

COMMONWEALTH OF PENNSYLVANIA
HOUSE OF REPRESENTATIVES

HOUSE EDUCATION COMMITTEE HEARING

STATE CAPITOL
RYAN OFFICE BUILDING
ROOM 205
HARRISBURG, PENNSYLVANIA

TUESDAY, DECEMBER 3, 2013
10:05 A.M.

IN RE: HOUSE BILLS 779, 1722, & 1735
ECONOMIC FURLOUGHS & TENURE REFORM

BEFORE:

HONORABLE PAUL I. CLYMER, MAJORITY CHAIRMAN
HONORABLE RYAN P. AUMENT
HONORABLE MARK GILLEN
HONORABLE SETH M. GROVE
HONORABLE BERNIE O'NEILL
HONORABLE WILL TALLMAN
HONORABLE DAN TRUITT
HONORABLE MIKE CARROLL
HONORABLE JAMES CLAY
HONORABLE SCOTT CONKLIN
HONORABLE PATRICK J. HARKINS
HONORABLE MARK LONGIETTI
HONORABLE MICHAEL H. O'BRIEN
HONORABLE JAKE WHEATLEY

ALSO IN ATTENDANCE:
HONORABLE TIM KRIEGER

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COMMITTEE STAFF PRESENT:

**JONATHAN BERGER, RESEARCH ANALYST
MICHAEL BIACCHI, RESEARCH ANALYST
EILEEN KRICK, LEGISLATIVE ADMINISTRATIVE ASSISTANT
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1 P R O C E E D I N G S

2 * * *

3 MAJORITY CHAIRMAN CLYMER: Well, good morning,
4 everybody. Welcome, all, to our hearing on economic
5 furloughs. We're glad to see a good attendance this
6 morning and also the members of the Committee. Good
7 morning, members of the Committee. Good to see you here
8 this morning.

9 As we recognize, economic furloughs are no
10 stranger to the educational process and especially to our
11 Committee. In the past, efforts have come forth to put the
12 concept of economic furloughs into the School Code.

13 Our collective efforts should be to provide
14 Pennsylvania schoolchildren with a quality education that
15 reflects on the great history of our nation and informs the
16 students that Democracy has strong roots right here in
17 Pennsylvania. Learning should also include proficiency in
18 reading, writing, and arithmetic. We need the best and
19 most gifted teachers, professionals, if you will, in the
20 classroom to advance the learning process.

21 Today we will hear from three prime sponsors of
22 legislation promoting economic furloughs and testifiers
23 expressing pros and cons on the issue as well.

24 So, to begin, I call on our three prime sponsors,
25 who include Representative Seth Grove from York County and

1 prime sponsor of House Bill 779; Representative Tim
2 Krieger, Legislative District 57, prime sponsor of House
3 Bill 1722; and Representative Ryan Aument, Legislative
4 District 41 from Lancaster County.

5 So, gentlemen, you may begin, if you want to do
6 it in order. Representative Grove, a brief outline of your
7 legislation. And then the other two in order.

8 REP. GROVE: Thank you, Mr. Chairman. I
9 appreciate you bringing these three bills to the forefront
10 of the House Education Committee this morning.

11 The School Code of 1949 limits a school
12 district's ability to furlough professional employees to
13 those instances where there is a substantial decrease in
14 pupil enrollment, a curtailment or alteration of an
15 education program, or the consolidation of schools.

16 This limitation is problematic, particularly in
17 challenging fiscal financial circumstances and sets school
18 districts apart as one of the few employers in either the
19 public or private sectors that cannot furlough employees
20 for economic reasons.

21 With personnel costs comprising on average
22 two-thirds of a school district's budget, districts need
23 the ability to exercise maximum flexibility and discretion
24 to more freely manage their personnel costs just like the
25 private sector.

1 House Bill 779 will provide districts with the
2 utmost flexibility in hiring, maintaining, and managing
3 personnel, giving districts another cost-cutting option to
4 consider in difficult economic times instead of forcing
5 them to eliminate or reduce programs or increase property
6 taxes.

7 Additionally, in making decisions regarding the
8 furloughing of professional employees, the school districts
9 should not be limited to making those decisions solely on
10 the basis of seniority. Furloughing solely based off
11 seniority ends up furloughing more people and creating more
12 gaps in educational programs than basing furloughs on
13 criteria such as qualifications, evaluation, or program
14 needs.

15 House Bill 779 simply modifies Section 1125.1 of
16 the Public School Code to give districts the ability to
17 retain employees based on program needs, employee
18 qualifications, and employee performance, instead of the
19 artificial construction of seniority.

20 This legislation will provide school districts
21 with meaningful mandate relief, ensuring that even in
22 difficult economic times, school districts can manage their
23 personnel in the most cost-effective manner and offer their
24 students the widest array of educational programs with the
25 best qualified staff, all while providing school boards

1 with the maximum flexible tools to deal with their
2 personnel costs.

3 Thank you, Mr. Chairman.

4 MAJORITY CHAIRMAN CLYMER: The Chair thanks the
5 gentleman.

6 We will proceed with Representative Krieger.

7 REP. KRIEGER: Thank you, Mr. Chairman. And
8 thank you, members of the Committee, for providing us the
9 opportunities to have a dialogue today about these
10 important issues.

11 As the Chairman indicated, I'm the prime sponsor
12 of House Bill 1722, the Protecting Excellent Teachers Act.
13 And my bill does three important things.

14 First, it would permit economic furloughs. Right
15 now, as you know, school districts can only furlough staff
16 when they eliminate programs and when there is declining
17 enrollment. The unfortunate reality is that school
18 districts are facing rising costs and staggering declining
19 revenues and our economy is not the engine of revenue we
20 wish it was. So without the necessary tools to manage
21 their way out of these fiscal crises, the fiscal problems
22 we're facing, districts are left in a very serious
23 financial situation.

24 Second, my bill eliminates the use of seniority
25 as the sole factor in determining furloughs and replaces it

1 with results of a new Teacher Evaluation System. If and
2 when furloughs become necessary, what could be more fair,
3 what could be more equitable, than basing those decisions
4 not on seniority but on the quality of the product the
5 teacher produces?

6 And third, my bill makes a small change to
7 tenure. Right now tenure is granted in three years. My
8 bill would change that to five years to give the
9 Administration a little more time to look at a teacher, to
10 examine a teacher, to help a teacher grow, before they make
11 that decision, which is often a decision of lifetime
12 employment.

13 If I was to summarize my bill, I would do it in
14 two ways. I would say, one, this bill is not against
15 teachers. It's about protecting excellent teachers.
16 Again, as I mentioned, what is fair about a teacher that
17 excels, is doing very well, but because of economic
18 circumstances has to be furloughed when others aren't doing
19 as well, aren't producing results, and are allowed to
20 remain?

21 And I guess finally, and most importantly, the
22 bill is about putting the education of our children first.
23 If we're going to educate our children, we need the very
24 best teachers. This bill helps ensure that the school
25 administration has the tools to do that job.

1 And I'll just conclude my remarks by expressing
2 my thanks and support for Representative Grove and
3 Representative Aument. Our bills have small differences,
4 but I think the overarching scope is that we all agree that
5 seniority should not be the sole factor in determining who
6 educates our children. I want to thank them for their
7 work.

8 And thank you, Mr. Chairman and the Committee.

9 MAJORITY CHAIRMAN CLYMER: The Chair thanks the
10 gentleman and recognizes Representative Aument.

11 REP. AUMENT: Thank you, Mr. Chairman.

12 Good morning. I want to follow up my colleague,
13 Representative Krieger, and point out at the outset that
14 these bills are not in competition with one another. This
15 is an effort on behalf of my colleagues and I to find a way
16 to pass much-needed mandate relief for our local school
17 districts to provide them with this critical flexibility.
18 This is an attempt to find a solution to a challenge that
19 we have faced and a concern that has been raised to us
20 continually from our local school districts.

21 Secondly, we are all interested in retaining
22 high-quality educators. We understand that the quality of
23 the teacher in the front of the classroom is critical. The
24 data tells us that as you look at all of the factors that
25 influence a child's education and academic outcomes, the

1 quality of the teacher standing in the front of the
2 classroom is most critical. And each of these proposals
3 reflect those priorities.

4 My bill would allow school districts to suspend
5 educators for economic reasons as part of a plan to reduce
6 or control school district costs. Further, under my
7 proposal, educators who are rated distinguished under the
8 new rating tool would be the last to be furloughed.

9 If enacted, my legislation will not take effect
10 until July of 2015 to allow the Department of Education and
11 individual school districts to fully implement the new
12 professional employee rating system enacted into law last
13 year.

14 My legislation requires a school board seeking to
15 furlough for economic reasons to adopt at a public meeting
16 at which an opportunity for public comment has been
17 provided a resolution setting forth the following: Why the
18 suspension is necessary, the number and percentage of
19 positions eliminated; a description of each position
20 eliminated; the subjects, courses, electives, non-academic
21 activities, and services that will be affected by the
22 suspension; a description of other cost-saving actions
23 undertaken by the school district and the measures the
24 school district will undertake to minimize any impact on
25 student achievement.

1 New collective bargaining agreements may not
2 prohibit the suspension of educators for economic reasons.
3 To help a school district retain their highest-quality
4 educators, which, again, we believe is critical, my bill
5 prohibits a school district from suspending any
6 professional employee whose most recent overall performance
7 rating was distinguished unless such suspensions are still
8 necessary after all professional employees with lower
9 performance ratings have been suspended.

10 Thank you, Mr. Chairman.

11 MAJORITY CHAIRMAN CLYMER: The Chair thanks the
12 gentleman.

13 And the Chair welcomes Representative Krieger to
14 stay with us, to be part of the Committee, as we go into
15 our first testifier.

16 REP. KRIEGER: Thank you.

17 MAJORITY CHAIRMAN CLYMER: And this is a familiar
18 face to us. And that's Carolyn Dumaresq, who is the
19 Pennsylvania Department of Education Acting Secretary.

20 Welcome, Secretary Dumaresq, to our hearing this
21 morning. We look forward to your testimony.

22 MS. DUMARESQ: Thank you very much.

23 Good morning. And I thank the members of the
24 House and Chairman Clymer for the opportunity to comment
25 today on the topic of economic furloughs.

1 I know that many of the members here today share
2 my commitment to ensure that every child in Pennsylvania is
3 taught by a well-trained and highly qualified educator. I
4 won't go through all my testimony because most of it has
5 already been discussed here today.

6 In the testimony, we spell out the reasoning of
7 1124, which causes the opportunity for workforce
8 reductions. We talked about 1125, which then constrains
9 the way once furloughs are determined that are controlled
10 by seniority.

11 What the Corbett Administration believes is that
12 Sections 1124 and 1125.1 should be amended to allow local
13 school districts with maximum flexibility to manage their
14 workforce by including language to allow furloughs for
15 economic reasons in addition to the four that are there and
16 to require furlough decisions to be based on performance,
17 not solely seniority.

18 A further concern that has not been discussed is
19 the implementation of Act 82 of 2012. That is the new
20 Teacher Evaluation Law that talks about establishing a new
21 system to evaluate teachers.

22 With the implementation of Act 22, Pennsylvania
23 now has a data-driven, reliable system on which to evaluate
24 and improve educator practice and performance. The
25 Educational practice side of the evaluation system has been

1 proven through both quantitative and qualitative validation
2 studies.

3 Obviously, the next step that we are doing now is
4 to integrate the multiple measures side of student
5 achievement into the evaluation system. And we can begin
6 to use this system now for the basis of tenure and
7 dismissal decisions and ultimately, as Representative
8 Aument has said, for furlough decisions. There's very
9 different issues when you're dealing with a system that's
10 looking at individual teachers for decisions about
11 retention, non-retention, or tenure versus comparing two
12 teachers for performance. And there's some safeguards that
13 I would like to work with the Committee on in the future.

14 I believe that with cautious implementation of
15 the system, we now have a system where we can make those
16 determinations for furloughing. But there are some
17 constraints that we should discuss.

18 And I look forward to the opportunity to work
19 with the Administration and with the members of this
20 Committee to, in fact, effectuate a final bill for economic
21 furloughs and for suspensions based on performance, not
22 just solely seniority.

23 So I'll stop and answer questions on that. I
24 think you've covered most of the salient points in the
25 first three testifiers.

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MAJORITY CHAIRMAN CLYMER: Thank you.

The Chair recognizes Representative Longietti.

REP. LONGIETTI: Thank you, Madam Secretary. I appreciate your testimony and your observations.

MS. DUMARESQ: Thank you.

REP. LONGIETTI: I just want to clarify a couple of items. First of all, we're talking about economic furloughs, and correct me if I'm wrong, but school districts currently can be motivated by economic reasons in making a furlough. That motivation doesn't disqualify the furlough. They just have to tie it also to substantial decline in pupil enrollment or curtailment or alteration of the educational program of the items listed.

Is that your understanding as well?

MS. DUMARESQ: I'm not sure I would say they are motivated. When they look at their budgets within their resources and they need to furlough, they must, in fact, use one of the four reasons. As you know, that section has been amended. They no longer need to come to the Department. They need just to inform the Department on the first two.

REP. LONGIETTI: Just to give you an example. I was a former school solicitor. I represented a school district that ran into economic problems. And as a result of that -- and there was discussion right at the board

1 level -- the budget was out of line because of an
2 unanticipated economic problem. Then furloughs were
3 administered. So they were clearly motivated by economic
4 reasons. But they were able to also show substantial
5 decline in pupil enrollment.

6 Is that your understanding, too? They could have
7 that motivation. They just have to tie it.

8 MS. DUMARESQ: I had a different view when you
9 said motivated. But, yes, you're right. That is a cause.

10 REP. LONGIETTI: I just wanted to clarify that.

11 Remind me a little bit about the Teacher
12 Evaluation System. You talked about Act 82. That has not
13 fully come on line yet, has it?

14 MS. DUMARESQ: Parts of it. This year is the
15 first year of the implementation. And the implementation
16 this year includes the Danielson side, which is the
17 practice side, which I talked about, the validations that
18 have occurred there. That's the side that talks about what
19 teachers do in the classroom to improve student achievement
20 or outside in planning and preparation.

21 The school building profile has come on line for
22 this year. Next year, the elective piece, which is another
23 piece of the multiple measures side, will come on line.
24 And then in three years, for those teachers who have been
25 in the classroom for three years, if they administer a

1 State assessment, that piece, that three-year rolling
2 average, will come on line.

3 So, yes, we're in the process of a three-year
4 implementation of the system.

5 REP. LONGIETTI: Since we're talking about
6 teacher performance, how fine are the distinctions if we're
7 comparing one teacher to another with the evaluation tool?
8 How are they rated? Are they scored out so one has a
9 certain score and one has a point or two less or are they
10 put into categories? Could you explain that?

11 MS. DUMARESQ: I think you're heading toward one
12 of the concerns that I mentioned about how sensitive is the
13 system currently in making those finite decisions.

14 I think the system is very sensitive. And, as I
15 said, when you're looking at an individual educator to make
16 decisions of whether the teacher is failing, whether they
17 need improvement, whether they're proficient, or whether
18 they're distinguished. And there are scores that have a
19 range that have point values within that range. But, as I
20 said, I think the system is ready to make those types of
21 judgments about retention, non-retention, or tenure.

22 I think it becomes a little more difficult when
23 you look at two teachers that, in fact, need to be compared
24 to make decisions. They're tough. These decisions are not
25 easy decisions for any of us to make.

1 But when you do need to reduce your complement
2 and you are looking at your program and you're looking at
3 that area of certification because that's the other thing
4 that needs to be taken into account, and then you come down
5 to the teachers here, there are safeguards that need to be
6 put into place as we would use the system to make those
7 judgments.

8 I think right now the system is sensitive enough
9 to make the judgments in those four categories for
10 administrators to use.

11 REP. LONGIETTI: So based on that, is it possible
12 for two teachers to be within a point of each other?

13 MS. DUMARESQ: They could be within a point of
14 each other. And the concern would be is if those
15 differentiations move them into failing or move them into
16 needs improvement.

17 But the data that has to be collected, the
18 decisions that have to be made I think are decisions that
19 administrators, for the most part, with the system the way
20 it is right now are decisions they are used to making
21 because Danielson is the majority of the rating at this
22 point.

23 REP. LONGIETTI: I wanted to ask if the
24 Department had any view. A couple of the proposed bills
25 would eliminate the language about implicating the local

1 agency laws. I understand that currently if a teacher gets
2 suspended under the Code, then that's considered a local
3 agency decision. And what that means is that allows them
4 to appeal to the Court, Court of Common Pleas, on appeal.
5 And a couple of the bills that are being proposed would
6 eliminate that. So that would take away their ability, as
7 I read it, to appeal to the Court of Common Pleas.

8 I didn't know if the Department has any view on
9 that topic.

10 MS. DUMARESQ: I think at this point in time, we
11 do not.

12 REP. LONGIETTI: Thank you.

13 Thank you, Mr. Chairman.

14 MAJORITY CHAIRMAN CLYMER: The Chair thanks the
15 gentleman and recognizes Representative Aument.

16 REP. AUMENT: Secretary Dumaresq, we met a few
17 weeks ago to discuss my proposal, as well as Representative
18 Krieger's proposal, which I'm a co-sponsor of and fully
19 supportive of.

20 And again, my intent is, frankly, to sort of
21 define perhaps some common-ground compromise language to
22 actually find a solution to this challenge with regard to
23 mandate relief and economic furloughs.

24 And at the time I had sort of floated the
25 possibility that perhaps we could phase into Representative

1 Krieger's proposal by in Year 1 taking an approach where
2 primarily these decisions are made by seniority with the
3 exception that we protect, as my bill does, distinguished
4 educators. And then in Year 2 it provides some additional
5 flexibility to school districts. So we sort of ramp up
6 this process as the teacher evaluation is implemented.

7 At that time, you indicated to me your preference
8 that that language essentially be flipped, that rather than
9 protecting the distinguished educators, that we would --
10 the decision would be made by eliminating those who were
11 rated unsatisfactory fails first, which would essentially
12 accomplish the same thing.

13 Could you discuss that a little bit with the
14 Committee?

15 MS. DUMARESQ: Yes. The reason that we had
16 talked about that nuance is because I believe the
17 proficient teachers should also be protected. Proficient
18 teachers are quality teachers in the classroom.

19 So instead of going this way, I believe if, in
20 fact, the issue is to put a qualified teacher in front of
21 students, the way you accomplish that is going in the
22 reverse order by furloughing failing, furloughing needs
23 improvement, if that needs to be.

24 And then once you get to the point where you have
25 to then furlough in the proficient categories, you're still

1 accomplishing what you want to do because you're coming up
2 from the lowest ratings -- or lowest categories of ratings
3 into proficiency. And at that point then, seniority would
4 take over.

5 REP. AUMENT: Thank you.

6 MAJORITY CHAIRMAN CLYMER: The Chair thanks the
7 gentleman.

8 Secretary Dumaresq, there is always a need for
9 more money for education. We hear that all the time. But
10 does it not make common sense that if you had the very best
11 teachers in the classroom, that parents would then say, my
12 child is learning? They can see that. Because we know
13 that in the classroom that some teachers are very good and
14 the child goes back to the parents and say? I really enjoy
15 Mr. Jones. And if the teacher is not doing as well, the
16 student will be failing the grade or just show a
17 disinterest.

18 So it would seem to me that if you had the very
19 best of the professionals in the classroom, that would make
20 a lot of sense because then the parents would then be
21 motivated to send their child to the school rather than
22 seek an alternative form of education.

