality educators, keeping the
17 best, and picking the ones out that are not performing at
18 the right level.

19 MR. KEVIN GALLAGHER: And, if I may, I
20 think most of us have a depth perception that we value
21 our teachers greatly. From my selfish perspective with
22 four kids, I can tell you that each child has had maybe
23 over a 100 teachers through the course of their career,
24 and I would rate 90 percent of them as just wonderful.

25 I have a daughter who is finishing up her

1 doctoral thesis at the university, my oldest son is an
2 engineering major at Penn State University, my oldest
3 daughter is a senior here at Neshaminy High, and she is a
4 merit scholar finalist, they have got nothing but the
5 best from these teachers.

6 So it's not the teachers that we are
7 talking about, just so we understand one another.

8 MR. STEPHEN PIRRITANO: If I may add to
9 that, and join with what my fellow panel members up here
10 said, it is very reparable, and we understand the
11 relationship.

12 And just to allude to a situation I had
13 recently when my daughter had received an award by the
14 American Association of University Women, in which two of
15 her teachers had sponsored her for, and they had a very
16 nice luncheon.

17 We all attended. Parents, the children,
18 the teachers all sat at the table, and we sat at that
19 table and I said this publicly, we didn't sit there and
20 talk about how things were bad and you won't do this or
21 you won't do that.

22 We sat there and talked about the
23 children, how great an event this was, how, you know, it
24 was nice that they could experience this and be
25 recognized for their deeds.

1 And I thanked those teachers publicly for
2 the efforts of doing what good teachers do. And there
3 will never be a problem repairing a relationship with
4 someone that's a teacher first, that will never change.
5 We respect teachers and I think everyone in this
6 community does.

7 REPRESENTATIVE PETRI: Thank you for your
8 thoughts.

9 CHAIRMAN CLYMER: The Chair thanks the
10 gentleman.

11 And recognizes Chairman Roebuck for
12 questioning.

13 CHAIRMAN ROEBUCK: Thank you,
14 Mr. Chairman.

15 I certainly want to thank you for your
16 testimony.

17 And, I guess, as I listened there were
18 some elements that concerned me because when we start
19 talking about children as pawns, it seems to me that what
20 I'm hearing is happening in this district is that the
21 children becoming pawns is not just a function of what is
22 happening in the unions, it is a function of the
23 deteriorating climate that that now exists here.

24 I'm somewhat at a loss in understanding
25 how we have gotten to this, but I am going to ask what I

1 asked earlier as to how we got here and how we go about
2 rectifying.

3 I'm not certain that a statewide role to
4 ban teacher strikes gets to the core of what is happening
5 here in Neshaminy. Maybe I'm wrong.

6 But I have that sense, particularly
7 because the allusion was, of the last people, the
8 Wisconsin Act 10. And here I go back to what that act
9 says, it says that you can negotiate for salaries, but
10 you can't negotiate for benefits or sick days.

11 Well, benefits are part of the quality of
12 the teachers you have, and I wonder how that helps
13 education.

14 MR. STEPHEN PIRRITANO: In my remarks I
15 think I was kind of advocating to the opposite. I'm not
16 suggesting we do what they did in Wisconsin.

17 What I'm saying here is, the legislative
18 body, as a whole, has basically said through Act 1 we are
19 going to limit the purse strings here, because taxpayers
20 cannot continue to pay these increases that are well
21 beyond the rate of inflation, the rates keep going, so we
22 are going to hold the purse strings, we are going to hold
23 that. Okay? You can only keep so much.

24 Well, if that's not sending a signal to
25 the collective bargaining unit, the teachers' union,

1 that, look, we are telling you indirectly, your school
2 board is not going to be able to tax out of control like
3 they have in the past, come to the table with reasonable
4 demands, demands your community can afford. And when
5 they don't do that, that's a whole different situation.

6 And that's how we got to the situation we
7 are here in Neshaminy. For years and years this union
8 was given a blank check. When they came, school boards
9 folded.

10 And let's take the responsibility on the
11 residents' end, there was probably 20 years ago not the
12 outcry from the taxpayer base to tell the school boards
13 to hold back, okay, to represent more in taxpayers'
14 interest. They always fall into if we pay more, we get
15 more.

16 Well, the example here in Neshaminy is
17 definitely we have not. And in saying that, like I said,
18 I'm not advocating do what they did in Wisconsin, but
19 more collective bargaining rules need to be examined.

20 MR. MARK SHUBIN: Mr. Chairman, I don't
21 think we are debating or even discussing the merits of
22 the Wisconsin Act.

23 What we are talking about here is the
24 issuance of House Bill 1369. I have personal views about
25 what is going on in Wisconsin and what Pennsylvania

1 should do, but the relative topic here is dealing with
2 strikes.