23 Your thoughts on that.

24 MS. DUMARESQ: I think it's always important for
25 children to feel engaged with their teacher. That student

1 engagement is a high priority for increasing student
2 achievement. And the better quality of instruction that is
3 in the classroom, the more engaged the student and the
4 higher the student achievement.

5 So I think they all go hand in hand.

6 MAJORITY CHAIRMAN CLYMER: The Chair recognizes
7 Representative Carroll.

8 REP. CARROLL: Thank you, Mr. Chairman.

9 Madam Secretary, thank you so much. Just an
10 observation to start. I find it curious that in your
11 testimony on three different occasions, you mentioned the
12 Administration supports these measures but don't mention
13 the Department or yourself personally.

14 MS. DUMARESQ: We are one.

15 REP. CARROLL: I assumed that to be the case.
16 But I still just find it curious.

17 MS. DUMARESQ: We are one.

18 REP. CARROLL: I just find it curious.

19 You know, it's hard for me to separate and
20 divorce a financial discussion here from a discussion
21 related to a decision on staff furloughs. You know, I hear
22 the words, cost, financial, private sector, fiscal crisis.
23 And all of those are on point.

24 And, you know, my experience back in my corner of
25 the State, especially with respect to districts that have

1 no contracts -- some of them are actually on strike -- it
2 seems to me that the financial decisions and financial
3 pressures that school boards face, if something like any of
4 these were enacted, would almost force the boards to make
5 decisions to furlough based on the rate of salary of the
6 teacher more than their ability as a teacher.

7 I think that school boards are in a position at
8 this point where their options are completely limited. You
9 probably heard this monologue before. I'm going to repeat
10 it anyway. You know, we have districts that have fund
11 balances that are zero. They have already done all sorts
12 of furloughing and program eliminations and cuts. We've
13 had schools that have been closed to merge more kids into
14 fewer buildings.

15 And, you know, we have the school board's
16 inability to raise property taxes because of the index in
17 Act 1 and all that goes along with that. And so now we're
18 going to be faced with the ability or a decision that
19 school boards are going to have to make related to
20 balancing their budgets in an environment that's obviously
21 challenging considering the cuts over the past few years.
22 I'm not sure that school boards have many choices.

23 And if we give them this tool, it seems to me
24 it's default mechanism gives them the ability to get past
25 another financial hurdle and sacrifice what I'm concerned

1 will be quality teachers at the alter of financial
2 realities.

3 MS. DUMARESQ: First, I want to be very clear
4 that if, in fact, this bill or any of the bills are about
5 furloughing our more senior teachers because of economics,
6 that is not something we are in favor of.

7 We believe that, in fact, when you have to make
8 the hard decisions for furloughing because of economic
9 reasons, that you first should be allowed to do that.

10 And then secondly, money should be put aside when
11 you get to that point. And you should look at the quality
12 of the staff that you're dealing with and make decisions
13 based on the quality of the staff. And for me, that is not
14 necessarily our more senior teachers. It is based on the
15 performance in the classroom.

16 So I think we need to draw a very bright line
17 between what drives us to make that decision and then the
18 criteria upon which we make that decision.

19 REP. CARROLL: Fair enough. It just seems to me
20 that school boards, in particular, have been dealt a hand
21 now that's almost an unplayable hand or a different format
22 that they have an unsolvable mathematical problem. And
23 that is that they have a financial foundation upon which
24 they can't operate the school districts.

25 And I base that on the fact that we have so, so

1 many districts now without a teacher contract. We have
2 districts that are Year 4, Year 5, without a teacher
3 contract. And I listen to what school board members say
4 and what's reported in the press.

5 And to paraphrase it somewhat is, we're trying to
6 come up with a budget and a contract for a district and a
7 contract with the teachers that meets the parameters of the
8 financial condition of the district and they can't do it.

9 And a lot of that has to do with the pension
10 obligations that are on the horizon and some of the other
11 financial conditions that are faced. But I really believe
12 that if we were to advance these to law, districts, in many
13 cases, would make decisions based on furloughs with
14 finances first and foremost in the decision-making process
15 irrespective of all the other things that are in play here
16 with respect to teacher evaluation and everything else.

17 So I have real concerns that we are going to give
18 school board members a tool that even though they may want
19 it or some may not want it, they're going to be forced to
20 exercise this because, as I heard somebody mention earlier,
21 this will result in fewer furloughs. Well, the only way
22 you can get to fewer furloughs is if you furlough the most
23 expensive teachers.

24 And so that is the part that I'm having a very
25 difficult time reconciling here. Because I really do

1 believe that school board members given this tool will have
2 no choice because there are no other options for them.
3 They've done all of the other belt-tightening, so to speak,
4 over the past two or three years that they can do.

5 And I just fear that if we go forward with this,
6 we're essentially giving them another default mechanism
7 that they're going to have to exercise because finances
8 demand it.

9 MS. DUMARESQ: Well, again, I would hope that
10 whatever legislation comes forward that we draw a bright
11 line between those decisions of how we meet with our
12 current revenues and our current expenditures. And once
13 the decision is made that, in fact, a reduction in force
14 has to occur, then we go to a set of criteria that, in
15 fact, does not force us to take the most senior people
16 regardless of their performance.

17 That would not be something the Administration
18 would be in favor of.

19 REP. CARROLL: Well, it just seems to me we're
20 setting up choices where we're going to give school boards
21 the ability to choose between two awful outcomes. And the
22 real solution here is to provide sufficient resources to
23 500 districts to be able to properly educate the children.

24 You know, the mandate is the Constitution here,
25 at the end of the day, that we are to provide a sound

1 public education for the State's children. And so, you
2 know, absent a mandate relief related to the Pennsylvania
3 Constitution, it seems to me that we have to provide the
4 resources necessary.

5 So I'll stop there, Mr. Chairman. Thank you.

6 MAJORITY CHAIRMAN CLYMER: The Chair thanks the
7 gentleman and recognizes Representative Krieger.

8 REP. KRIEGER: Thank you, Mr. Chairman.

9 Thank you, Madam Secretary. I have formulated
10 these questions before Representative Carroll's comments.
11 But I think they actually build on that a little bit.

12 An observation, first of all. It seems to me
13 that Representative Carroll's concerns are presupposed on a
14 set of facts that would essentially say that the rating
15 system, the evaluation system, could be manipulated. I've
16 heard that before. Either for political reasons or fiscal
17 reasons, there's this apparent concern that the rating
18 system itself could be somehow corrupted by these other
19 motives.

20 I wonder if you can comment on that and
21 particularly comment on the fact that the schools
22 themselves and the principals will also be evaluated.

23 Does that not mitigate much of that concern?

24 MS. DUMARESQ: Well, there are a number of things
25 that I think mitigate that. One is, I do have a stronger

1 faith and belief in the profession, my profession, that, in
2 fact, the evaluation, first of all, is to improve teacher
3 performance, therefore, to improve student achievement.
4 And good feedback and accurate feedback is the mechanism to
5 do that. The administrators that I've interacted with
6 believe in that also.

7 I think that there are safeguards in the system
8 to mitigate some of what is believed to be manipulation.
9 First of all, I don't know how you manipulate accurately
10 student achievement. In fact, that is now a component of
11 the Teacher Evaluation System that is more objective than
12 maybe perhaps people believe the subjectiveness of coming
13 in to do teacher evaluations.

14 Also, our system now talks heavily on evidence.
15 Before those judgments are made, both the teacher and the
16 principal need evidence to make those calls of proficient
17 or needs improvement. And so that's a new piece. And
18 those dialogues are a new piece.

19 The final piece that we have also is in the
20 principal evaluation system, which comes on line next year,
21 is a way of making sure that the principals on either end
22 of the spectrum for teachers who have high student
23 achievement but are being rated low on the Danielson side,
24 a call-out that there's something wrong here. And that
25 affects their system.

1 And conversely, very high ratings but low student
2 achievement, a call-out that affects the principal's
3 evaluation that really talks about the importance of
4 integrated reliability across the system and especially
5 important across the district that would need to occur.

6 So I think there are safeguards built into the
7 new system. I know that our trained folks are concerned
8 that that is an extra responsibility and extra effort that
9 needs to be put in.

10 But when you're going to use the Teacher
11 Evaluation System for issues of retention, non-retention,
12 tenure, and then ultimately furlough, you need to build
13 those safeguards in. And you need to have the rigor built
14 into the system that we have put into the new Teacher
15 Evaluation System.

16 REP. KRIEGER: Thank you. And just as a brief
17 statement, no system is perfect. But I also have enough
18 faith in the teaching profession that they'll do the right
19 thing here and make the right decisions for the right
20 reasons.

21 Thank you.

22 MS. DUMARESQ: Thank you.

23 MAJORITY CHAIRMAN CLYMER: The Chair thanks the
24 gentleman and recognizes Representative Conklin.

25 REP. CONKLIN: Thank you, Mr. Chairman.

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Thank you, Madam Secretary.

I've heard you talk a lot about the Department Administration talk about this as a financial furlough but at the same time you talk about increasing the education benefits for the child at the same time putting the two together.

My curiosity is that when we look these bills -- and I understand that we have the public cybers, the public charters, and the traditional public schools. Right now do all three of them follow the same criteria for furloughing?

MS. DUMARESQ: I thought you were going to ask do they all fall in the same criteria as far as accountability. And the answer to that is, yes, with the new school performance profile.

But in the Charter School Law, there is an exception for using the Teacher Evaluation System in the charter schools. They may. And we have a number of charters, both brick-and-mortar charters and cyber charters, that are participating with the Department for the Teacher Evaluation System. But it is not a requirement based on the Charter School Law.

REP. CONKLIN: I'm glad you brought that up. Because you talked about they all have to fall into the evaluations. Am I correct in understanding that -- I know it changed from AYP now, it's got to change -- the number

1 of public cybers and public charters were far lower
2 percentagewise than the public school system.

3 MS. DUMARESQ: The traditional public schools?

4 REP. CONKLIN: Yes.

5 MS. DUMARESQ: I think that in order to answer
6 that fairly, that what you need to do -- and we do have the
7 capability inside when we refresh this in another week to
8 compare features. And what I would encourage people to do
9 before they draw conclusions about cyber or charter
10 schools' lack of academic success, a fair comparison would
11 be to look at the population, the school district where the
12 majority of the children are coming from, and compare them
13 to the Feeder Systems before those judgments are made.

14 We have some excellent charter schools. We have
15 some good cybers schools. And when you look at some of
16 their performance based on the Feeder System, I think you
17 can draw accurate comparisons about their success or lack
18 of success.

19 REP. CONKLIN: Just using the data we have at
20 hand, not what's coming out, that, again, I have no ax to
21 grind against any school district. But I find it curious
22 that we're looking at two school systems that don't have to
23 follow this and they're lacking far behind just using data
24 of our public school system, which we want to follow the
25 same system which they are.

1 Can you tell me, is there anywhere in the United
2 States to where the public school system was switched over
3 to what you want to do which has increased education
4 scores? Again, I'm just looking at the data of the public
5 cybers and public charters who already can remove teachers
6 who are lacking far behind in their test scores.

7 I'm just wondering, as we go forward, is there
8 anywhere in the United States that has shown that what this
9 Administration yourself are asking to do will actually
10 benefit the students?

11 MS. DUMARESQ: I would need some help to
12 understand when you say, allow them to do what they want to
13 do. Are you talking about the ability to furlough for
14 economic reasons?

15 REP. CONKLIN: Using these bills as the criteria.
16 Basically, using these bills as a criteria, which yourself
17 and the Administration want, is there anyplace that shows
18 by using these bills as the criteria of changing over from
19 the existing system that the education of the children
20 actually improved?

21 MS. DUMARESQ: No. I say there is proof that
22 when you put effective teachers in the classroom that
23 academics increase. I'm not aware of a study that shows
24 economic furloughs or the flexibility that cyber or charter
25 schools have makes a difference in academic achievement.

1 It's really the quality of instruction that makes the
2 difference.

3 REP. CONKLIN: Thank you, Madam Secretary.

4 Thank you, Mr. Chairman.

5 MAJORITY CHAIRMAN CLYMER: The Chair thanks the
6 gentleman.

7 If I could just mention two school districts that
8 might be of help to you. There was a former Secretary and
9 superintendent that was at the Baltimore School District.

10 MS. DUMARESQ: You'll hear from them today, I
11 believe.

12 MAJORITY CHAIRMAN CLYMER: I think so. When she
13 went there and had a kind of economic furlough, having the
14 very best teachers in. And then when she went to
15 Washington, D.C., the school district, again, you saw the
16 scores rise up and attendance and truancy dropped.

17 So her theories on what we're presenting today
18 certainly were borne out in fruition in those two school
19 districts where she was involved.

20 MS. DUMARESQ: Thank you.

21 MAJORITY CHAIRMAN CLYMER: Well, the Chair thanks
22 Secretary Dumaresq for being with us this morning. Thank
23 you for your testimony and for answering the questions.

24 MS. DUMARESQ: It's nice to be here. Thank you.

25 MAJORITY CHAIRMAN CLYMER: We appreciate it.

1 Our next guest is Mike Crossey. He's well known
2 to all of us. He's the President of the Pennsylvania State
3 Education Association. We have the testimony of
4 Mr. Crossey. It's always good to see you, my friend. You
5 may begin your testimony whenever you want.

6 MR. CROSSEY: Thank you. It's nice to be here
7 again today.

8 Good morning, Chairman Clymer, Chairman Roebuck,
9 and members of the House Education Committee. I am Mike
10 Crossey, President of the Pennsylvania State Education
11 Association, and I was a teacher in the Keystone Oaks
12 School District for more than 34 years.

13 Thank you for inviting me to share PSEA's
14 perspective on legislation that would allow school boards
15 to furlough educators for economic reasons and allow them
16 to choose which individuals will lose their jobs without
17 using the objective factor of seniority. Both of these
18 issues are of critical importance to PSEA and our 182,000
19 members across Pennsylvania.

20 The debate around economic furloughs and
21 seniority is not new. In fact, our organization testified
22 about it in 2011 when similar legislation was considered.
23 The harsh fiscal reality facing our school districts across
24 the Commonwealth in recent years due to a historic loss in
25 funding support, coupled with increasing costs and

1 decreasing revenue capacity at the local level, has
2 continued to elevate the discussion. It is important,
3 however, to clarify that these are two distinct and
4 separate issues.

5 The first issue is one of funding and the tough
6 decisions and challenges our school districts face when
7 they lack the necessary resources. The second and separate
8 issue is the process for determining who is furloughed.

9 On the first issue of allowing furloughs for
10 economic reasons, the reality is that it is not the
11 solution to the problem. The financial pressures facing
12 our school districts, our local taxpayers, and our
13 educators are very real. No one is denying that.

14 Indeed, we have seen over the last several years
15 massive furloughs. Thousands of professional educators
16 have been laid off. School districts have not been
17 prevented from reducing staff under the current law, but
18 districts are required to base the furloughs on program
19 alterations, organizational changes, and declining
20 enrollment.

21 Current law prevents individual school boards
22 from setting abstract and arbitrary financial parameters
23 and then staffing to those parameters. PSEA opposes
24 lifting this proscription. We know from the harsh
25 experiences of the last several years that furloughing

1 educators, resulting in increased class sizes, less
2 individualized attention, and slashed academic programs, is
3 not the answer.

4 Opening the floodgate to remove the decision to
5 furlough from the structure of the education program will
6 exacerbate these problems. The true answer to the problem
7 facing our schools is for the Commonwealth to enact and
8 implement a sound, rational, and equitable school funding
9 formula that provides resources to districts that need it
10 the most.

11 The current law pertaining to furloughs isn't
12 broken but our school funding system is. Layoffs caused by
13 budget cuts are about money. On the face of it,
14 experienced teachers cost more than newcomers, so removing
15 the experienced teachers from the budget equation may
16 appear to save the most money. This may be true in the
17 short term in some districts, but in the long run, it can
18 be more costly and have a negative impact on the school
19 community.

20 Experienced teachers have been well trained, and
21 those years of experience and additional training walk out
22 the door when the educator is furloughed. Districts are
23 then required to train newer teachers at a rapid pace in
24 order to quickly bridge the gap of lost information and
25 expertise for the students.

1 Unfortunately, some believe economic furloughs
2 can be an opportunity to remove unsatisfactory teachers
3 from the classroom or school community. This is a separate
4 issue from the process of furloughing staff for economic
5 reasons.

6 Let me be clear. If a teacher or professional
7 employee is not qualified and is not meeting performance
8 standards, he or she should not be in the classroom.
9 School districts and administrators should not wait for a
10 budget crisis to remove them. Economic furloughs are not
11 the appropriate tool to use for this entirely different
12 responsibility. A furlough is a temporary layoff.

13 Why would school boards or administrators want to
14 use furloughs to get rid of ineffective teachers when they
15 can dismiss them? With furloughs, school districts have to
16 bring teachers back when there is a recall. How is that a
17 helpful process for removing ineffective educators from the
18 classroom?

19 Instead, educators should be provided the
20 necessary tools for quality instruction and supporting
21 students. If those tools have been provided, however, and
22 educators fail to provide what students need in the
23 classroom, there must be efficient, transparent, and fair
24 procedures in place for their dismissal.

25 Allowing furloughs to be based on factors other

1 than seniority creates a subjective and arbitrary process
2 that could open the door to abusive employer practices that
3 undermine educational quality.

4 While furloughing the most experienced and
5 educated school employees could result in short-term cost
6 savings, it costs more in the long run and hurts the
7 educational environment.

8 Seniority and experience reflect the investments
9 of significant time and energy teachers have made in our
10 schools and in their professional practice. These
11 investments are valuable and should not be disregarded.

12 Research has also shown that educators continue
13 to gain effectiveness for decades when consistently
14 teaching at a specific grade level. Teaching is a complex
15 profession. Demands on the profession to meet the needs of
16 students, the expectations of their community, and the
17 requirements of Federal and State policies -- IDEA, No
18 Child Left Behind, PA Core Standards, and Keystone Exams --
19 have all risen and will continue to rise in the foreseeable
20 future.

21 An educator's experience in pedagogical skills
22 and navigating the classroom environment matters. And yet,
23 there appears to be an assumption by some that experience
24 is a liability instead of an asset. In what other
25 profession is that the case?

1 With an evidence-based evaluation system driven
2 by high standards of professional practice and administered
3 by trained evaluators, it is possible for Pennsylvania to
4 have a transparent and objective system for protecting due
5 process but that also allows for the expedited removal of
6 unqualified educators if needed.

7 Contrary to popular belief, poor teachers with
8 tenure can be removed from the classroom and dismissed
9 after two consecutive negative evaluations. Tenure is not
10 a job for life as some may believe.

11 Any discussion of how to remove unsatisfactory
12 teachers from classrooms should center on the proper
13 implementation of an effective evaluation system, not on
14 the use of temporary furlough power.

15 If there are performance concerns about an
16 educator, administrators should document an educator's
17 performance to identify shortcomings and what can be done
18 to improve instruction. If the performance does not
19 improve, the educator should be found unsatisfactory and
20 dismissed, as is the requirement under current law.

21 Given the importance of the evaluation system in
22 supporting effective teaching, PSEA has invested extensive
23 staff time and resources since at least 2009 in the
24 statewide efforts to revamp the teacher evaluation process
25 in Pennsylvania.

1 PSEA has worked with the PDE and other
2 stakeholders, including the prime sponsor of what is now
3 Act 82 of 2012, Representative Aument, to improve the
4 initial proposal seeking to overhaul teacher evaluations.