3 I would also just like to comment that,
4 you know, the statistics about how many strikes have been
5 thrown around here, and the number three comes out
6 recently by the previous gentleman.

7 The use of the threat of strike is a very
8 powerful tool, and I would suggest that some of the
9 disparity we have in the school districts around the
10 state in wages and benefits are in direct correlation
11 with the use of that threat.

12 I would also say that if you look at the
13 funding situation today in the State of Pennsylvania, I
14 know that you represent the great City of Philadelphia,
15 and, clearly, the wages in Philadelphia are nowhere near
16 that up here in Neshaminy, my suggestion has always been
17 that every schoolteacher should go to work in your
18 district prior to coming to ours, so they can see what
19 it's like and understand the challenges of working in a
20 district with the socioeconomic challenges that the great
21 teachers of Philadelphia deal with on a daily basis.

22 And I have friends who work in your
23 district, and after a couple years of work, they could no
24 longer deal with the emotional challenges as a teacher.

25 So, I so respect those people and I would

1 like to see our teachers really understand what a hard
2 day's work is like the people in Philadelphia do.

3 Thank you.

4 CHAIRMAN CLYMER: Seeing as we have no
5 further questions, the Chair thanks the gentlemen for
6 being with us this afternoon, for sharing your concerns
7 about the need to resolve the impasse here at the
8 Neshaminy School District, and hopefully that will come
9 sooner than later.

10 Thank you again, gentlemen.

11 MR. MARK SHUBIN: Mr. Chairman, I just
12 have one question.

13 I don't know if you can pose this to the
14 previous gentleman, but I was wondering whether or not
15 the PSEA supported Act 80 when it was originally
16 proposed.

17 It seems like they support it now, and I
18 was just wondering if there is anything in the record on
19 whether or not they were in support of that Act when it
20 was actually submitted for legislation.

21 MR. WAKELEY: Yes, it was part of our
22 negotiated agreements.

23 CHAIRMAN CLYMER: It was part of our
24 negotiated agreements. So you are saying it did support
25 Act 80, PSEA did support Act 80, yes.

1 MR. MARK SHUBIN: Thank you.

2 CHAIRMAN CLYMER: Thank you.

3 Our next testifier, and to round up a very
4 informative, very productive community hearing is the
5 gentleman who asked us to be here, and that is
6 Representative Frank Farry.

7 So, Frank, welcome. And you may begin
8 your testimony at any time.

9 REPRESENTATIVE FARRY: Thank you, Chairman
10 Clymer and Chairman Roebuck, obviously, for many hours of
11 testimony.

12 I know some of the audience only had the
13 morning off and had to return to work, but I appreciate
14 everyone's patience as we discuss House Bill 1369, as
15 well as this very important local issue here in the
16 district that I represent.

17 I do want to thank you for coming here to
18 Neshaminy to hold this hearing. Clearly, if you haven't
19 figured it out, this is ground zero on significant
20 education issues.

21 By coming here today, you actually brought
22 government to the people, which I think is very important
23 to the residents of my community.

24 I would also like to thank Representative
25 Rock for his re-introduction of this bill and his

1 advocacy.

2 I know I have kind of been a little bit of
3 a pain, or perhaps an annoyance to Representative Rock,
4 over the course of the last session and in nine months,
5 as well as Representative Clymer in trying to advocate
6 for this bill.

7 I would also -- even though Representative
8 Petri left, I would also like to thank Representative
9 Petri for taking time out of his schedule to be here
10 today.

11 He does not serve on this committee, but
12 he sits next to me on the House floor and we have had
13 numerous, numerous discussions on the situation here in
14 Neshaminy, and I appreciate him taking time out of his
15 schedule to be here today.

16 I would also like to kindly thank
17 Dr. McGee and the Neshaminy School Board for allowing us
18 to use their facilities.

19 With all the people that we have had in
20 this room today, you know, it's a shame that all of this
21 time and effort went into discussing a labor dispute.
22 These many hours could have been so much more
23 productively been spent discussing how to better educate
24 our children, but that's not what the necessity of the
25 community I represent currently is.

1 Before I get to the substance of my
2 testimony, I would like to make sure the community is
3 aware that I am a lifelong resident of this community. I
4 am a graduate of Neshaminy. I was actually in elementary
5 school here in the early '80s where a strike crippled our
6 district from October until January.

7 Clearly, the law has changed since then.
8 However, that strike, like our current labor issues, has
9 a significant impact on our community.

10 It is very clear that PA leads the nation
11 in teachers' strikes. This is clearly another statistic
12 that Pennsylvania does not want to be a leader in. I
13 believe you should join me and others to place a ban on
14 strikes.