5 In addition, our organization has spent
6 significant time providing guidance and feedback to
7 stakeholders and our members about the implementation of
8 the Act.

9 And while Representative Aument seeks to
10 incorporate provisions of the new educator evaluation
11 system in House Bill 1735, the reality is that the
12 distinguished educator rating is likely unworkable and does
13 not protect against imposing a subjective and arbitrary
14 system for dismissal. This is because the distinguished
15 rating is reserved for a very small number of educators.

16 The system designers and PDE have continuously
17 advised that no educator should assume or expect that he or
18 she can achieve a distinguished rating year after year but
19 rather will move in and out of distinguished status.

20 Therefore, using the status to protect teachers
21 from furloughs, as is proposed in House Bill 1735, subjects
22 all teachers to a revolving door of vulnerability depending
23 less on actual teaching quality than on the specific
24 elements of teaching that were observed during the current
25 evaluation year.

1 PSEA believes the current law surrounding
2 employee furloughs is appropriate and reasonable and that
3 the real answer to the concerns raised by school districts
4 is the Commonwealth meeting its obligation to provide full
5 and fair funding for our schools and our students.

6 We cannot support the utilization of the current
7 school funding crisis as a tool for advancing policies that
8 we believe will harm students and communities for years to
9 come.

10 Thank you again. And I am happy to answer any
11 questions you may have.

12 MAJORITY CHAIRMAN CLYMER: Mr. Crossey, thank you
13 very much for your testimony.

14 One of the questions I have is the cost savings
15 that you had mentioned that if the senior teachers are
16 removed and you bring in new and you keep the newer
17 teachers that that's not really a cost savings.

18 But, again, what I had mentioned to Secretary
19 Dumaresq is, if you have the best and most gifted
20 professional educators in the classroom, that is going to
21 make the school a very popular school within the community
22 because now you have parents who are saying, you know, my
23 child is getting a good education. Not that they're not,
24 but they're probably going to get a better education.

25 So it would seem to me that's an investment. So

1 economic furloughs is a kind of investment by having the
2 very best teachers in the classroom.

3 Answer that. Then I have another follow-up
4 question.

5 MR. CROSSEY: Well, I would think it's very, very
6 hard to decide what is the very, very best teacher. You
7 know, it's a subjective measure. Research has proven that
8 the more experienced teachers have a different quality of
9 reaching students, of developing rapport with students.

10 You know, I was in the classroom for 34 years
11 before I came to PSEA full time. And I may not have been
12 as excited or enthusiastic or, you know, jumping up and
13 down as my daughter, who became a teacher, you know, when
14 she graduated from school, but, at the same time, I believe
15 I was just as effective. And in my years of experience and
16 my ability to relate to students and build that rapport
17 with students and see when they were or were not getting
18 something, you know, there's two different styles of
19 teaching. My daughter is very enthusiastic, very bubbly,
20 very moving. I'm not that much. But at the same time, I
21 believed I had the ability to reach students. And that
22 came from years of experience. And that seniority meant a
23 lot to my students. And I believe my students did very
24 well.

25 MAJORITY CHAIRMAN CLYMER: And I believe what

1 you're saying is absolutely true. I think each teacher has
2 a different style that they bring to the classroom. And
3 that style is effective, depending on their ability to
4 convey the information they have to the students.

5 The other question I have is on satisfactory and
6 unsatisfactory. Now, we've heard from administrators,
7 school administrators, how difficult it is to have the two
8 unsatisfactories and to have a teacher removed just on
9 their inability to teach academics to the level that the
10 administrators and others think they should.

11 I guess my concern is that if we keep the present
12 system, we're really not going to see many changes in the
13 school system as far as teachers who are not qualified.
14 The unqualified teachers will continue to teach. And those
15 who are the most gifted are not going to have -- under the
16 present system are going to be furloughed when the time
17 comes if that school decides to remove a teacher.

18 So I see a real predicament here.

19 MR. CROSSEY: I think the present system works
20 well. I think that, you know -- I mean, we've got a
21 couple-year period where teachers -- and administrators can
22 say to a teacher, you know, look, this isn't the profession
23 for you. Move on. I think administrators have a very,
24 very difficult job here. But at the same time, when you
25 walk into a classroom, you know whether or not a teacher is

1 reaching the students and learning is taking place.

2 But it's different in every single classroom. It
3 cannot be based purely on test scores. It has to be based
4 on, what do you see happening in that classroom? Do you
5 see students learning? Do you see students actively
6 engaged with the educator? And I think an administrator
7 can tell that.

8 Now, if a teacher is not engaging the students
9 and active learning is not taking place, I think an
10 administrator can tell that.

11 I was a local president for almost 20 years. And
12 I worked with our administrators. When they said to me,
13 this teacher wasn't performing, then we would develop an
14 improvement plan. And the teacher either met that
15 improvement plan and became an effective teacher or they
16 could be given a second unsatisfactory rating and they're
17 gone.

18 And, you know, is it difficult? Sure. You have
19 to document it. You have to have, you know, reasons so
20 that it's not political, it's not economic. But an
21 ineffective teacher can be dismissed. The seniority, you
22 know, is a totally different issue of getting rid of an
23 ineffective teacher as to the economics of a school
24 district.

25 MAJORITY CHAIRMAN CLYMER: Well, thank you for

1 that explanation.

2 At this time the Chair recognizes Representative
3 Aument.

4 REP. AUMENT: Thank you, Mr. Chairman.

5 Mr. Crossey, thank you for your testimony. And I
6 do first want to commend you and commend the PSEA for your
7 engagement in the teacher evaluation legislation
8 development and your work with regard to the
9 implementation. You are to be applauded for that. And I
10 appreciate your work and your continued work in that
11 process.

12 I want to ask you specifically about some of the
13 comments you made with regard to my proposal. You know, I
14 understand that the PSEA believes the current law is
15 appropriate and reasonable. We're going to disagree on
16 that fundamentally.

17 I think it protects educators with seniority
18 without regard to their performance. I think it denies
19 authority to our local school districts to manage their
20 budgets and staff. I think it denies, frankly, students'
21 access to high-quality educators.

22 But having said that -- and I respect your
23 concerns with the reality surrounding distinguished and
24 what it takes under the new evaluation score or tool to be
25 evaluated as distinguished.

1 I assume that you heard the exchange that I had
2 with Secretary Dumaresq and her belief that essentially
3 that should be flipped, perhaps there be a way to craft
4 this to phase in my approach and to start with those
5 educators who are rated at the bottom of the scale,
6 essentially reverse the system.

7 I understand you're not going to be supportive of
8 that but I respect your position. But if I can play an eye
9 doctor very briefly, in a sense is that better or worse?
10 Could you comment on that?

11 MR. CROSSEY: I had LASIK surgery.

12 In Senate Bill 612, when that was being
13 considered, we did agree that with two unsatisfactory
14 ratings that an unsatisfactory educator would lose their
15 seniority rights, and they could certainly be eliminated
16 first if you had an ineffective teacher in terms of an
17 economic issue there.

18 But I just truly believe -- and I've spent so
19 many years in the classroom. And I had some great
20 principals. And I got to see an awful lot of educators
21 around the State. I see so much. Despite the fact that
22 we've got a new Evaluation Law, I still see so much
23 subjectivity in the law that no matter what you do, your
24 distinguished folks are going to sometimes be
25 distinguished. Sometimes it's going to be the friend of

1 the principal.

2 You know, there is just not any possible way
3 you're going to take that subjectivity out of it. You
4 know, the evaluation process now may turn out to be better
5 than what we've had in the past. I hope it does. I have
6 serious concerns about the overreliance on tests. The
7 tests have not been, you know, proven to be reliable or
8 valid for the purpose for which they're being used for. So
9 I've got serious concerns about that.

10 I would think that, again, you know, we're
11 putting -- you're putting the Evaluation Law into the
12 economic issues as part of this. I believe they should be
13 separate. You know, I think that we need to adequately
14 fund our schools. That will take care of a lot of our
15 issues.

16 If you've got concerns about the effectiveness or
17 ineffectiveness of certain educators, then that should be
18 dealt with through the Evaluation Law. I don't think we're
19 talking on the same issue.

20 REP. AUMENT: And I think under the old
21 evaluation system, before the implementation of Act 82, I
22 would probably be more inclined to agree with you with
23 regard to the subjectivity of the system.

24 But I believe the system that we've crafted, and
25 we crafted together, is objective. I think it's, as you

1 look at the observation side, the 50 percent, evidence
2 based. There's not a lot left to subjectivity within the
3 observations.

4 And then 50 percent is based on student
5 performance data, not tied to one test. We were very
6 intentional about that to ensure that it did not place
7 undue weight to a standardized assessment, that it was
8 multiple measures of student academic performance.

9 And then, of course, there are accountability
10 systems built on top of that. Of course, the performance
11 evaluation of the school principal. And now, of course, we
12 have an additional layer, with the implementation of the
13 school performance profiles, that provides a level of
14 transparency and accountability to the entire system.

15 So I do believe that -- and again, this is just
16 going to be an area of disagreement -- the system that we
17 have now in place has the potential to be transformative,
18 not only to elevating the teaching profession but to ensure
19 that we're making decisions that ensure that we have a
20 high-quality teacher in front of every child in
21 Pennsylvania schools.

22 So I understand that's a matter of disagreement.
23 But I believe the system we've created is an objective
24 system.

25 MR. CROSSEY: And I applaud you for your work on

1 this. And I believe it can be transformative. And I think
2 as it rolls out, we'll see whether or not it is. As I say,
3 I have concerns about the overuse of tests. But at the
4 same time, I certainly applaud you for your work on this
5 because I think it can be transformative. Whether or not
6 that's the case will depend on how it's implemented.

7 REP. AUMENT: Thank you.

8 MAJORITY CHAIRMAN CLYMER: The Chair thanks the
9 gentleman and recognizes Representative Longietti.

10 REP. LONGIETTI: Thank you, Mr. Chairman.

11 Thank you for your testimony, Mr. Crossey. I
12 just want to lay a little bit of a foundation here. Tell
13 me if I'm wrong. Experienced teachers normally are on the
14 higher end of the salary scale so they receive salaries?

15 MR. CROSSEY: Yes.

16 REP. LONGIETTI: Now, as I understand it, with
17 most teacher contracts, if an experienced teacher for some
18 reason separates from employment from that district and
19 then applies at another district, in most cases, that other
20 district recognizes that experience and that person would
21 be hired in at the higher salary level than a starting
22 teacher.

23 Is that normally the way you see it or not
24 necessarily?

25 MR. CROSSEY: No. I see that hardly ever

1 happening. In Allegheny County, where I'm from, I don't
2 believe any school district that I'm aware of would
3 recognize more than six years of experience. Most schools
4 have the ability to do that.

5 REP. LONGIETTI: Okay.

6 MR. CROSSEY: But on average, I don't believe
7 anybody does. You know, I think I saw it happen once with
8 a football coach where they brought him in at the top of a
9 salary scale. But for the most part, they start over.

10 REP. LONGIETTI: I see.

11 MR. CROSSEY: My district was famous for starting
12 people, you know, back at zero. We hired one teacher with
13 17 years' experience. They brought her in at the first
14 step. She had moved from, you know, another area because
15 of her husband's transfer. I believe they brought her in,
16 again, at the first step.

17 So it's very unusual that they go over and give
18 teachers credit for their experience in other districts.

19 REP. LONGIETTI: Okay. I'm just drawing on a
20 case that I can recall from a school district I represented
21 where there was a discussion on whether or not to hire a
22 teacher. And that teacher had some experience and they
23 were hiring and so therefore they were looking elsewhere.

24 MR. CROSSEY: I believe districts have the
25 ability to do that. Like I say, we actually, as the

1 Association, in our next contract said that teachers had to
2 be hired on teaching quality, not on any outside abilities
3 that they might bring to the school district.

4 You know, I respect our coaches tremendously.
5 But I know our Association took the stand that, you know,
6 when you bring people in, you should recognize all people
7 for their seniority and their experience. But if you're
8 not going to do that, then we want a teaching quality to be
9 the top criteria for which you bring in other teachers.

10 REP. LONGIETTI: Given, you know, the environment
11 that we're in -- Representative Carroll talked about the
12 economics. I think we're going to hear a little bit more
13 about that in some later testimony.

14 Now, unfortunately, we're seeing a lot of teacher
15 furloughs and perhaps more in the offing. When a senior
16 teacher gets furloughed, God forbid, what is your sense of
17 the future employability of that person?

18 MR. CROSSEY: Almost zero.

19 REP. LONGIETTI: Both in that district that they
20 got furloughed and outside of the district?

21 MR. CROSSEY: Yes.

22 REP. LONGIETTI: One of my concerns is that I see
23 a scenario developing, particularly if you're talking about
24 a challenging school district. They're already having
25 difficulty, I would assume, in attracting the best and the

1 brightest. They can't complete salarywise in many cases,
2 but perhaps they're able to attract some folks.

3 But now folks, when they look out, they say,
4 well, in this district there's a real probability that if I
5 am to survive several years, that down the road I may be
6 looking at a furlough, perhaps when I'm around that
7 50-year-old range, maybe a little bit younger.

8 I know already that even with the new Teacher
9 Evaluation System that I'm going to be judged based upon
10 the performance of students. I am in a more challenging
11 atmosphere if I take that job.

12 Do you have concerns -- I certainly do -- if we
13 move to this system that it's going to be even more
14 difficult for that challenging school district to attract
15 quality folks because now they've got to be concerned about
16 one more thing; I might get furloughed when I'm well into
17 my career and have no real prospects of a job in teaching?

18 MR. CROSSEY: I definitely believe you're correct
19 in that. I think it will not only make it harder for our
20 more challenging districts to recruit, you know, the best
21 and the brightest teachers, I think it will also make it
22 harder for teachers to go into certain areas.

23 Like, I mostly taught students with learning
24 disabilities and students who were emotionally challenged
25 or behavior-related challenged. That's what I spent most

1 of my teaching career doing.

2 And I think it will also be harder to recruit
3 teachers into those areas because you're going to want to
4 teach the gifted students who get great scores and then you
5 get great evaluations. You know, people aren't going to
6 want to do what I did and deal with the students who were
7 the most challenging in the school district.

8 Because sometimes, you know, you might move them
9 from below Basic to Basic, it's a huge achievement for
10 those students. And now they may be able to compete in the
11 work world. But they're not going to college. You know,
12 maybe we're training them for a great new manufacturing
13 job, which I hope comes back to Pennsylvania. But at the
14 same time, it's going to be harder and harder.

15 I really think that, you know, if we want to
16 solve the problems of some of these schools, we need to
17 solve the problems of some of these communities. We need
18 to deal with poverty issues. We need to deal with what
19 goes on in the community around the school. That will help
20 us solve the problems in the school.

21 REP. LONGIETTI: I just have a concern about, you
22 know, nobody wants a dead-end career, particularly when
23 they hit a certain age.

24 MR. CROSSEY: Correct.

25 REP. LONGIETTI: Last area of questioning. I

1 know one of the bills wants to tinker with the tenure
2 situation. And as I recall, at one time there were two
3 years of satisfactory performance and then you received
4 tenure. That was increased to three years. And as I read
5 it, one of the proposals now wants to increase that to five
6 years.

7 I'd like to get your reaction on that part of the
8 proposal.

9 MR. CROSSEY: I think it's totally unnecessary.
10 I think the current law works well. Again, if a teacher is
11 in the classroom and is not performing, there are
12 provisions in the law that that teacher can be removed if
13 they're not performing effectively.

14 REP. LONGIETTI: Okay. I certainly have
15 concerns. Five years just seems like a significant period
16 of time. Within three years, we ought to have a pretty
17 good measure, as you've indicated in your testimony, is
18 that teacher able to cut it in the classroom or not? And
19 if not, you know, let's move on. But five years just seems
20 to be a long time.

21 Thank you very much.

22 MAJORITY CHAIRMAN CLYMER: The Chair thanks the
23 gentleman and recognizes Representative Truitt.

24 REP. TRUITT: Thank you, Mr. Chairman.

25 Thank you, Mr. Crossey. I'm hiding over here

1 behind Representative Conklin.

2 MR. CROSSEY: Okay.

3 REP. TRUITT: Your testimony started off and I
4 really think you hit the nail on the head in terms of the
5 difference between the decision to furlough somebody and
6 the decision as to who you're going to furlough. It's
7 obviously a very painful decision for a school district to
8 have to make.

9 Nobody wants to do it. But you get to a point
10 and you say, okay, we're going to have to lay off -- this
11 is never going to happen -- a science teacher. We've got a
12 dozen science teachers. How do we decide which one to lay
13 off?

14 And I think that's really what we're talking
15 about here with these bills. It's not about the decision
16 to lay somebody off. It's you've made that decision. It's
17 an unfortunate thing. You have to do it. Which person do
18 we lay off?

19 I've been in the position in the private sector
20 of having to go through layoffs. I was actually hired once
21 as a consultant as the software engineering manager to
22 manage a business through a downsizing. So I had to look
23 at the staff that we had and determine which people got
24 laid off .

25 It would be foolish for me in that position or

1 for any principal to choose which person they're going to
2 lay off based on the salary. Even though you're laying off
3 to try to save money, to lay off your most effective team
4 member is just kind of silly, particularly if you're a
5 principal in a school and you know your performance is
6 going to be evaluated on the entire school performance.

7 MR. CROSSEY: Right.

8 REP. TRUITT: You don't lay off your best team
9 member. You're going to want to lay off somebody who's
10 less effective.

11 MR. CROSSEY: Sure.

12 REP. TRUITT: The same thing goes in the private
13 sector. I tried to keep the people around me who were
14 doing the best job. Sometimes you'll have people on your
15 staff who are not necessarily the best performers on your
16 staff, but they're not performing so poorly that you would
17 fire them. They're kind of in that middle ground where
18 you're going to try to develop that person and improve
19 their skills and so forth.

20 MR. CROSSEY: Yes.

21 REP. TRUITT: But now this unfortunate event
22 comes down the road where you have to lay somebody off.
23 You don't want to keep that person who needs work and let
24 go of this other person who's performing very well just
25 because that person who is performing very well hasn't been

1 there as long.

2 The fact of the matter is when I was managing
3 this software department through its downsizing, probably
4 everybody on the staff was worthy of keeping. But there
5 was one guy that we knew spent a lot of time playing
6 solitaire. He got his basic job functions done, so there
7 was no real reason to push him out. But he wasn't
8 particularly -- he didn't have a lot of self-motivation,
9 we'll say. Once he got everything done, he didn't look for
10 other things to do and so forth.

11 So when the time came for me to lay somebody off,
12 he was the first one to go. The second guy was the one
13 that we knew spent a lot of time walking around the
14 building and wasn't putting 100 percent of his time into
15 his job. He was doing a good enough job to keep him.

16 So in the teaching world, how many teachers have
17 been fired in Pennsylvania in the past year?

18 MR. CROSSEY: I don't know.

19 REP. TRUITT: Would you say it's less than 2
20 percent?

21 MR. CROSSEY: I don't know. I know that since
22 the funding was cut a couple of years ago by this
23 Administration, we've lost 20,000 educators in the state of
24 Pennsylvania. Some of them have been furloughed. Some
25 have retired, you know, so that other people would not be

1 furloughed.

2 REP. TRUITT: But how many were fired for
3 performance reasons?

4 MR. CROSSEY: I don't know.

5 REP. TRUITT: I believe it's a very, very low
6 number. I think it's on the order of 2 percent or less.
7 So if you're looking at a bell curve and you have to make a
8 decision of who you're going to lay off, you've got a lot
9 of people in the middle of that bell curve. And you've got
10 people at the top.

11 And the way the current law is written with first
12 in/first out, you might have to lay off somebody at the top
13 of the bell curve to save the job of somebody in the middle
14 or even towards the bottom, just not so far towards the
15 bottom that they warranted being fired.

16 So that's why I think we need to be looking at
17 legislation like this.

18 My real question for you is, if we could develop
19 language that prevented the use of somebody's salary
20 information in determining who is going to get laid off and
21 maybe we average their ratings over a period of several
22 years to deal with this thing where people go into and out
23 of the distinguished category, can you envision, would
24 there be any possible variation of these bills that are on
25 the table right now if we put the right language in it that

1 your organization could support? Will you just be opposed
2 to everything?

3 MR. CROSSEY: We're certainly not opposed to
4 everything. And I think we've proven that we are more than
5 willing to, you know, converse with legislators and discuss
6 ideas. But I think, as you think about this issue, you
7 know, I think you cannot discount the value of experience.
8 You know, I'm not in the private sector. I'm in the
9 education sector. And we certainly strive to have a
10 top-notch quality educator in every single classroom.

11 And I, as someone who has been in the classroom
12 for so many years, truly think that experience matters.
13 You know, I would use the analogy of, you know, if I had to
14 go in for heart surgery, I don't want the youngest, you
15 know, high-flyer out of college. I want the experienced
16 doctor who's used to, you know, what if this happens? what
17 if that happens? what if we take this turn?

18 I want somebody in there who's experienced and
19 who's tested and is making sure that I come off the table
20 better than I went in on the table. And that's the way I
21 look at this. You cannot discount experience.

22 And if there's an issue of effectiveness, then it
23 shouldn't be the economics that deals with that. It should
24 be the Evaluation Law that deals with that issue.

25 So again, I think that we're combining issues

1 here when we shouldn't be combining issues. Deal with the
2 effectiveness of an educator through the Evaluation Law.
3 And, you know, let's adequately work to fund our schools so
4 that we don't have those scenarios where we're facing
5 issues because we need to furlough somebody.

6 REP. TRUITT: I guess we're still talking about
7 different parts of the bell curve here. I mean, if you've
8 got two heart surgeons available to you and one of them has
9 a 95 percent survival rate and the other one has a 99
10 percent survival rate, I don't care which one has been
11 there longer. I want the guy with the 99 percent survival
12 rate.

13 And the same thing goes with our students. You
14 know, you might have two excellent -- I don't want to say
15 excellent -- two good teachers. But one of them is just a
16 real standout and it doesn't matter that they've only been
17 there a couple years. They just have a talent for that.

18 I'll use my own kids as an example. They've both
19 come through two different Math teachers over the last five
20 years. And they both did remarkably better under the
21 teaching of one of the two teachers who happened to have
22 been the younger of the two teachers.

23 So it just seems to me that we should be putting
24 the student -- we want to have whoever is going to be the
25 most effective at teaching the students, not necessarily

1 whoever has the most experience. Salary should not be a
2 question.

3 I'm hoping that if we can work on the language in
4 these bills that maybe we can find something that will
5 filter out some of your concerns about the consideration of
6 salary and having a single year's distinguished rating set
7 one person above someone else who might be more deserving.

8 MR. CROSSEY: We're certainly always willing to
9 talk.

10 REP. TRUITT: Okay. Thank you.

11 Thank you, Mr. Chairman.

12 MAJORITY CHAIRMAN CLYMER: The Chair thanks the
13 gentleman and recognizes Representative Krieger.

14 REP. KRIEGER: Thank you, Mr. Chairman.

15 Thank you, Mr. Crossey. Like Representative
16 Aument, I think some of this we might just disagree on, but
17 I think it's worth having a discussion on.

18 Before I begin my questions, I just want to
19 compliment you on your top-notch staff here. We always
20 have -- we don't always agree -- great discussions.
21 They're very helpful. Thank you for that.

22 And if you'd bear with me just a minute and let
23 me lay a foundation for my initial question.

24 MR. CROSSEY: Sure.

25 REP. KRIEGER: You mentioned seniority a couple

1 of times, mentioned experience as an asset. I certainly
2 absolutely agree. A properly formed evaluation system,
3 however, is going to reflect seniority; that is, the more
4 senior teacher, everything else being equal, is going to be
5 more effective if the evaluation system is set up properly.

6 You mentioned something in your initial comments
7 about a concern about abuse of employer practices. I think
8 it goes back to my question to Secretary Dumaresq with
9 regard to the apparent concerns PSEA has with regard to the
10 manipulation of the evaluation system.

11 So my first question would be, why is PSEA so
12 concerned that principals and administrators will
13 administer this evaluation system, I think, essentially
14 corruptly or dishonestly? Why is that such a concern for
15 you?

16 MR. CROSSEY: I have concerns about the fact that
17 there's too much of an over-reliance on testing. And
18 again, the testing has not been tested for validity for the
19 purpose it's being used for. There's no reliability
20 studies.

21 I did see one study that they took a group of
22 teachers and in that specific group of teacher s, depending
23 on which test you used, you know, the same people were
24 rated distinguished under one test and failing under a
25 different test.

1 So the use of testing, I think, is being over
2 relied upon. And I'm hoping, as we mentioned with
3 Representative Aument, that, you know, that plays itself
4 out and works in the long run.

5 There are some provisions in the new Evaluation
6 Law, you know, that have been tested. But at the same
7 time, you know, the teachers at this point haven't been
8 trained in the new Danielson evaluation model that's being
9 implemented. That's what they're being rated on this year
10 across the State. Most of the training hasn't taken place
11 that this is what you're being evaluated on. So we're
12 doing this roll-out. And we're kind of learning as we go.

13 As I said, for the most part, I have tremendous
14 respect for our administrative staff across the State.
15 Most of whom I've met have been phenomenal. But at the
16 same time, there's places in there for subjectivity. You
17 know, what makes me distinguished versus, you know, the
18 teacher in the room next to me? And that becomes a
19 subjective decision of an administrator. And that concerns
20 me.

21 So, you know, if you want to say Joe is
22 distinguished and I'm proficient, okay, that's fine. But
23 if you're going to now base whether or not I'm employed
24 next year on whether or not he's distinguished and I'm
25 proficient, I've got concerns over that because that

1 definitely concerns me and it concerns our membership
2 across the State.

3 You know, if you're basing life-long decisions
4 on, you know, I mean, okay, I'm distinguished, I'm not
5 distinguished, I know I'm doing my job, my students know
6 I'm doing my job, but if now all of a sudden that title or,
7 you know, adjective that you're using to describe me
8 decides whether or not I work next year, then I've got some
9 serious concerns.

10 And I go back to Representative Carroll's
11 comments. I think districts are going to lay off the most
12 senior teachers to save money under this bill. I don't
13 think there's any doubt in my mind that that's the result
14 of taking away seniority. Your most senior people are
15 going to be laid off because it saves the districts the
16 most money.

17 And, you know, as much as you may say that's not
18 the intent of the law, I think that will be the impact of
19 the law.

20 REP. TRUITT: Now, this bill, Act 82, my
21 recollection is PSEA did not oppose the bill. And no
22 matter how you want to state this, I think your statement
23 just now was clearly that you think the system will be
24 manipulated by the administrators and other principals so
25 they can get rid of the senior teachers to get rid of the

1 higher salaries.

2 I think that's what you're saying. Am I
3 misstating what you said?

4 MR. CROSSEY: No. I think school boards will
5 look at the reality of their budget and say, we need you to
6 save this much money by cutting the fewest number of people
7 possible. And that's going to mean the most senior
8 teachers.

9 REP. TRUITT: One final question, Mr. Chairman.
10 And I do understand if you're a teacher and
11 you've been teaching for years under a system that values
12 seniority like the present one does, you don't like that.
13 I can recognize that.

14 My background is coal mines and labor unions. My
15 seniority is very important. I guess the difference I
16 would find there is while loading coal perhaps is more of a
17 commodity, a teaching profession is not. I think that's
18 the key distinction for me anyway.

19 I know you may disagree with that. But let me
20 just conclude with one final question.

21 MR. CROSSEY: Sure.

22 REP. TRUITT: If you're a young teacher, is it
23 fair to you that you're very effective, you're rated
24 perhaps distinguished, you're recognized as a fine, fine
25 teacher -- and, obviously, as you get more experience,

1 you'll get even better.

2 Is it fair to that teacher if economic layoffs
3 must occur to lay that teacher off first?

4 MR. CROSSEY: I think our youngest teachers,
5 especially those who really, really believe that what
6 they're doing -- and I don't think anybody goes into
7 teaching to make money. You know, at this point, I mean,
8 you make a decent salary and you do well. And, you know,
9 you can join the middle class by going into teaching.

10 But I think that those teachers who go into the
11 system knowing that as soon as they start making good
12 money, they become more and more of a target to be
13 furloughed for economic reasons, I think you're going to
14 have less and less really qualified teachers going into the
15 profession.

16 And I think it's going to hurt recruiting
17 teachers and recruiting the best and the brightest to go
18 into the teaching profession where they have a chance to
19 work with our kids because they're going to go somewhere
20 where they're going to have a more stable and more secure
21 future.

22 REP. TRUITT: Thank you.

23 MAJORITY CHAIRMAN CLYMER: The Chair thanks the
24 gentleman and recognizes Representative Wheatley.

25 REP. WHEATLEY: Thank you, Mr. Chairman.

1 Thank you for being here this afternoon. I'm
2 going to preface my question with a statement as a member
3 who has been here 11 years now. And because of my time
4 here and seniority here, I'm on the verge of possibly
5 taking over a committee.

6 Many of us in this room here, based on our own
7 system here, move up the ladder, so to speak, based off our
8 seniority, not based off our qualifications, not based off
9 our talents. I'm not saying that we don't have
10 qualifications and talents to be here. I'm just saying
11 there is no external evaluation that moves us. So
12 seniority plays a very important part of how we do our
13 business here.

14 And similar to what we're discussing now in our
15 educational field -- and I'm going to diverge from that
16 because I, for one, don't necessarily think that that's the
17 best way for us to do our business here just solely based
18 on seniority. Just like I don't think it relates to when
19 you're furloughing.

20 At the end of day, I'm really more concerned
21 about what happens in the classroom and that the academic
22 environment is the best that it can be. And sometimes
23 experience definitely plays a role in that. But sometimes
24 experience by itself doesn't necessarily dictate the best
25 individual to be in any position.

1 Several times you said the phrase selective
2 decision-making. I would like to move into this objective
3 decision-making type of process. At what point do we look
4 at on top of just seniority but who is delivering the best
5 education? I don't want to use best because somebody is
6 worse.

7 How do we make a determination? In our districts
8 how do we make a determination when it comes time with our
9 limited resources to determine how we best deliver the
10 services that we are being asked to deliver and we have to
11 take human beings, all of who are doing quality work or at
12 some point doing some work that is benefiting our kids?
13 How do we determine in an objective way who gets to stay
14 and who gets to go?

15 If you are saying we should do that only by
16 seniority, I'm saying that's playing a part in our broken
17 system. Now, I'm not saying that any of the bills that we
18 have before us is the perfect vehicle. What I'm saying is,
19 I think we do have to have a different conversation around
20 how we make this determination. And it should not just be
21 seniority based.

22 Now, I will say that as it relates to education
23 and I will say that as it relates to us being in the
24 General Assembly. When you are talking about the everyday
25 lives of citizens, then we should be trying to put the best

1 and most qualified person or persons in front of them to
2 make those decisions and to deliver that service. And if
3 the only indication is seniority, I think that's broken.

4 What are these other things that we should be
5 determining how we do that? Because at the end of the day,
6 we are in this mix. I haven't seen an education budget
7 that came through that had enough money in it in my 11
8 years for what we are asking you all to do. So I will own
9 that.

10 But the reality is, I'm not the only one who has
11 to make that determination. There's 253 of us and the
12 Governor has to sign something. So the best thing we can
13 do for you is the environment that we're in right now.
14 Just where we are. There's going to be pressures. So we
15 have to make decisions. How do we make those decisions?
16 Is where we are today.

17 All that long-winded trap was to get to, what do
18 you think it should be? Are you saying to us today it
19 should only be seniority? Are there other parameters that
20 we should be thinking about as we talk about how we craft
21 this that we should include?

22 MR. CROSSEY: Listening to your comments, one of
23 the things you said that if you have two people who are
24 qualified and delivering a quality education, then they're
25 both doing what's best for students. And if you've got two

1 quality educators teaching, you know, the same material and
2 they're doing the same thing, then, yes, I think the only
3 objective measure there is the seniority issue.

4 Otherwise, you go into a subjective measure. And
5 then it's, how do you measure that? You know, if you've
6 got one those educators not delivering, then, fine. Let's
7 look at their effectiveness and then we go to the
8 Evaluation Law. We don't look at the economics part of it.

9 I'm thinking if you've got -- if you're looking
10 purely at economics and you're saying we have enough money
11 to do this and both people are doing a quality job, then it
12 comes down to seniority. You know, there's got to be some
13 objective measure that sits over top of that.

14 Again, if you've got somebody who's not doing the
15 job, then that's another issue.

16 REP. WHEATLEY: So in the case of Pittsburgh,
17 recently they had major furloughs. And later it was
18 reported that many of the teachers -- I think almost like
19 15 percent of the teachers that were furloughed because of
20 seniority -- were actually high performers and effective
21 teacher s that were let go.

22 Again, I know this environment is very
23 antagonistic so it's hard for us to have a real dialogue
24 because when people feel under attack, the only thing
25 they're trying to do is protect their territory. They

1 don't want to lose territory.

2 MR. CROSSEY: Right.

3 REP. WHEATLEY: The fact of the matter is,
4 though, when we're in those type of stances, the only
5 people that hurt are the ones that aren't here to defend
6 themselves. And that's the children and the families that
7 are back in these different neighborhoods.

8 But in those cases, many of those teachers were
9 highly effective. Again, people who stayed on, we can't
10 really tell what their effectiveness was because in the
11 comparison component, we know that there were 15 percent
12 that were highly effective. They were rated higher than
13 some of the ones that were kept, but they were let go
14 solely based on their seniority.

15 What do we do in those instances? There are
16 still teachers, not bad teachers, but there are teachers
17 who probably aren't as effective as some of the ones that
18 were let go but because of our rules they stayed in the
19 classroom.

20 Now, again I go back to this statement -- because
21 I'm trying to get away from the antagonistic component of
22 it.

23 MR. CROSSEY: Right.

24 REP. WHEATLEY: I'm trying to say, the teacher
25 that's there, she or he may still be effective, but the

1 child, instead of moving two grades ahead because the
2 teacher is having an impact, maybe they only move half a
3 grade ahead. Now, that's major.

4 MR. CROSSEY: Right.

5 REP. WHEATLEY: That's not to say the individual
6 is not effective. It's just to say the person that could
7 have moved the child two grades ahead is now sitting
8 somewhere else because of economic reasons, not because of
9 their effectiveness.

10 So what should we do in those cases? How should
11 we kind of ease the burden on those situations so that we
12 have the most highly effective individual in the classroom
13 especially when it comes time for us to make these
14 difficult decisions?

15 MR. CROSSEY: Well, as you said, you know, some
16 of those people who were younger folks who were furloughed
17 were rated highly effective. But we don't really know the
18 quality of those who are still in the classroom. There's
19 nothing to say that they are not also highly effective.

20 You know, I would say that we're asking the wrong
21 questions. You know, instead of saying, how can we get rid
22 of people? what we should be saying is, what can we do to
23 more adequately fund our schools? That's the critical
24 issue here. The critical issue is not how can we cut more?
25 The critical issue should be not only how we can invest in

1 our schools but why we need to invest in our schools.

2 You know, if we go back just a couple of years
3 when the funding was working under a targeted funding
4 system -- you know, I go back to, you know, just a couple
5 of years. And if we look at when we were doing targeted
6 funding under a funded formula that targeted schools and
7 money towards programs that worked for kids, I think that's
8 the question we need to ask.

9 And if I look at that criteria, you know, when
10 funding was up by 39 percent, test scores were up by 54
11 percent. And it affected every kid. All students did 33
12 percent better. Students with disabilities did three times
13 better. Students in poverty did 50 percent better. Those
14 are the kinds of programs we need to be looking at.

15 It's a matter of I think we're asking the wrong
16 question. We're asking the question, how can we cut more
17 effectively? The question should be -- and I would ask
18 this Committee to look at that question -- how do we more
19 adequately and equitably fund our schools? That's the
20 issue that I think this Committee should be discussing.

21 REP. WHEATLEY: Okay.

22 MR. CROSSEY: Not how do we cut better but how do
23 we invest better? How do we take the limited resources we
24 have and do what's absolutely best for our students? That
25 would be my answer.

1 REP. WHEATLEY: And I can appreciate that.

2 And, Mr. Chairman, I'm just going to say this. I
3 agree. We should have that broader conversation around,
4 how do we invest better?

5 I'll tell you, I've been saying for the last six
6 years, our system is totally chaotic and broken. We need
7 to re-evaluate how we do the system altogether and start
8 anew. Certainly, I think anyone in your position has to
9 realize that there are elements that need to be cut out.

10 And I'm not just saying in the educational field.
11 Because I think there are elements in the General Assembly
12 that need to be cut out. I don't have the say to do that.
13 Not everyone that's currently in the position needs to stay
14 in the position. Some individuals actually do need to be
15 weeded out because they are not effective any longer nor do
16 they have want to be effective any longer, but the rules
17 protect them.

18 So as we are battling to figure out, how do we
19 impact, invest, and move our educational system forward?
20 Because often it's for the children and our future that we
21 need to do this, we do need to evaluate how we retain and
22 promote and continue to have our educational workforce.
23 Principals, teachers, aides -- everyone should be evaluated
24 in the system. And there should be an ongoing evaluation.
25 There should be fairness in the system.

1 What I'm asking for is, as we are doing that,
2 what's the fairness as it relates to furloughing
3 individuals and their effectiveness? Should it be other
4 elements that we consider outside of just seniority when it
5 comes time for us to let go and make a difficult decision?

6 That's what I'm asking you for. Because I don't
7 want to be in a meeting with some of these individuals and
8 not have been equipped from your perspective. What are
9 some other elements outside of seniority that you think are
10 acceptable as you craft this new way of thinking?

11 MR. CROSSEY: And I would go to the fact that if
12 you're talking about an effectiveness issue, then you use
13 the Evaluation Law. It's not an economic issue. It's an
14 effectiveness issue. And you use this effectiveness law
15 and the Evaluation Law.

16 And I'll go back to one of the statements I made
17 in my written testimony. If you're a bad teacher, you
18 shouldn't be in the classroom. You make all of us look
19 bad. And I say that out loud. You know, some of my
20 members go -- you know, but it's true.

21 You know, a person who is not performing should
22 be given due process. They should be given the chance to
23 fix what an administrator says is wrong. And they should
24 be given a chance to become an effective educator. But if
25 they're not performing, they shouldn't be in the classroom.

1 So it's two different issues. I think, you know,
2 you don't use the economic issue to try to get rid of bad
3 teachers. You use the economic issue to fund their schools
4 and to talk about adequate funding issues.

5 But if we're talking about a teacher who's not
6 effective, then you go to the Evaluation Law. An
7 administrator can document whether or not they're effective
8 or not. You've got a new Evaluation Law in place. Use
9 that law and document whether somebody is doing the job or
10 not. And then, you know, if somebody is not an effective
11 educator, they can be eliminated from the program that way.