15 I have with me, and I would like to submit
16 for the record, and I believe you gentlemen have copies
17 of written testimony that was submitted by residents of
18 the Commonwealth, primarily residents of the Neshaminy
19 School District.

20 25 residents wrote in support of House
21 Bill 1369, including a handful from Bethel Park,
22 Pennsylvania, who actually reached across the state so
23 they could be represented in this hearing due to their
24 labor issues that they have at home. A few residents
25 wrote in opposition of this legislation.

1 Much of this testimony is provided by
2 residents who are at work today and could not get off or
3 who are on family vacations.

4 I do want to thank the testifiers for
5 taking the time to be here today, regardless of your side
6 on the issue, and the folks that have already left for
7 work.

8 Four years of conflict at Neshaminy is
9 just too long. There's enough blame to go around to what
10 led to our current financial situation here in Neshaminy,
11 but at the end of the day, the taxpayers cannot continue
12 facing increasing property tax bills.

13 Taxpayers are moving out of this community
14 because of the level of property taxes, and the burden it
15 puts on our seniors and working families is
16 unsustainable. The labor costs in the Neshaminy School
17 District, as you have heard, is the main driver of these
18 property taxes.

19 To touch on a point Chairman Roebuck
20 raised earlier, one of the things that got us to this
21 point is, as these labor contracts were being approved by
22 the school board, we had an expanding property tax base
23 here as development was going on in our community.

24 Our community for the last decade or so
25 has essentially built out, so that natural increase in

1 tax ratables that provide greater income to the district
2 could then be distributed to labor contracts no longer
3 exists.

4 The students of our community need to have
5 the focus be on their education. No student's education
6 should be disrupted by a strike or a work-to-contract
7 action.

8 The students here should not be penalized
9 because adults are unable to agree on a labor contract.
10 They need and deserve a consistent and a continuous
11 school year. Targeting the innocent in a labor dispute
12 to add union bargaining power is flat-out wrong.

13 Some say this bill is anti-teacher. Well,
14 I can tell you personally my stance is not anti-teacher,
15 and I do believe that House Bill 1369 is not anti-
16 teacher.

17 Many of the teachers in our district are
18 dedicated professionals who work hard in the interest of
19 educating the children of our community. I have also
20 heard this from many of the parents who have contacted
21 me.

22 I have also heard from many more parents
23 who feel that their child's education has been
24 compromised because of the labor situation. Several
25 parents even feel their children have been retaliated

1 against in their classroom because of a parent being
2 outspoken on this issue. Some parents would not consider
3 testifying on this panel because of exactly that, and
4 that just should never be the case.

5 This situation, as you can tell, has
6 pitted neighbor against neighbor and has created a
7 tremendous amount of unrest and tension in our
8 community. The word "teacher" has become a bad word and
9 is now associated with the words "greedy" and "selfish."

10 I have heard from teachers who say that
11 the school board is not negotiating in good faith and has
12 a take-it-or-leave-it attitude. As a matter of fact, the
13 NFT's present stance is one of "negotiate now."

14 I believe with the required bargaining
15 structure of this bill, hopefully, those concerns would
16 have been addressed and this would not be an ongoing
17 issue.

18 I support that this legislation does not
19 have the handcuff of binding arbitration as an end
20 point. That's why we elect our school board. I think we
21 perhaps need to refine a few aspects of this legislation
22 based upon the situations I have experienced here in
23 Neshaminy.

24 Since there is no defined end point to
25 this labor situation under this bill, I think we need to

1 address the status quo provisions. We are currently
2 operating under a status quo at Neshaminy, and as a
3 result, the district is saddled with 100 percent of the
4 annual premium increases for health care.

5 Both parties should be responsible for
6 some sort of share of these increases until a contract
7 agreement is reached. This would add additional
8 pressures on the parties to reach an agreement.

9 Additionally, we need to ensure that the
10 mandatory voting that is held by the union is held by
11 secret ballot to help eliminate union intimidation of the
12 members.

13 Additionally, work-to-contract actions
14 should be clearly defined as a work slowdown and,
15 therefore, constitute a strike.

16 Finally, it appears that this bill, if it
17 became law, would not take effect in districts like
18 Neshaminy who are already outside the contract term until
19 a new contract is reached. This could lead the union to
20 not agreeing to a contract so as to maintain their rights
21 to strike. We need to develop a manner in which this law
22 would be retroactive to the out-of-contract districts.

23 To deviate from my testimony for a moment
24 to attest on a few points that were raised during this
25 committee hearing, Chairman Roebuck actually referenced

1 perhaps a statewide contract.

2 I think something that is a different sort
3 would be helpful to this district, and I actually
4 co-sponsored legislation the last session, would be to
5 have a statewide health insurance program for the
6 teachers' unions. The state would have the benefit of
7 bargaining for many, and it would eliminate the number
8 one issue that is taking place during these negotiations.

9 Another aspect that was brought out during
10 the testimony today is our taxpayers are tapped out. As
11 we enacted greater Act 1 reforms this past June, it
12 continued to eliminate the ability of school districts to
13 generate revenue. Since their revenue essentially
14 remains fairly constant, the only thing they can do is
15 cut services or receive concessions from their labor.

16 Another point that was raised is this bill
17 is not a roundabout way in which to damage unions. This
18 bill is solely based on the responsibilities to our
19 children, their parents, and our taxpayers.

20 The representative of PSBA discussed how
21 they have worked with their locals and school boards
22 where those locals are present to come up with
23 compromises and concessions. And my simple answer to
24 that is, perhaps our teachers could become PSBAs to the
25 NFT and maybe we would have the same level of

1 cooperation.

2 (Applause)

3 REPRESENTATIVE FARRY: With all due
4 respect to my colleague from Philly, who, unfortunately,
5 has left, but I will certainly have a follow-up
6 discussion, this legislation is not a solution in search
7 of a problem.

8 The testimony you have heard here from the
9 parents, the advocates, the school board presidents, and
10 now the representative district, make it very clear that
11 a problem clearly exists in this district and it's sad to
12 say we are not the only district facing these sort of
13 problems.

14 This situation needs to be settled in the
15 interests of our children, while factoring the impacts on
16 the taxpayers and all other stakeholders. This
17 community, and several others like it, need our help in
18 Harrisburg.

19 This issue, while local to certain
20 communities, could just as easily happen in your school
21 district. If this is going on in your school district, I
22 am sure you would be charged with the same level of
23 advocacy I have been showing in Harrisburg on this issue.

24 Short of national defense and the public
25 safety sector where strikes are banned, I believe public

1 education is the most important government service that
2 we provide. I would classify it as an essential service
3 because our future depends on the success of our younger
4 generations.

5 Regardless of the strike ban component of
6 this legislation, I firmly believe that the collective
7 bargaining structure and the transparency of this bill,
8 if it had been law five years ago, could have led to
9 resolutions in this situation here in Neshaminy. We
10 cannot let a local union damage the 9,000 students of
11 this Commonwealth, and that's just here in Neshaminy.

12 I believe our focus should be on ensuring
13 a quality education for the children of our community
14 while being fiscally responsible to taxpayers. We need
15 to make education reform the priority in Harrisburg.
16 Please join me in this battle.

17 I hope you have found the testimony here
18 today from all the speakers compelling. I ask for your
19 support of House Bill 1369, and I look forward to your
20 help in the movement of this bill towards becoming law.
21 Our children don't only need this protection, but they
22 deserve it.

23 Thank you.

24 (Applause)

25 CHAIRMAN CLYMER: That ends our meeting

1 for today.

2 The Chair wants to thank Chairman Roebuck
3 and all the other members of the committee for being with
4 us today. Those testifiers did really an outstanding job
5 in representing the debate.

6 We will be taking a look at this
7 legislation that is in the House Education Committee, and
8 the Committee and the Chair, Chairman Roebuck. So we
9 will give this consideration.

10 And I do understand the impact that the
11 culture is changing across Pennsylvania about the fact
12 that the taxpayers really have paid as much as they can
13 afford anymore.

14 And at the same time, let it be noted that
15 some local unions are working with the school board to
16 say, yes, we understand that there is an economic crisis
17 out there, and we are willing to make some givebacks in
18 order so that none of our colleagues are let go and that
19 programs continue to go forward. So we need to say that
20 that mix is out there as well.

21 However, there is a unique situation here
22 in Neshaminy, and hopefully, Representative Farry,
23 through your leadership and through others, this problem
24 can properly be resolved.

25 Again, thank you, one and all, for being

1 with us, the audience for being very civil and
2 understanding.

3 And we now conclude this hearing of the
4 House Education Committee.

5 Thank you very much, and enjoy your day.

6 (Applause)

7 (Thereupon, at 1:39 p.m. the proceedings
8 concluded.)

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1 CERTIFICATION

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4 I, JENNIFER L. BERMUDEZ, a Court Reporter
5 in and for the Commonwealth of Pennsylvania, hereby
6 certify that the foregoing is a true and accurate
7 transcript of the deposition of said witness who was
8 first duly sworn by me on the date and place hereinbefore
9 set forth.

10 I FURTHER CERTIFY that I am neither
11 attorney nor counsel for, nor related to or employed by,
12 any of the parties to the action in which this
13 deposition was taken, and further that I am not a
14 relative or employee of any attorney or counsel employed
15 in this action, nor am I financially interested in this
16 case.

17
18
19 _____
20 JENNIFER L. BERMUDEZ
21 Court Reporter and Notary Public
22
23
24
25