12 I truly believe that they're two separate issues.

13 REP. WHEATLEY: Well, thank you.

14 MR. CROSSEY: Thank you.

15 REP. WHEATLEY: And thank you, Mr. Chairman.

16 MAJORITY CHAIRMAN CLYMER: The Chair thanks the
17 gentleman and recognizes Representative Conklin.

18 REP. CONKLIN: Thanks, Mike.

19 You actually answered my first question, which
20 was, what's changed over the last three years? How did we
21 go from No. 1 in the nation for test scores improvement to
22 the free fall we're in today? And I think you've pretty
23 much summed it up. We got rid of the costing-out study.
24 We've decided to allow politicians rather than a formula
25 dictate the money. And we furloughed 20,000 school

1 teachers.

2 Am I correct in my assumption that's the answer
3 you gave?

4 MR. CROSSEY: You are.

5 REP. CONKLIN: Okay.

6 MR. CROSSEY: And unfortunately, the new funding
7 system hurts our school districts who are in poverty the
8 most. You know, the average cut under these last couple of
9 years of education budgets, the average cut in the 50
10 wealthiest school districts has been \$113 per student. The
11 average cut in our 50 poorest school districts has been
12 over \$500 per student.

13 So our school districts who have the least
14 resources have been funded the least and are taking the
15 biggest hit. And I think that's a big part of this
16 problem.

17 REP. CONKLIN: My second follow-up question to
18 that is we have a letter from the Chamber. And as a
19 business owner myself, I'm very concerned about getting
20 people who understand and have the proper education to get
21 into the workforce.

22 How do we change that? Do we change it through
23 furloughing more teachers? Do we change it through not
24 funding the poorest school districts? Do we change it, you
25 know, by continually not funding our technical schools

1 because school districts are strapped? How do we give the
2 Chamber what they want? How do we give the business
3 community what they want if we're really serious about
4 economic development and doing the right thing? How do you
5 give those individuals, in your opinion, what they need?

6 MR. CROSSEY: I think the first thing we need to
7 do is, you know, enact a fair, equitable funding system. I
8 mean, it is not fair. Representative Wheatley and I live
9 pretty close together.

10 REP. CONKLIN: Sure.

11 MR. CROSSEY: But Representative Wheatley lives
12 in the city of Pittsburgh. I live in the South Hills of
13 Pittsburgh. There are two different systems going on
14 there. There's no doubt about it. But part of that reason
15 is because a large part of Representative Wheatley's
16 district is the city of Pittsburgh. There's high
17 concentrations of poverty.

18 REP. CONKLIN: Okay.

19 MR. CROSSEY: There's not so much in my district.
20 You know, there are some folks who are struggling. There's
21 no doubt about it.

22 But I think we create a fair, full, equitable
23 funding system that allows every child, regardless of their
24 zip code, to get a good education in the system in the
25 state of Pennsylvania, whether or not that's a technical

1 education that allows them to go into a new manufacturing
2 job.

3 You know, the mills that existed when I grew up
4 don't exist anymore. You know, even our students who are
5 going into manufacturing need a high degree of technical
6 skills. You know, there aren't -- to come out of school
7 and just get a minimum-wage job doesn't allow somebody to
8 have a family-sustaining job anymore.

9 So, you know, we need to have an equitable
10 funding system in our schools that will support the
11 economics that the Chamber is looking for, you know. And
12 the Chamber is right in saying that we need to have our
13 kids coming out of school, but we can't do that by
14 disinvesting in them.

15 REP. CONKLIN: Thank you.

16 Thank you, Mr. Chairman.

17 MAJORITY CHAIRMAN CLYMER: The Chair thanks the
18 gentleman and recognizes Representative Gillen.

19 REP. GILLEN: Thank you, Mr. Chairman.

20 I want to, first of all, thank you for your
21 testimony.

22 Thank you, Representative Wheatley, as a junior
23 member for your extraordinary courage in pointing out our
24 seniority system here in the State House.

25 I certainly think there is value in efficacy and

1 experience in seniority. A couple years ago our daughter
2 had to go in for surgery. And I can assure you the very
3 first question that I asked was, how many of these
4 surgeries have you done? And since he had done 2,000 of
5 them, he got the thumbs-up.

6 Classroom discipline. And I come in here with an
7 open mind. I've come here to listen. I was largely
8 determined to ask a few questions. No one has really
9 discussed the classroom atmosphere and environment.

10 You step into a classroom, it seems to me there's
11 a bit of a command presence. Perhaps your daughter doesn't
12 have that or a junior educator, maybe she does. Maybe she
13 learned it from you. How does that effect educational
14 outcomes when you have an experienced educator? He's in
15 the classroom. He or she is seasoned. They know what it
16 takes to get the students' attention, to command it, and to
17 sustain a learning environment that's enduring.

18 Could you speak to that just briefly?

19 MR. CROSSEY: I don't think there's any classroom
20 management skills that are critical to a successful
21 classroom. You know, the students need to be well-behaved.
22 They need to be listening. You need to be able to command
23 that class.

24 REP. GILLEN: Sure.

25 MR. CROSSEY: There's lots of different ways to

1 do it. But, you know, you have to be a type of educator
2 that can go in and take control of the classroom, get those
3 students learning and listening and working together.

4 And it's no longer -- I think one of the concerns
5 I have -- and I keep going back to too much testing -- is
6 in today's world, the students who are in my daughter's
7 third grade classroom, the jobs they're going to face when
8 they get out of school, probably 50 percent of them don't
9 exist today.

10 REP. GILLEN: Sure.

11 MR. CROSSEY: So it's no longer about just giving
12 kids knowledge and having them repeat it and go on memory
13 and those kinds of things. What we need to do in every
14 classroom every single day is we need to be teaching kids
15 to learn to love learning. And we need to teach them how
16 to learn. It's critical.

17 I don't think there's any -- you know, I mean, a
18 teacher who can't control the classroom is probably not
19 going to last very long. You know, one, the Administration
20 is not going to put up with it. And I certainly understand
21 that. And, two, you know, if you're in a classroom that's
22 out of control, you're not going to last very long in that
23 classroom. You know, I think that -- I don't think there's
24 any doubt that classroom management skills are critically
25 important.

1 REP. GILLEN: But Day 1 that's a significant
2 skill set that you have to come in with? It didn't evolve
3 for you in terms of your maturity as an educator in
4 establishing just a fun classroom environment?

5 MR. CROSSEY: I think it's something that, you
6 know, one, you work on it all the way through school.
7 College preparation is more different than when I went
8 through school. You know, when I went through school, we
9 did our first three years. The fourth year you taught some
10 pedagogical classes and you did your student teaching
11 experience.

12 But I think each year you get better and better
13 at it. At least, I felt that I did. You know, you get to
14 where you don't react anymore. You might respond to a
15 different question or challenge by a student. But I
16 certainly think you get better and better at it all the
17 time. And some people seem to have that knack; others
18 don't.

19 REP. GILLEN: Sure.

20 MR. CROSSEY: Some people develop that rapport
21 very quickly. And I think it's more about developing
22 rapport and having the students work with you and you work
23 with them more than it is as going in and putting your
24 thumb down and, you know, being the toughest kid on the
25 block. You're not the toughest kid in the classroom.

1 You're the educator in the classroom. And you have them
2 learn to respect that they're there to learn and you're
3 there to teach. And working together with the parents, you
4 know, you can create a pretty successful environment.

5 REP. GILLEN: I thought it would help me a little
6 bit. I was a former correctional officer when I did my
7 student teaching in an urban environment. It was
8 beneficial in establishing some discipline.

9 But you represent your membership. Do you have
10 any data, any polling? Have you conducted any surveys with
11 regard to your own membership and their perspective on
12 seniority, economic furloughs? What kind of feedback do
13 you get from your membership?

14 MR. CROSSEY: I'm not sure.

15 REP. GILLEN: Maybe not specifically on these
16 pieces of legislation and maybe possibly you have some
17 information on that. As a representative of teachers,
18 182,000, what do you hear from them on the issue of
19 seniority and economic furlough?

20 MR. CROSSEY: I'm not sure that we've done any
21 official polling on this. Most of the concerns we hear
22 from our members concern funding over our schools and, you
23 know, how do they get the resources they need to teach in
24 the classroom s. I'm not sure. I can go back and look and
25 let you know if we have any kind of official data on this.

1 But off the top of my head, I'm not sure we've
2 done any.

3 REP. GILLEN: Thank you for your testimony.

4 Thank you, Mr. Chairman.

5 MAJORITY CHAIRMAN CLYMER: The Chair thanks the
6 gentleman.

7 Thank you, Mr. Crossey, for your testimony and
8 for answering a myriad of questions. Very good. We
9 appreciate your attendance here this morning.

10 MR. CROSSEY: I thank you. I always enjoy being
11 here. Thanks.

12 MAJORITY CHAIRMAN CLYMER: Thank you.

13 Moving on, our next testifier is Mr. George
14 Parker, Senior Fellow, StudentsFirst.

15 Is Ashley DeMauro going to be with him to
16 testify? Oh, okay.

17 Mr. Parker, we're glad that you're with us this
18 morning.

19 MR. PARKER: Well, first of all, let me say that
20 I'm glad to be here. After listening to a lot of the
21 discussion this morning, I'm not sure where I will begin so
22 I'll just begin.

23 First of all, let me thank you for giving me an
24 opportunity to just share with you some of our experiences
25 in Washington, D.C.

1 Let me give you a little bit of my history. I'm
2 a 30-year mathematics teacher in middle school. If any of
3 you ever taught middle school, you know that's a lesson
4 within itself. I taught in Washington, D.C., public
5 schools for 30 years. I still am a certified mathematics
6 teacher on leave of absence from D.C. public schools to
7 work as a senior fellow right now with StudentsFirst.

8 I come to you to talk somewhat to give you that
9 experience and to also speak regarding the seniority issue.
10 And probably as a Union president, I'm probably one of the
11 few past junior presidents you'll ever have to testify
12 against seniority. I hope that I can give you some reasons
13 as to why I don't believe seniority has any real purpose
14 and meaning for impact on the education of our children
15 today.

16 I also come to you from a background of having
17 grown up like many of the children today who we are failing
18 in terms of our education system. I grew up in the South,
19 rural South, of cotton, tobacco, poverty stricken. My
20 mother had a third grade education . My father had to drop
21 out in grade five.

22 I learned very early on the importance of an
23 education and that education was my only way out of
24 poverty, which is the same as it is for many of the
25 children that I'm speaking on behalf here today. And that

1 is children who without a quality education they don't
2 stand a chance in any part of the American dream.

3 In talking about seniority -- or let's talk about
4 the experience that I had in D.C.

5 And, Michael, let me tell you, if he's still
6 here, I've been there. I know exactly what it's like to be
7 a Union president having to confront the issue of
8 seniority.

9 Now, I will talk simply about the seniority piece
10 inasmuch as in my 30 years of teaching in the District of
11 Columbia public schools, I've never had a situation where
12 the school district could not furlough or lay teachers off
13 if they got into a budget crisis.

14 So I said to someone the other day, as a Union
15 president, I would have loved to have been Union president
16 in a state where you cannot furlough teachers based on
17 economic conditions. But with that said, I'll just leave
18 that there.

19 But to talk about the seniority piece -- and we
20 dealt with this in the District of Columbia. And I'll be
21 happy to entertain some questions later. But let me just
22 say this: I was not always where I am now in terms of
23 seniority. I was president of the Washington Teachers
24 Union in Washington, D.C., during the time Michelle Rhee
25 was there. We went through a lot of battles about

1 seniority.

2 I can tell you that my original position on
3 seniority was one that most Union, presidents and Union
4 officers hold. And that is, in the Union we have two
5 sacred cows, seniority and tenure. It doesn't necessarily
6 have to make sense why we hold those as sacred cows. I can
7 remember that my first part of Union training was you don't
8 mess with and you don't discuss seniority and you discuss
9 tenure.

10 Well, I can tell you my first two years as a
11 Union president, that was my position. Whenever I went to
12 the negotiating table, if the superintendent wanted to talk
13 about seniority, I came up with many of the same reasons
14 that Michael came up with today of why seniority is a good
15 thing, why we don't need to bother tenure.

16 Just bear with me for a moment. I'll give you an
17 experience that began to shake myself. I was at an
18 elementary school to share my opinion. I was at the
19 elementary school speaking one day as a Union president.
20 So, you know, the little kids they all ask you, what do you
21 do as a Union president? and those kinds of things.

22 And so I said, well, as a Union president, I make
23 sure that your teachers get the kind of support, resources,
24 and things that they need to be able to give you a good
25 quality education. And then I also said, I make sure that

1 you have the best teachers.

2 Well, when I was getting ready to leave, this
3 little girl, I guess she was seven or eight, just came up
4 to me and just hugged me. And children can give you just
5 some undying love. But I was wondering. And I asked her,
6 so, why did you hug me? And she says, because you said you
7 care about us and you make sure we have the best teachers.

8 And so as I was driving back to the office, as a
9 Union president, I began to think. And I said to myself,
10 you know, you lied to that little girl. You don't really
11 care whether or not she has the best teachers in front of
12 her because right now you went to the negotiating table and
13 you were fighting the Chancellor tooth and nail trying to
14 hold on to seniority as a basis for furloughing, laying
15 off, or eliminating teachers.

16 And so I had to have a conversation with myself.
17 And that conversation was, was I going to hold on to my
18 Union teachings of seniority as a sacred cow or was I going
19 to analyze, does my position make sense? Does it have any
20 value in terms of children?

21 And I began to look at it this way: And that is,
22 decision-making about education, either we're going to make
23 decisions that are children-based or decisions that are
24 adult-based. And as a Union president, I realized I was
25 making decisions that were more adult-based because that's

1 what seniority is. It's about adult-based. It's not about
2 children-based.

3 I could never, as a Union president -- and I kind
4 of see Michael didn't do the same either -- really come up
5 with an educationally sound reason why seniority should be
6 the basis for furloughing teachers, laying teachers off, or
7 eliminating positions. It just has no educational value.

8 As a Union president, once I decided that was a
9 reality, that holding on to seniority had no educational
10 value -- because listen. How long you teach has nothing to
11 do with how good you're teaching. So the question became,
12 which is more important, how long or how good? And
13 clearly, how good was more important. And that is
14 performance.

15 And so Michelle and I, in Washington, D.C., we
16 decided to take the approach to eliminate seniority as a
17 basis for furloughing, even to the extent of transferring
18 teachers from one school within the inner district. We
19 eliminated seniority, period. Now, there were a lot of
20 battles in doing that and trying to get it right.

21 But I can tell you this: We put this in the
22 contract. And even the teachers within the district voted
23 80 percent in favor of removing seniority as the basis of
24 deciding who goes and who stays. And I think that is very
25 critical. Because our children, especially those children

1 who without a good education don't stand a chance at life,
2 they need a great education. And a great education has to
3 start with great teachers.

4 And whenever you have to -- unfortunately, if
5 it's a situation where you have to have a furlough, then it
6 makes sense that you would always want to put the best
7 teachers in front of the children. If you got 10,000
8 teachers and you can only have 9,500, it would make sense
9 that we would want to put the best 9,500 teachers in front
10 of our children, especially those children who are the most
11 vulnerable and without having a great teacher, they don't
12 stand a chance at life. I think that performance has to
13 carry more weight than seniority in any of these
14 situations.

15 Now, as I said before, I was not at this point at
16 the very beginning because I was talking primarily, when I
17 started as a Union president, there are certain Union
18 rules. But as I began to talk about, do I really care
19 about the children, like myself, who without a quality
20 education, you're not going to make it, I began to look at,
21 does this have any sound educational value? And it
22 doesn't. It doesn't anymore. How good a teacher is is
23 much more important than how long a teacher has been
24 teaching.

25 And I'll stop with that and entertain some

1 questions. Thank you.

2 MAJORITY CHAIRMAN CLYMER: Thank you, Mr. Parker.

3 I have a question here.

4 MR. PARKER: Sure.

5 MAJORITY CHAIRMAN CLYMER: So what was the result
6 of all that as you and Michelle Rhee changed the concept of
7 seniority? Can you just briefly tell us, did that improve
8 the education in Washington?

9 MR. PARKER: Well, you know, I can proudly say
10 now that I believe so this year. We did this in 2010. We
11 had a long battle. We went through the same kind of
12 discussions we had today. And I can tell you it was not an
13 easy process to come to an agreement on it. But once we
14 did, when we look at the results of the kids in D.C. today,
15 they had the greatest growth on the national assessment
16 test scores in the country.

17 And I think it was a direct impact or result of
18 those policies that we put in place back in 2010.

19 MAJORITY CHAIRMAN CLYMER: That's amazing. It
20 truly is. It's gratifying to hear that those were the
21 results that you're sharing with us this morning.

22 MR. PARKER: The results have been very, very
23 encouraging. And this year, I think we really saw the
24 benefit. And I think it took maybe two to three years for
25 it to really take effect. Because what has happened is you

1 find that the decision-making process now is that we found
2 that, first of all, teachers have gotten more serious
3 because they know now seniority does not protect their job.
4 It's about performance.

5 And as a matter of fact, I did not find the issue
6 of the district was getting rid of senior teachers to save
7 money. That was one of the things that we talked about.
8 One of my big concerns as a Union president was, if we are
9 no longer using seniority, then how do we prevent the
10 district or prevent a principal from deciding, well, if I
11 can get rid of the veteran teacher who has an \$80,000
12 salary, I can buy me two younger teachers with a \$40,000
13 salary.

14 And we dealt with this by making it very clear,
15 No. 1, that it would be a violation for a principal to
16 consider salary. And in cases where we found that, then I
17 made it clear as a Union leader, we were going to take
18 action.

19 MAJORITY CHAIRMAN CLYMER: Right.

20 MR. PARKER: Because the bottom line here was
21 that, first of all, the school district or the school board
22 would not be doing this job effectively if they were
23 concerned more with saving money than they were with making
24 sure they have the best teachers in front of the students.

25 MAJORITY CHAIRMAN CLYMER: Sure.

1 MR. PARKER: And then the district, it turned out
2 that we didn't have a problem with the concept of more
3 veteran teachers being let go to save money. It was
4 basically the performance piece that has worked out quite
5 well.

6 MAJORITY CHAIRMAN CLYMER: And my last question
7 is this: So when Washington, D.C., recruits teachers,
8 based on what you have shared with us with that seniority,
9 have the number of teachers who want to teach in the school
10 system, has that increased? Do you see more teachers who
11 want to get into the system knowing the system now or do
12 you find there's not that type of enthusiasm?

13 MR. PARKER: Oh, I think there's a lot of
14 enthusiasm for teachers to teach in D.C. now. And one of
15 the things has to do with salary. But, you know, I taught
16 30 years.

17 MAJORITY CHAIRMAN CLYMER: Right.

18 MR. PARKER: And let me tell you, knowing who the
19 best teachers are is not rocket science. All you have to
20 do is, if you taught school, go and sit in the teachers'
21 lounge. Every teacher in the building who's teaching knows
22 who are the great teachers and who are the bad teachers.
23 They know it. The children know it.

24 Now, that's different. Our challenge is, how do
25 we transfer that to a process, an evaluation process? But

1 it's not hard to know who the great teachers are. All
2 right. Even as a Union president, when I was saving a job
3 of a bad teacher, I knew it. I saved the jobs of some
4 teachers I wouldn't let get near my little granddaughter.
5 All right. You know who the great teachers are.

6 And so I think the key now becomes whether or not
7 we have the courage to make decisions that are in the best
8 interest of children when it comes down to it. It would be
9 a great situation if it was always what's best for the
10 child and what's best for the adult is the same. But
11 sometimes that's not the case.

12 MAJORITY CHAIRMAN CLYMER: Right.

13 MR. PARKER: And such a case would be when you
14 have to furlough. All right. What's best for the child is
15 to put the best teachers in front of the children. What's
16 best for the teachers may be, especially if you are a
17 senior teacher to use seniority. But whenever those
18 conflicts occur, I think it's a matter of do we have the
19 courage to base our decision-making and make it
20 child-centered or make it adult-centered?

21 And I think child-centered is the only way we're
22 going to make education work for all children.

23 MAJORITY CHAIRMAN CLYMER: Thank you.

24 The Chair recognizes Representative Aument for
25 questions.

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REP. AUMENT: Thank you, Mr. Chairman.

Thank you, Mr. Parker, for your compelling testimony.

MR. PARKER: You're welcome.

REP. AUMENT: I'm interested in the subject of recruiting and retaining the best and the brightest to become educators to remain in the field of education. And during the previous testimony, there was a question-and-answer portion of that testimony that seemed to indicate that providing school districts with the flexibility to manage their budgets, to make personnel decisions, and then making those decisions based on seniority alone, would somehow deter the best and the brightest from entering the profession and remaining in the profession.

The educators that I've talked to, particularly young people who are entering the profession today, they're motivated primarily by the desire to have a positive impact on young people, to have a transformative impact on young people, to prepare young people for college and for careers and to be productive citizens.

I don't get the sense that they're motivated by salary or pay, though that's important to anyone that's graduating college and has taken out loans to graduate college.

1 MR. PARKER: Right.

2 REP. AUMENT: I actually take some exception to
3 that dialogue because I actually think a system in which,
4 as a young educator, regardless of the impact you're having
5 on students and regardless if you're excelling or not, in
6 the event there's a layoff, you're the first person out the
7 door. I think that serves to deter talent from entering
8 the profession in a system in which everyone is essentially
9 treated as equal regardless of performance, with exception
10 to seniority. I think that discourages the best and the
11 brightest from entering the profession. I'd be very
12 interested in your take on that.

13 MR. PARKER: That's a very good inquiry there.

14 Let me tell you what my experiences were, first
15 of all as a classroom teacher, but more so as a Union
16 president. As a classroom teacher, one of the things that
17 I found is that teachers don't particularly want to teach
18 with bad teachers. All right. They don't want bad
19 teachers there either.

20 REP. AUMENT: Of course.

21 MR. PARKER: Teachers are very often conflicted.
22 Because as Union leaders, we say to our teachers, that's
23 your brother, that's your sister. So it's not your
24 responsibility to turn on them, etc. But I always say to
25 teachers, a bad teacher today affects your outcome.

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REP. AUMENT: Right.

MR. PARKER: But from a Union perspective, here's what I found with younger teachers. Younger teachers felt that seniority was actually unfair. And I can tell you one of the things that, as a Union president, I used to worry about with young teachers is, for God's sake, if some of them got smart enough to realize that actually as a Union president, I was discriminating against them because they paid the same Union dues as the veteran teachers, yet I did not provide them the same level of job security. Because pretty much what I was saying to the younger teachers is that you're going pay your \$35 per pay period just like the veteran teachers but the veteran teacher is going to have more job security.

So the reality is it's actually Union discrimination because all teachers should be treated the same. And if you have to have layoffs, all of my Union members should be treated fairly. The younger teachers are paying the same amount of money as the veteran teachers. They should have the same opportunity and chance to stay employed. That's what performance does.

If you are a veteran teacher and your experience is valuable, your experience will show it in your work. My mother used to have a saying, judge me by the work I do. If your experience as a veteran teacher is that good, it

1 will show in your work and you have nothing to worry about.
2 Same as a young teacher.

3 REP. AUMENT: Thank you.

4 MAJORITY CHAIRMAN CLYMER: The Chair thanks the
5 gentleman and recognizes Representative Truitt.

6 REP. TRUITT: Thank you, Mr. Chairman.

7 And thank you, Mr. Parker, for your testimony.
8 I'm still hiding over here behind Representative Conklin.

9 MR. PARKER: Okay.

10 REP. TRUITT: I really enjoyed your testimony.
11 It's some of the best I've heard at an Education Committee
12 hearing in three years.

13 MR. PARKER: Thank you.

14 REP. TRUITT: One of the earliest political
15 speeches I ever gave, I quoted Dietrich Bonhoeffer when he
16 said that the measure of a society's morality is what it
17 does for its children. It's a big reason why I'm sitting
18 here today. And as I listen to the arguments for and
19 against this legislation, the arguments in favor of it seem
20 to focus on the children and the arguments against it seem
21 to focus on the teacher, as you pointed out.

22 MR. PARKER: Yes.

23 REP. TRUITT: What I would like to know is if you
24 have any data or statistics that could help us understand
25 the leveraging effect of one teacher versus how many

1 children they touch, in other words, the concerns about how
2 some teachers might be adversely affected because of unfair
3 implementation of a performance measurement versus how many
4 -- so maybe out of however many teachers there are, some
5 small percentage might be adversely affected, whereas the
6 number of students that will be affected positively is a
7 gigantic number. Because one teacher, I would think,
8 touches probably 120 students.

9 Do you have any numbers like that to give us?

10 MR. PARKER: I don't have any research-oriented
11 data. I just go by my own experience. And that's when we
12 use the performance -- now, I can tell you this. And I
13 speak very objectively. Both as a classroom teacher and as
14 a Union president, one of the things that I discovered and
15 one of the things that I found that I needed to do with
16 more of my veteran teachers and that was to make them more
17 open to change.

18 REP. TRUITT: Okay.

19 MR. PARKER: As paradigms shift toward more
20 technology use in the classroom, what I found instead was a
21 lot of my veteran teachers sometimes were very reluctant or
22 resistant to change their old habit of the black chalkboard
23 with the yellow chalk and to learn through paradigms.

24 REP. TRUITT: Okay.

25 MR. PARKER: And what I did, as a Union leader,

1 was, we began to work with the district to provide the kind
2 of professional development to remove those fears, because
3 a lot of it were fears. Those were the only instances
4 where I saw that there was somewhat of an advantage that
5 younger teachers had over veteran teachers. And that was
6 that the younger teachers were much more open and much more
7 readily willing and able to integrate technology into the
8 classroom setting.

9 REP. TRUITT: Sure.

10 MR. PARKER: And some of the veteran teachers who
11 had been teaching, quote, unquote, with the chalkboard and
12 the chalk for so long were a little slow and took some
13 prodding. But other than that, I saw no advantage or
14 disadvantage in either direction.

15 REP. TRUITT: That's a great example.

16 Where some veteran teachers might be harmed by
17 performance evaluation, that puts some focus on their
18 ability or their willingness to use technology.

19 MR. PARKER: I think it's more of a willingness.

20 I draw on this perception. Look, we judge
21 students every day based on their performance. Right. I
22 was a Math teacher. Parents would have probably come in
23 there and thrown me out of the classroom if I said I'm
24 going to treat all kids -- everybody here has to get a C no
25 matter how you perform. Your performance doesn't make any

1 difference. Students are judged on their performance.

2 REP. TRUITT: Right.

3 MR. PARKER: We got students -- some will get A's
4 and some will get B's. We judge them. There's no
5 difference. Teachers are the same. Their performance is
6 what matters.

7 In fact, I've had children, as a matter of fact,
8 and we had this debate. Does your attendance matter?
9 Right. I had this one student. I'll never forget him.
10 His name was little Curtis. Little Curtis would, like,
11 come to school on Monday and Friday. Right. On Monday,
12 little Curtis would come to see what we're covering during
13 the week.

14 REP. TRUITT: Okay.

15 MR. PARKER: And Tuesday, Wednesday, and
16 Thursday, little Curtis was a hustler. In 9th grade, he
17 got in the street. On Friday, little Curtis would come to
18 class. He knew I had a test. Little Curtis would come in
19 and ace the test. And then I'd see him again that Monday.

20 Well, the debate was, Curtis got 100 average, 95
21 to 100 average. Can I give Curtis that 95 and he spends
22 three days a week out of class? Like, how long does he
23 come? Right. And I said, no. Curtis comes two days a
24 week. But he got the material. He scored well on my
25 tests. I give little Curtis an A. His performance is an

1 A. I wasn't grading him on attendance.

2 And I think it's the same thing with seniority
3 versus performance. How long you're teaching doesn't
4 matter unless you're performing. And so I think the
5 performance piece has to be the most valuable, period.

6 REP. TRUITT: I completely agree.

7 I guess just the point I was trying to make is it
8 sounds to me like if we're opposing this legislation, we're
9 putting the concerns of a small number of adults ahead of
10 the concerns of many, many, many more children.

11 MR. PARKER: There's no reason why a teacher
12 cannot meet the standards of a new evaluation. There has
13 to be some self-motivation.

14 REP. TRUITT: Sure.

15 MR. PARKER: And I found that, even as a teacher
16 and as a Union president, a lot of times it's simply that
17 unwillingness to put the work in. You have to learn. Your
18 pedagogical has to continue to evolve if you're going to be
19 a great teacher. And there's no way around that.

20 REP. TRUITT: Sure.

21 MR. PARKER: I know teachers who will work from 8
22 to 3:30. At 3:30 the bell sounds. At 3:35 they're on
23 their way home. I know other teachers, the bell sounds at
24 3:30. At 5:30 they're still there. Well, it doesn't take
25 a rocket scientist to pretty much figure out that teacher

1 who is there until 5:30 planning every day is probably
2 going to have a better lesson plan and is probably going to
3 have better performance than the teacher who is out the
4 door every day at 3:30.

5 REP. TRUITT: Right.

6 MR. PARKER: But then that, again, goes to
7 self-motivation. There are teachers who continually take
8 workshops to improve their craft. And then I have some
9 teachers who I'd have to almost prod them to go take
10 workshops. But that's a personal thing.

11 REP. TRUITT: Right.

12 MR. PARKER: If you, on your own, decide you are
13 not going to improve your craft, then that's on you. But
14 you can't hold another person back even if it's a younger
15 teacher who's improving his or her craft and results in
16 them performing in the classroom because as a veteran you
17 decided you were not going to do what's necessary to
18 perform in the classroom.

19 REP. TRUITT: Thank you, Mr. Parker.

20 MR. PARKER: You're welcome.

21 REP. TRUITT: Thank you, Mr. Chairman.

22 MAJORITY CHAIRMAN CLYMER: The Chair thanks the
23 gentleman and recognizes Representative Wheatley.

24 REP. WHEATLEY: Thank you, Mr. Chairman.

25 Thank you, Mr. Parker, for being here.

1 MR. PARKER: You're welcome.

2 REP. WHEATLEY: Let me ask you a question.

3 MR. PARKER: Okay.

4 REP. WHEATLEY: And by the way, I agree with most
5 of what you said. I think a lot of it makes sense. But
6 here's the question I have. Do you think the anxiety of
7 the adults, the fears of an adult, plays, in part, in how
8 they administer themselves and impact children's learning?

9 MR. PARKER: Major.

10 REP. WHEATLEY: So moving to a system that takes
11 away from the sense of job security, do you think that
12 would have a role in our current teaching force in how they
13 perform their duties and then ultimately, the extension to
14 that, could have an impact? So from your experience in
15 D.C., when you first changed this seniority, did you see an
16 impact in classroom performance?

17 MR. PARKER: Well, we changed the seniority
18 system, but we also changed the evaluation system. The
19 evaluation system became much tougher.

20 REP. WHEATLEY: Okay.

21 MR. PARKER: As a matter of fact, we went to a
22 new evaluation system right away where 50 percent of the
23 teachers' evaluation was student performance. That created
24 a lot of anxiety.

25 REP. WHEATLEY: Sure.

1 MR. PARKER: However, the anxiety didn't last
2 very long as people realized they needed to get into it.
3 And now it's not a problem.

4 REP. WHEATLEY: How did the system handle helping
5 people get into it? Like, what was the shift?

6 MR. PARKER: Professional development and
7 training, which I think is critical with any evaluation
8 system. It's important that those who have to be evaluated
9 clearly understand how it works.

10 REP. WHEATLEY: Okay.

11 MR. PARKER: And then secondly, those who are
12 going to implement the evaluation piece are going to be
13 trained very effectively.

14 REP. WHEATLEY: Okay.

15 MR. PARKER: One of the things that I will say to
16 teachers is that as frightening as user/student data may be
17 to you, that one of the complaints I always get about the
18 previous system was that you felt principals could be
19 unfair because it was all based on classroom observation
20 and totally subjective.

21 REP. WHEATLEY: Okay.

22 MR. PARKER: Now you have an opportunity that 50
23 percent of your evaluation is going to be based on your
24 students' performance. And so now is the opportunity to
25 let your teaching speak for you.

1 REP. WHEATLEY: Right.

2 MR. PARKER: But anxiety, I think, had a lot to
3 do with the newness of it and the consequences of it,
4 because 50 percent of student performance certainly could
5 put your job at risk.

6 But I think that the more impactful piece was
7 that it caused folks who weren't really teaching to be --
8 I'm just being honest with you as a Union president. I
9 know I was supposed to say there is no such thing as a
10 teacher not teaching. But trust me. Anybody who's been in
11 classrooms know that there are teachers who are not
12 teaching.

13 REP. WHEATLEY: Right.

14 MR. PARKER: I think one of the positive facts is
15 that it caused people who are not really teaching to really
16 get up and start teaching because the outcome from students
17 became a part of their evaluation.

18 REP. WHEATLEY: Right.

19 MR. PARKER: I was slow to warm up to this
20 initially until I began to analyze and say that there's a
21 two-part process in education. And that's teaching and the
22 learning. And previous evaluations where you just simply
23 go in and observed was only evaluating one component of
24 that. And that was the teaching.

25 REP. WHEATLEY: Right.

1 MR. PARKER: You go in and you observe that the
2 teachers had the objectives on the board, word walls, or
3 whatever. But you never evaluated the second component,
4 which was the learning.

5 REP. WHEATLEY: Right.

6 MR. PARKER: And so when you start adding in the
7 student achievement, you're actually now doing a complete
8 evaluation.

9 REP. WHEATLEY: I see.

10 MR. PARKER: Because it doesn't do any good for
11 the teacher to teach if the kids aren't learning. I
12 remember I had a college professor who was an Advanced
13 Calculus teacher. I called him a genius. But my God,
14 everybody in the class -- he'd write with one hand and
15 erase with the other. And at the end of the day, we didn't
16 have a clue what he was teaching.

17 REP. WHEATLEY: Right.

18 MR. PARKER: So I think to add student outcomes
19 to that, it completes the cycle when you're doing an
20 evaluation, not only evaluating your teaching, are you
21 giving out information, but are you giving it out in an
22 effective way where children are actually learning?

23 REP. WHEATLEY: Sure.

24 MR. PARKER: And you've got to evaluate the
25 learning. Because I haven't been effective as a teacher

1 unless the children that I teach are learning.

2 REP. WHEATLEY: Sure.

3 Did the D.C. system invest additionally into
4 professional development?

5 MR. PARKER: Oh, my God, yes. And so did the
6 Union.

7 REP. WHEATLEY: Okay.

8 MR. PARKER: I mean, we went from offering about
9 5 classes to about 20 classes just in professional
10 development to help get teachers ready for the new system
11 and to just talk to teachers in terms of classroom
12 management and those kinds of things that we knew they
13 would need in order to really be successful with the new
14 system.

15 REP. WHEATLEY: Okay. So if you were going to
16 switch to something like this so drastically, you would
17 have to also be anticipating a huge investment in the
18 professional development element of the change?

19 MR. PARKER: Investment in terms of time, not
20 necessarily money. You just redirect how you're spending
21 the professional development money to realize you need to
22 train your teachers on how to engage in the new evaluation
23 process to remove the fear.

24 REP. WHEATLEY: Right.

25 MR. PARKER: Because a lot of it was just fear.

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REP. WHEATLEY: Right.

MR. PARKER: With any new change, there's a certain amount of fear but to also know that they knew how to do it and to know that the principals knew how to implement it effectively. So that professional development was great. It was critical.

REP. WHEATLEY: And that leads to the second part of my question. It's really around policy, the policy component outside of just the change on seniority and the evaluation.

MR. PARKER: Okay.

REP. WHEATLEY: Were there other policy things that you needed to shift to allow for teachers' creativity in their classrooms to meet these new obligations? Because one of the things that I've gotten as I've talked to more and more teachers in my district is every couple of years with educational ideas, there's a change that happens. And then the teachers get on board with it and start ramping up for it. And then two years later, there's another change that will happen.

MR. PARKER: Um-hmm.

REP. WHEATLEY: So it really dampens and kind of destroys their ability to really believe in the system and become creative in the system and to become experts in the system so when you start evaluating them, it becomes

1 difficult, you know, to keep doing that on an ever-changing
2 system.

3 So are there other policy things that you did in
4 D.C. that you think also helped to empower the teachers and
5 their creativity?

6 MR. PARKER: I think that one of the positives --
7 and I think it's important with any evaluation system -- is
8 that sometimes we look at an evaluation system simply as an
9 avenue for evaluating how well somebody is doing. But an
10 evaluation system also should be used as a support
11 mechanism.

12 REP. WHEATLEY: Sure.

13 MR. PARKER: One of the things that we did was
14 increase the support. In other words, when the teacher was
15 evaluated and you saw that a teacher may be having
16 difficulty in a certain area, then that teacher had a
17 support plan that was to focus on those specific areas of
18 deficiency. You didn't wait until the end of the year to
19 do that. That's something that you have to do right away.
20 So the level of support is critical.

21 REP. WHEATLEY: Thank you for being here.

22 MR. PARKER: You're welcome.

23 REP. WHEATLEY: I just want to make a comment
24 about little Curtis. If we had a system that was ideally
25 in the 21st Century and created an individualized plan for

1 little Curtis, he would have been in the accelerated class.

2 MR. PARKER: Yes. He would have.

3 REP. WHEATLEY: Yes.

4 MR. PARKER: And I realize that. No doubt.

5 REP. WHEATLEY: Thank you.

6 Thank you, Mr. Chairman.

7 MAJORITY CHAIRMAN CLYMER: The Chair thanks the
8 gentleman and recognizes Representative Krieger.

9 REP. KRIEGER: Thank you, Mr. Chairman.

10 Thank you, Mr. Parker, for your very interesting
11 testimony.

12 MR. PARKER: Sure.

13 REP. KRIEGER: First a comment. I was intrigued
14 by your comment that 80 percent of teachers are on board
15 with this finally. I just wonder out loud. I believe a
16 great majority of our teachers in Pennsylvania would long
17 for a system where they could be treated fairly and judged
18 on their performance. So that's just a comment.

19 MR. PARKER: Sure.

20 REP. KRIEGER: But my question is this: You
21 heard some of the testimony previously and questions of
22 both Secretary Dumaresq and Mr. Crossey regarding this
23 concern about the manipulation of the evaluation system to,
24 in essence, get rid of the higher-paid teachers.

25 You mentioned in your testimony that you had

1 addressed that in Washington. I wonder if you could give
2 us a little more detail about how you did that.

3 MR. PARKER: The manipulation of the evaluation
4 system?

5 REP. KRIEGER: Yes. There was some testimony
6 previously. The concern was that would be manipulated by
7 the administrators and by the school districts to
8 essentially get rid of the higher-paid teachers.

9 How did you address that in Washington?

10 MR. PARKER: Well, one of the things, as we
11 looked at the evaluation system -- first of all, the
12 evaluation system was one that, first of all, was very,
13 very valid. All right. The other piece was having both
14 the teachers and principals receive the same training on
15 the evaluation system so that there was no misunderstanding
16 what a particular rubric or the intent of a particular
17 rubric meant and how it was interpreted.

18 REP. KRIEGER: Okay.

19 MR. PARKER: And I think that the other piece is
20 simply the integrity of the principal, the integrity of the
21 teacher, and the integrity of the school district to ensure
22 that the evaluation system is implemented fairly. It
23 doesn't matter what type of evaluation it is. There is
24 always the possibility of an element of someone abusing or
25 misusing.

1 REP. KRIEGER: Sure.

2 MR. PARKER: So the issue of whether or not
3 there's integrity in the implementation, that's going to
4 exist regardless. And it becomes incumbent upon school
5 districts and principals and everyone else in the
6 professional development to make sure that people
7 understand, both teachers and principals, what the intent
8 of the language is and the evaluation process is but to
9 also monitor.

10 REP. KRIEGER: Okay.

11 MR. PARKER: Even one of the things that we did
12 as a Union was, that if you feel that you received an
13 unfair evaluation or there was something wrong, let's talk
14 about it early on and then have an upfront conversation
15 with the principal, etc. And I think it helped to solve a
16 lot of the unnecessary problems that would have appeared
17 otherwise.

18 REP. KRIEGER: Thank you.

19 Thank you, Mr. Chairman.

20 MAJORITY CHAIRMAN CLYMER: The Chair thanks the
21 gentleman and recognizes Representative Conklin.

22 REP. CONKLIN: Thank you, Mr. Chairman.

23 Thank you, Mr. Parker.

24 MR. PARKER: You're welcome.

25 REP. CONKLIN: First off, I take a lot of pride

1 seeing how proud you are to be a past Union member. I'm
2 glad to see that.

3 MR. PARKER: Thank you.

4 REP. CONKLIN: I recognize that. Thank you.

5 Second off, talk about little Mr. Curtis. I
6 wished I would have had you as a teacher. Because all my
7 teachers made sure that part of their criteria was showing
8 up, doing your homework, and testing. They were all judged
9 equally. I wished I would have had you as a teacher. I
10 may have only showed up Mondays and Fridays as well. Thank
11 you for that.

12 Listening to some of the folks that have asked
13 you questions, I became intrigued by what you would see as
14 a testing major. And the reason I ask you this is a little
15 bit of the research I've done on Michelle Rhee and
16 StudentsFirst, they rank Louisiana, Florida, and Indiana as
17 their best examples of education systems. When we look,
18 Louisiana ranks 49th in Math; Florida ranks 35th; Indiana
19 ranks 30th.

20 So with Pennsylvania looking at all these testing
21 measures for teachers, could you give us a little bit of
22 insight of how you and your organization feels it should be
23 done, seeing how your rankings of other states that you put
24 those at the bottom, testing score at the top, for the way
25 they do business.

1 Could you tell us a little bit about how you
2 would envision that testing be done and what should be the
3 criteria for testing students?

4 MR. PARKER: When you say the testing, testing
5 of?

6 REP. CONKLIN: The students. When I look at
7 Michelle ranked her top three as Louisiana --

8 MR. PARKER: Oh, you mean in terms of --

9 REP. CONKLIN: As they -- like states where it
10 was done in the past, that they ranked, like, Louisiana
11 No. 1 but Louisiana ranks 49th in Math according to the
12 national testing scoring. You put Florida No. 2, but the
13 national testing scores put Florida at 35th. You put
14 Indiana at No. 3, but the national testing scores put them
15 30th.

16 I find it intriguing that seeing how we're going
17 to testing, how you would envision what students should be
18 tested on as the No. 1 criteria.

19 MR. PARKER: Well, let me say this first. I'm
20 not familiar enough with the criteria that was used in
21 terms of ranking the states to actually speak to it
22 intelligently. So I don't want to try to explain how that
23 was done.

24 Now, your question to me was, what do I feel --

25 REP. CONKLIN: Yes. How would you feel that

1 students should be tested as an outcome basis? Do you feel
2 it should be a standardized test on the national level? Do
3 you think that we should open it up to other criteria as
4 well?

5 MR. PARKER: Okay. My personal opinion -- and I
6 use the concept of student performance. All right. Now,
7 student performance doesn't always mean one standardized
8 test on one single day.

9 REP. CONKLIN: Sure.

10 MR. PARKER: There are some subject areas, for
11 example, where there are no standardized tests nationally
12 or even some school districts where you have those. And so
13 when I look at student performance, I think that there
14 could be several ways of maintaining accurate data on
15 student performance that may not include standardized
16 tests. Yes, that could be a means.

17 REP. CONKLIN: Okay.

18 MR. PARKER: But my personal feeling is that
19 there should be a variety of avenues. For example, I'm a
20 very big supporter of student portfolios. But I do believe
21 this: Any teacher that if you get a child in your
22 classroom and that child, when you get that child, is at
23 Point A and that child comes to school X number of days --
24 let's say if there's 180 days within the school year and
25 that child comes, let's say, 150 of them -- I think that

1 any teacher should be able to demonstrate that if I got
2 little Johnny in September or August and little Johnny was
3 at Point A and little Johnny came to my class 150 out of
4 180 days, I ought to be able to demonstrate to somebody
5 that little Johnny grew.

6 REP. CONKLIN: Okay.

7 MR. PARKER: And if little John didn't grow, then
8 the problem isn't little Johnny. The problem is the
9 teacher.

10 REP. CONKLIN: Right.

11 MR. PARKER: Now, whether or not that growth is
12 to be measured simply by a standardized test on one day,
13 etc., that's debatable.

14 REP. CONKLIN: Sure.

15 MR. PARKER: My personnel feeling is that there
16 should be multiple measures that a student -- a teacher
17 could have a portfolio where I can say, here is where I got
18 little Johnny. Here is a series of assessments where
19 little Johnny has demonstrated he has grown from Point A to
20 Point G.

21 REP. CONKLIN: Right.

22 MR. PARKER: But certainly, a teacher should be
23 able to show that if you got a child on Day 1 and that
24 child attended your class for X number of days, that that
25 child grew. And if that child didn't grow, the problem is

1 not the child. It's the teacher.

2 REP. CONKLIN: Okay.

3 MR. PARKER: But I think a variety.

4 REP. CONKLIN: Thank you.

5 MR. PARKER: But objectives. You know, objective
6 variety where it can't be manipulated. I mean, as a
7 teacher, I'm not going to just create something that's not
8 real. It has to be monitored. But I do believe that a
9 variety of avenues could be used to show student growth.
10 But a student's growth should be a part of it.

11 REP. CONKLIN: Thank you.

12 MAJORITY CHAIRMAN CLYMER: The Chair thanks the
13 gentleman.

14 Mr. Parker, do you have other educators and
15 educational organizations coming into Washington to just
16 review and to observe what is happening there? Certainly,
17 you have a great story to tell.

18 MR. PARKER: There are. There are others. There
19 are other organizations that are coming.

20 MAJORITY CHAIRMAN CLYMER: Good.

21 MR. PARKER: I think that the D.C. story is
22 finally beginning to be a good story. And I can tell you,
23 when Michelle first came here, I was against change. I was
24 a regular Union person that's like, let's keep the status
25 quo until I just had a -- as Oprah calls it, an aha moment.

1 I was really fighting for adult issues. I didn't know how
2 to combine the two, how to be a Union president and fight
3 for teachers but at the same time -- and it's the same
4 problem most Union presidents have today as far as teacher
5 Unions, how to fight on behalf of your teachers but at the
6 same time take on the responsibility of fighting on behalf
7 of quality education for children.

8 MAJORITY CHAIRMAN CLYMER: Right.

9 MR. PARKER: And when there is a conflict, which
10 side do you favor, what benefits the teacher or what
11 benefits the children?

12 MAJORITY CHAIRMAN CLYMER: Sure.

13 MR. PARKER: And once I made it clear in my mind
14 that when the conflict did arise, I was going to do what's
15 necessary to benefit the children, that made it much easier
16 for me as a Union president to make decisions.

17 MAJORITY CHAIRMAN CLYMER: Mr. Parker, thank you
18 very much for your testimony here this afternoon.

19 MR. PARKER: Thank you.

20 MAJORITY CHAIRMAN CLYMER: It's been very
21 informative, very helpful, to the members of the Committee.
22 We certainly appreciate you being with us. And also Ashley
23 DeMauro, who is also with StudentsFirst, thanks for her
24 report on this as well.

25 MR. PARKER: Thank you.

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MAJORITY CHAIRMAN CLYMER: Thank you.

We've been going almost two hours and 45 minutes. So the Chair is going to ask for a five-minute break at this time. I promise you that we will come right back. But I just think a break would be the right thing to do.

I know we have four more testifiers. And if you can just bear with us, we'd appreciate that so much.

(Break taken.)

MAJORITY CHAIRMAN CLYMER: Okay. We're ready to start.

MS. KNILEY: My name is Mary Lynne Kniley. I am the Director of Finance at Hempfield School District in Lancaster County. For those of you that may not be familiar with it, it serves about 7,000 students. And we have faced a number of challenges in recent years and have succeeded in getting through several budgets without having to move forward with furloughs.

The only option that would be available to us -- because we have not had significant declines in enrollment, the only option that would be available to us is to do program elimination. And we have not felt that that is in the best interest of students and have worked very hard in all the areas of our budget development to try to make sure that we put solutions in place that did not involve elimination of programs.

1 In the written testimony -- I'm not going to go
2 through all of it. I want to commend our teachers being
3 the first that we are aware of in the state of Pennsylvania
4 back in March of 2011 stepping outside of the contract to
5 take a wage freeze.

6 And that enabled us to move forward without
7 furloughs that year. We were at the point where we had
8 worked through with our Union how furloughs would occur, if
9 they were to occur. We have continued to have very strong
10 relationships with the Union and work through various
11 challenges in the district.

12 As we continue to face the PSERS' escalation in
13 the rate, as we continue to face declining revenues sources
14 and flat revenue sources across the board, and our Board
15 faces the dilemma of the constant need to have tax
16 increases at the local level because of the lack of funding
17 from other areas, we continue to seek other alternatives.
18 And the economic furlough alternative would be an important
19 one for us instead of eliminating programs to be able to
20 more specifically look at what would make sense.

21 We have had natural attrition. We have had early
22 retirement incentive and other programs and normal
23 retirements that have allowed us to decide not to replace
24 certain positions in the district.

25 But certainly as we move forward, if we had the

1 economic furlough option, we could look further at that.
2 Rather than looking at program elimination, we could look
3 at the option of taking individual teachers from across
4 various areas where we can handle some higher class size
5 implications and still be able to deliver quality
6 education.

7 So our focus is on the students. The focus that
8 we continue to have is for student programs that benefit
9 our constituents and our student stakeholders in all of
10 this. That's the main reason we want to advocate for the
11 economic furlough process.

12 Thank you.

13 MAJORITY CHAIRMAN CLYMER: Thank you.

14 MR. ESHBACH: Good afternoon, Chairman Clymer and
15 distinguished members of the House Education Committee.

16 My name is Dr. Eric Eshbach. I serve as
17 superintendent of the Northern York County School District
18 and also Chair of the Legislative Committee of the
19 Pennsylvania Association of School Administrators, which
20 represents the school superintendents and other school
21 administrators around the Commonwealth.

22 I had the opportunity to present to this
23 Committee in 2011 on this same topic. So I thank you for
24 the opportunity again today.

25 I just want to go on the record, I'm going to

1 follow Mary Lynne's cue. You have our written testimony.
2 Let me just make a few comments.

3 First of all, I think it's important to know
4 school districts' superintendents don't relish the fact
5 that we would have to go down the road of furloughing,
6 whether by economic reasons or any other reason.

7 These are programs in school districts and
8 children that we have worked to build and to grow. We
9 don't like the idea of having to go and tear down what
10 we've built up.

11 However, as Representative Carroll pointed out,
12 probably about two hours ago, we have gone through some
13 really significant times in our economy that have caused
14 all school districts to take a look at a number of
15 different areas. And unfortunately we've come to the point
16 where we really have to take a look at the economic
17 furloughs.

18 I want to point out some things that PASA has
19 noted in the three bills that have been presented.
20 Specifically in House Bill 735, Representative Aument's
21 bill, we really appreciate the fact that that bill looks at
22 the school boards' passing a resolution that really
23 describes the reason for the furloughs, lists the number
24 and percentage of positions eliminating and so forth.

25 We support this provision as a reasonable measure

1 that will provide transparency to parents, to taxpayers,
2 and to district personnel.

3 Also, in House Bill 1735, Representative Aument,
4 you talked with Secretary Dumaresq about the issue of
5 distinguished educators. I was really pleased to hear the
6 discussion that was held about starting at the other end of
7 the spectrum, instead of the distinguished educator,
8 looking at those that are unsatisfactory.

9 We support provisions that permit the district to
10 base furlough decisions on the qualifications and the
11 performance and the ability of a teacher. The new teacher
12 effect on this system we believe through Act 82 will
13 provide school districts and school administrators with the
14 ability to really look at the performance level of
15 teachers. But we want to caution you, as you move forward
16 with this bill, to take a deliberate approach in putting
17 this into effect.

18 I also appreciated Dr. Dumaresq's comments about
19 this being a three-year implementation process and there
20 needing to be a phase-in before we use the teacher
21 effectiveness tool as a sole discretionary tool to
22 determine whether a teacher is performing at a level that
23 would place him or her on the block for an economic
24 furlough.

25 I think whenever anything new is rolled out,

1 there's an implementation dip. There's some need for the
2 wrinkles to be ironed out. So I believe that there needs
3 to be some time before that teacher effectiveness tool is
4 fully used in these decisions.

5 Finally, House Bill 1722 extends a number of
6 years of satisfactory performance that's required for a
7 teacher to earn tenure from three to five years. I will
8 say that PASA does not support this change and would ask
9 that before considering making a major change from three to
10 five years, which we really believe doesn't have a huge
11 impact on the issue, we suggest that the Committee take a
12 look at other employment issues, such as the requirement
13 that when a teacher with tenure is given an unsatisfactory
14 rating and their performance continues to be
15 unsatisfactory, school administrators must wait at least
16 four months before providing another unsatisfactory rating,
17 which would then allow the teacher to be terminated.

18 You heard Mr. Crossey talk about the fact that
19 tenure should not be viewed as a lifetime commitment to
20 your job, that there are ways to dismiss a teacher for
21 unsatisfactory performance.

22 You've also heard Mr. Parker say that everyone
23 knows in the teachers' lounge when a teacher is not being
24 effective. It shouldn't take four months in between an
25 unsatisfactory performance in order to move a teacher out.

1 I understand there needs to be a process.

2 I also understand that four months for most
3 school districts is the better part of a half year. And
4 that continues to have a negative impact on the students
5 that are in that class.

6 So extending the number of years for a teacher to
7 earn tenure not only will place an additional two-year
8 burden on those who evaluate the teachers but will expand
9 the number of disincentives placed in the way of those who
10 choose a career in the teaching profession.

11 We've talked about that before. We've talked
12 about the fact that the more disincentives we place in
13 front of would-be educators, the more we make our
14 profession look like something that they may not be
15 interested in.

16 I just want to end by saying that we would much
17 prefer, PASA would much prefer, that instead of expanding
18 tools for districts to cut programs and services, the
19 Commonwealth provided for an adequate and equitable funding
20 system.

21 I don't disagree with what Mr. Crossey talked to
22 you about. In fact, in my experience, when the
23 administrators and teachers in a school district work
24 together, we have a beautifully effective organization.
25 The fact of the matter is if the Commonwealth provided for

1 adequate and equitable funding systems, we wouldn't be
2 having this conversation.

3 However, we realize that we have to work in the
4 environment that we are in. And we believe that a
5 combination of these three bills, look at these three bills
6 together, pick out the good parts of each and move forward
7 with providing school districts and school boards the
8 opportunity to furlough for economic reasons.

9 Thank you.

10 MAJORITY CHAIRMAN CLYMER: Thank you.

11 And now we'll move to Tina Viletto.

12 MS. VILETTO: Thank you very much, Chairman
13 Clymer and distinguished members of the House Education
14 Committee.

15 In addition to my service as a school board
16 member and with PSBA, I have to mention that I am also the
17 Director of Legislative Services for the Montgomery County
18 Intermediate Unit. And as such, I hear from
19 superintendents and school board members throughout
20 Montgomery County on a regular basis.

21 And when they heard that I was going to be
22 testifying today about this issue, in particular, they
23 wanted to stress their support for changes with regard to
24 the ability to have more flexibility in furloughing.

25 I echo the comments that were made previously by

1 my counterparts here. And I echo the sentiment that in an
2 ideal world we wouldn't need to have this discussion.
3 However, given constraints that all school districts are
4 facing now, we have no choice but to look to what decisions
5 have to be made but not affecting those programs that are
6 rich for those students that really need them.

7 And I want to address what it really looks like
8 under the current circumstances because we've heard a lot
9 about what it will look like should these bills pass, any
10 of those bills pass. However, let's look at what it looks
11 like now. And the reality is, we have programs that are
12 being cut, programs that are not mandated.

13 And the flexibility is not there for school
14 districts to make that decision when we have very little
15 flexibility on what cost areas to contain. And as we know,
16 salaries is one of the biggest cost drivers within our
17 school districts.

18 So what does that look like? Well, you have the
19 difference of trying to decide how to reduce your budget
20 but at the same time you know that you can only make
21 programmatic cuts. So those programmatic cuts are the
22 things that you have to do. And they are painful
23 decisions. They are decisions that affect children every
24 single day. For some students, it's what gets them out and
25 motivated into the school building.

1 As the example was, little Curtis, maybe if there
2 were continued programs, that would entice him to come in
3 beyond those curriculum, the mandated curricular courses,
4 they would be there.

5 We talk about competing in a global marketplace,
6 global world today, 21st century learning. However,
7 schools have to make cuts such as Computer Science, foreign
8 language, when in other countries our students are learning
9 foreign languages beyond their own home language.

10 And so we are making those cuts based on not the
11 quality of the instruction but rather on the fact that the
12 only way we can make cuts is to make programmatic cuts.
13 And we have seen it throughout.

14 The school districts in our area offer a vast
15 variety of courses beyond those mandated. However, now we
16 only have the choice to attack the Arts, attack Music,
17 attack those areas that really do give a well-rounded
18 breadth of knowledge and information. We highly respect
19 the teachers within our schools. I, for one, highly value
20 our teachers within the Cheltenham School District.

21 To address your point, Representative Carroll,
22 you talked about making the decisions as a school board to
23 just make the decision that because a teacher is at the
24 highest level, those are the ones that we will want to
25 eliminate. Frankly, we have to respond to what is in the

1 best interest of our students. If that teacher has
2 seniority but has a breadth of experience to give to our
3 students, why would we, as a school board, want to make
4 that change? Yes, perhaps you can get two for the price of
5 one. However, you're losing the best and most valuable
6 that can then be the teachers for the younger teachers that
7 are in place.

8 Our decision-making process goes beyond the
9 dollars. We have to respond to the parents and the
10 students that come forward at the school board meetings
11 when we have to make those decisions.

12 But on the same breadth, we do have younger
13 teachers, who because of that first in, the seniority
14 process, first in, first out, we have the issue where we
15 have beloved teachers who have made a difference even in
16 those core subjects that many students might not even get,
17 like Science, and they're rallying at a school board
18 meeting because those teachers are the ones that have to
19 leave because of their status being the first ones in.

20 So decisions are made for economic reasons, but
21 not those decisions that impact the students. And I think
22 that much of the commentary that's made loses sight of the
23 students to talk about the tenure issue. The reality is
24 that it is half a semester in making a determination to
25 remove a teacher. And, yes, there is that process when the

1 teacher is ineffective. However, it is a long process.
2 And that's lost time to our students.

3 And at PSBA, we do value our students first. We
4 must go beyond that issue to address the specific bills.
5 While we recognize that each one provides flexibility, I
6 did want to address House Bill 1735. PSBA takes the
7 position that this is the more restrictive of the bills.
8 And we recognize the reason why.

9 However, we do run into the process where for
10 some of us in our school districts, we do have amazing
11 teachers. In my district, we have amazing teachers. And
12 so many of them will hit that distinguished mark. So we're
13 back where we started from. So the reality is that we
14 wouldn't be able to make those distinctions.

15 And what happens, as I provided in the testimony,
16 what happens if a school has five physical education
17 teachers? We don't need five physical education teachers.
18 But each of those has been rated as distinguished. Then
19 what do we do?

20 What do we do about the reality that, when the
21 rating system is in place and the seniority system is in
22 place, we have teachers that have multiple certifications?
23 So in that process we may have a highly talented teacher
24 who is less senior. We may have a teacher who's in a
25 subject matter that now we've made changes to. We have to

1 make reductions.

2 That teacher has a certification in another
3 subject matter. It doesn't mean that they are not capable
4 of providing that level of instruction. However, they may
5 not be able to deliver it at the same quality as those
6 other teachers who may be at a last-in position.

7 So in the interest of brevity, I thank the
8 Committee for having me here today. And I look forward to
9 any questions.

10 MAJORITY CHAIRMAN CLYMER: The Chair thanks you.

11 Sean Fields, it's your turn at the mike.

12 MR. FIELDS: I just have a couple of brief
13 comments because I think the panel has articulated a lot of
14 the concerns that PSBA's members would have.

15 But just on a couple of points, it was suggested
16 in earlier testimony that districts might be focusing on
17 just simply looking at high salaries and looking at payroll
18 concerns as who is going to go out the door on furlough and
19 who is not going to go out the door on furlough.

20 And these comments, some of the comments that
21 counter that, were reflected in Dr. Eshbach's testimony.
22 I've worked with a number of superintendents. And I can
23 tell you when they face these decisions, as
24 Ms. Viletto suggested, they're painful ones. And the
25 primary motivation that the superintendents I've talked to

1 and I've worked with is deciding what is going to be the
2 best decision in terms of educational programming.

3 In other words, which programs are the most
4 important in our district? In what way can we make sure
5 that the most effective educators are kept on the staff?
6 That is the primary driver if you talk to superintendents
7 all over the State.

8 The other thing I wanted to just briefly mention
9 is that we've talked a lot about who gets furloughed under
10 the current scheme. The other piece of this is who gets
11 recalled. As reflected in our written testimony, seniority
12 not only determines who is the last to go out the door but
13 it also determines who is the first to be recalled.

14 And that doesn't stop beyond the current year.
15 That actually goes beyond. The educator simply needs to
16 provide an annual notification that they're willing to be
17 recalled. And they're subject to recall if they have
18 seniority.

19 On a final point, tenure reform has been
20 mentioned, extending the period from three to five years.
21 PSBA hasn't taken a strong position on this that I'm aware
22 of. It's something we can certainly look at. But it is
23 worth noting that even under the current law, you know, you
24 have the three-year probationary period. There is case law
25 that supports the proposition that districts may extend the

1 probationary period to a fourth year.

2 So if you have an individual who is in the last
3 semester of their third year, they can be placed on a
4 probationary status and continue on that status for a
5 fourth year. So that's worth noting from a technical
6 standpoint.

7 With that, we will rest with our testimony and
8 you may ask your questions. Thank you.

9 MAJORITY CHAIRMAN CLYMER: Well, thank you very
10 much for your very informative and helpful testimony.

11 I have a couple of questions. I'll just throw
12 them out and whoever wants to take a stab at it, why feel
13 free to do so.

14 We talked a month ago -- I don't want to go too
15 far off the ranch here. But we've talked a lot about the
16 teacher in the classroom and the fact that the
17 productivity, the proficiency of the teacher, in getting
18 the students to learn and to address issues is very
19 important, obviously.

20 Do you see where the State may be handicapping
21 teachers in the classroom by mandates? Is there something
22 that you can share with us? Because, you know, we want to
23 be part of the solution to the problem. And if we're doing
24 things here in Harrisburg that, you know, we're not quite
25 aware of, we need to know that. We're willing to absorb

1 and to take direction and to undertake criticism, if need
2 be, on things that we're doing.

3 So I'll mention that. Go ahead.

4 MR. ESHBACH: It's a difficult time to be in our
5 profession. There's a lot of changes going on. There's a
6 lot of accountability. We don't shy away from
7 accountability.

8 However, with the new systems that are coming
9 into place, teacher effectiveness, principal effectiveness,
10 it gives people a pause as to, am I doing the right thing?
11 I have never seen teachers as nervous as they are right now
12 about, am I doing the right thing? Should I be doing
13 something this way? Can you tell me what to do so that I'm
14 sure that I'm doing it?

15 You know, it's almost like when I had my fourth
16 graders and I was getting ready to give them a test. You
17 know, you have those students that are just on pins and
18 needles about, am I going to get a good grade? Am I going
19 to do it right?

20 These teachers have gone into this profession
21 because they want to make an impact, they want to have a
22 positive impact on students. And I think that, are we
23 handicapping teachers? I think to a certain extent we are
24 putting things in place that cause them to heighten their
25 level of anxiety. I think that it will take some time.

1 Some of those things that have been put in place were much
2 needed. It will take some time.

3 But I think that, as another testifier said, most
4 teachers know who the ineffective ones are. And most
5 teachers would agree that we need to get ineffective
6 teachers out of the classroom. I think right now they're
7 truly looking at themselves and saying, I wonder if that's
8 me?

9 MAJORITY CHAIRMAN CLYMER: One of the things that
10 we, as a committee, have looked at over the past several
11 years is the fact that some changes in education and the
12 education process have been made because these scores were
13 not -- the scores were stagnant. The test scores were
14 stagnant. It was not showing that over the last 25, 30
15 years that student scores were going up and that remedial
16 education was needed more often than not.

17 And that does not take away the fact that
18 teachers were not working hard and administrators were not
19 working hard. But we don't know. We are presented with
20 this information. And then we have to say, well, what is
21 our responsibility? How do we maybe make the system
22 better? We always try to be inclusive when decisions are
23 made that it's not the State, but it's teachers and school
24 board members and citizens together.

25 So sometimes, as we move forward in making these

1 changes that we feel are necessary, they don't accomplish
2 maybe what we think they should be accomplishing. But at
3 the same time -- and there's criticism from educators -- we
4 cannot just remain stagnant in what we see. We have a
5 responsibility.

6 Like you heard Mr. Parker say, we have to change
7 for the sake of the children. And that's what we want to
8 do. We're not here to criticize the educational process.
9 We need to make a quality education. And we are very
10 concerned that in Pennsylvania we want to be the best.

11 So your thoughts on that.

12 MR. ESHBACH: Absolutely. I can't agree with you
13 more. But what I would say to that is when we want to make
14 education better, when we want to reach out to the
15 individual child and make a difference to the individual
16 child, let's start to take a look at some of the things
17 that have hogtied us.

18 MAJORITY CHAIRMAN CLYMER: Okay.

19 MR. ESHBACH: The amount of time. You know, the
20 990 hours, the 180 days, the Chapter 4 regulations, that
21 are hogtying us and saying that, you know, you have to do
22 these things. We count quality by the number of minutes
23 their little behinds are in a seat instead of the type of
24 education they're getting.

25 We need to look outside of the traditional

1 classroom. We need to embrace online learning
2 opportunities. And we need to look at the needs of the
3 individual child instead of looking at the needs of
4 children from a 30,000-foot view.

5 I would ask the State to be able and be willing
6 to give districts and administrators the ability to step
7 away from some of this traditional 19th century public
8 education format and say, it's okay. Go ahead. Give that
9 a try. I think it's imperative.

10 MS. KNILEY: And also looking at the furloughing
11 for economic reasons. One of the things that does hinder
12 us in some ways for providing those online learning
13 opportunities is the fact that we do have teachers that
14 will question whether or not those learning opportunities
15 will, in essence, take away their positions. It should not
16 be viewed as a threat. It should be viewed as a total
17 overall broad-based educational opportunity.

18 The other thing I would say that has hindered us
19 is the ability to provide early education. And all the
20 data shows that the earlier you can capture a child and get
21 them engaged in the learning process, the better they'll do
22 as they move forward in the process.

23 But what's happened now is looking at full-day
24 kindergarten and whether those cuts have to be made,
25 whether or not early education is even important. But we

1 know that it is important. The class sizes that are now
2 growing in our earlier years where we need to have students
3 have more one-on-one time, we're actually making it more
4 difficult to have that one-on-one time, that richness of
5 educational opportunities.

6 MAJORITY CHAIRMAN CLYMER: So you're supportive
7 of pre-K education for every child if it's possible; is
8 that what you're sharing? Do you think that should be
9 mandatory?

10 MS. KNILEY: Well, when we talk about mandates,
11 then we get into that realm of who's paying for it? And so
12 I'd be very cautious in saying it should be mandated.

13 However, I do indicate -- I do say that the data
14 indicates that the earlier you can reach a child -- and we
15 have students that come to our schools that are not
16 prepared in comparison to their classmates. And they are
17 already, from the minute they step into the classroom, at a
18 disadvantage.

19 MAJORITY CHAIRMAN CLYMER: Okay.

20 MR. ESHBACH: It's disturbing to me that the most
21 needy of our children, those who are living in poverty,
22 those who are not experiencing a home life where they're
23 getting a rich-text environment where they're hearing a lot
24 of language are going to schools where the school districts
25 are looking at cutting those early childhood programs.

1 That's disturbing. And that should disturb you.

2 MAJORITY CHAIRMAN CLYMER: Well, thank you.

3 The Chair recognizes Representative Carroll for
4 questions.

5 REP. CARROLL: Thank you, Mr. Chairman.

6 And since I've been referenced a few times, I
7 feel compelled to weigh in one more time. You know, it
8 seems that we've had a decision most of the morning -- and
9 it's the afternoon here -- relative to evaluation of
10 performance. The school director highlights the desire to
11 have a discussion related to evaluation of performance.

12 But it seems to me that we absolutely have to
13 consider finances in this discussion. There's no way
14 around it. There's a reason why we have the Pennsylvania
15 Association of School Business Officials because finances
16 are a component of this whole discussion. So to exclude
17 the finances would be short-sighted in my view.

18 And so then I get to the presentation provided by
19 PASBO. The chart on page 3 is compelling, quite
20 compelling. And the chart on page 3 tells me that among
21 our 500 school districts, 495, 99 percent, greater than 99
22 percent, of them will not have had the capacity to meet the
23 PSER's requirement in the 1 percent bump for teachers or
24 for the professional staff.

25 So we have four lucky districts throughout the

1 State. I'm wondering if it's with the four represented
2 with you three folks here today, first of all. I'm
3 guessing not.

4 MR. ESHBACH: No, sir.

5 MS. KNILEY: No, sir.

6 REP. CARROLL: So the first question then for you
7 related to the chart is, if these bills were enacted, how
8 many of the 495 would be moved to the other category with
9 the four?

10 MS. KNILEY: I don't have that information
11 available today. PASBO can certainly get that back to you.

12 REP. CARROLL: Fair enough. My guess is the
13 answer is zero.

14 MS. KNILEY: Probably.

15 REP. CARROLL: Because if these were enacted,
16 those 495 would stay in the red category as being unable to
17 meet their requirements related to PSERS in a 1 percent.

18 And so at the end of the day, even if this were
19 to be enacted, her job as a school director and the ones
20 that I represent in Northeastern Pennsylvania will have the
21 exact same problem.

22 And so then I get to my second question. Do each
23 of your three districts, do you feel that you're receiving
24 fair and adequate funding from the Commonwealth?

25 MR. ESHBACH: No.

1 MS. KNILEY: No.

2 MS. VILETTO: No.

3 REP. CARROLL: Okay. Thank you very much.

4 So now the essence of the discussion really is
5 related to finances. Because absent the necessary
6 commitment of finance from the Commonwealth, you three, and
7 others just like you throughout the State, have no capacity
8 to solve the math problem that you have before you
9 irrespective of the passage of these kinds of bills.

10 MS. KNILEY: I would agree that we don't have the
11 capacity to totally solve the problem. But the problem is
12 exacerbated by the fact that right now our only option is
13 to reduce by program. And, as was referenced earlier, that
14 targets Music and the Arts and all of those areas that
15 enrich and keep students engaged.

16 What's going to happen when we have to continue
17 to do what we've been doing? We have students that are
18 dropping out of school because they're no longer able to do
19 the extra-curricular and Arts-based kinds of interests that
20 kept them engaged in the process.

21 REP. CARROLL: I couldn't agree more. I mean,
22 our three children -- one is a product of the public
23 system. The other two are currently in high school at our
24 local school district. And my desire as a parent, of
25 course, would be to make sure they have that fully

1 well-rounded education that includes the Arts and Music and
2 everything else beyond just the things we're going to test
3 for on a regular basis.

4 And so I guess it comes down to, for me, when I
5 hear discussions in my local paper, as I referenced with
6 the Secretary before, where I have school boards who
7 declare that they cannot execute a teacher contract because
8 they will only do a contract that they can afford, they
9 better hope the teachers are willing to take a minus five
10 times five.

11 This chart and the finances that the districts
12 face make it impossible for a school board member. If
13 they're going to use as their criteria, we're only going to
14 engage in contracts that we can afford, they're essentially
15 saying they can't afford any single contract at all. They
16 can't afford any. And this chart highlights it.

17 So we're to the point really where we absolutely
18 have to have discussions about school finances in the
19 State. And to have any other discussion about mandate
20 relief -- you know, I hear the story all the time. Mandate
21 relief solves the problem. You know, maybe it really
22 sounds wonderful, except it doesn't solve a thing.

23 I can give every one of you, if there was a way
24 to do it, all the mandate relief you want. Most of them
25 are going to mandate the relief of the Constitution that

1 requires you to provide a public education. You can't
2 solve the math problem.

3 And so the reality is, Mr. Chairman, that we
4 absolutely have to have a conversation about school
5 finances in the State. And these other conversations are
6 nice, but they're not real unless we include finances.

7 MS. VILETTO: If I may, Representative Carroll.

8 REP. CARROLL: Yes.

9 MS. VILETTO: In my district -- for eight years,
10 I have been sitting and struggling with the idea of, what
11 do we do? What do we do from a financial perspective?

12 REP. CARROLL: Right.

13 MS. VILETTO: But to see every year when we've
14 had to make those programmatic cuts, those are the things
15 that we've truly struggled with. Which program do you pick
16 first? And the reality is that we don't want to look to
17 just those teachers that make the highest on our pay scale.

18 REP. CARROLL: Okay.

19 MS. VILETTO: In my district, we have many
20 teachers that regardless, irregardless, of age, we have a
21 tremendous breadth of teachers that have certifications.
22 They have advanced degrees. They're highly qualified
23 teachers. So we wouldn't make the decision just based on
24 the fact that they make the most money .

25 Now, maybe other districts might. But in our

1 district, we look to what will we get and what will we have
2 to pay in order to replace those teachers that we're
3 losing? So there's a cost, too, associated with the loss
4 of a highly seasoned teacher.

5 REP. CARROLL: I appreciate everything you said.

6 And I don't know the financial circumstances of
7 your school district. But I would suggest that a school
8 district that has a fund balance of \$25,000 doesn't have a
9 lot of choices. And unless they're sitting on a fund
10 balance that gives them some flexibility related to, you
11 know, the selection of who's going to be furloughed -- and
12 I get flexibility and all that.

13 But if the flexibility is limited by virtue of
14 the fact that you have no financial flexibility because
15 your Act 1 ability to raise taxes limits your ability to
16 generate new funds, your PSER's payment is going to be
17 prescribed by us.

18 And the reality is that if your finance balance
19 is near zero -- and we have plenty of districts that I'm
20 familiar with that have fund balances that are measured in
21 four and five figures, for God's sake -- they don't have
22 options in flexibility. And so if you're a school board
23 member that wants to actually open the doors in September,
24 I'm not sure what other choice you have.

25 MS. VILETTO: Well, I'm not one of those

1 districts that has the luxury or the flexibility to decide
2 we can just fund whatever we want. We do have to make
3 those difficult cuts.

4 REP. CARROLL: Okay.

5 MS. VILETTO: So I don't want to in any way
6 convey the thought that our district has those means. We
7 struggle greatly with our costs.

8 REP. CARROLL: Okay.

9 MS. VILETTO: We also have, unfortunately, one of
10 the highest tax districts in the region, if not the
11 Commonwealth. And believe me, our residents are screaming
12 for relief because of the fact that we have no other
13 choice. We have no other source of funding essentially
14 than to tap into our local sources.

15 REP. CARROLL: Okay.

16 MS. VILETTO: And so, yes, we do have to look at
17 those decisions.

18 REP. CARROLL: Okay.

19 MS. VILETTO: But again, there's a cost
20 associated with which teachers must be furloughed. You
21 don't want to necessarily furlough your teachers that are
22 teaching Science and Literature, all the areas that are
23 covered within the Keystone exams. You may actually have
24 to hire more teachers to provide the remediation that's
25 necessary for those Keystone exams.

1 REP. CARROLL: But the choice is that we have to
2 fight for additional funding. That's the choice, not which
3 teacher are we going to furlough and save, you know, in the
4 margins. The reality is, even if you found those savings,
5 you're still going to have to have the same conversation.
6 We need more money to be able to operate 500 school
7 districts in this State. There's no way to do it with the
8 finances that we provide now.

9 MR. ESHBACH: And I think your point is very well
10 placed. And that is, you know, with the economic situation
11 we're in with the pension increase that we're going to see,
12 I can't legally furlough the number of teachers that it
13 would take to level out the increase in pension costs that
14 I'll see next year.

15 I have told my taxpayers I can eliminate the
16 entire athletic program of our district and not be able to
17 balance the increase in pension costs. It's just a fact.

18 REP. CARROLL: Thank you.

19 Thank you, Mr. Chairman.

20 MAJORITY CHAIRMAN CLYMER: The Chair thanks the
21 gentleman and recognizes Representative Krieger.

22 REP. KRIEGER: Thank you, Mr. Chairman.

23 Thank you, panel. This is going to be directed
24 to all of you or any of you that would like to provide an
25 answer. And it's certainly the case that we're not going

1 to resolve the funding issues today. I think it would be a
2 mistake, however, to lose focus on what I think is actually
3 the more important part of these bills. And that's teacher
4 quality.

5 I have four children in public schools. We're
6 pleased. I think probably most parents in the Commonwealth
7 are pleased. There are places, however, where they're not
8 with justification. There was some testimony before that
9 talked about, well, we don't need the tools these bills
10 provide to police teacher quality because we already can do
11 that; that is, we already have the tools in place, so we
12 don't need these additional tools. The important part of
13 these bills is that they provide some additional tools.

14 Could you comment on your ability to police that?
15 For example, dismiss a teacher. We know the statistics are
16 it's less than 1 percent, I believe. So that suggests to
17 me that the tools we have aren't very effective right now.

18 I hear all the time -- and it's been mentioned, I
19 think, by one of you -- that everybody knows the bad
20 teachers. You go in the teachers' lounge. And I get these
21 comments as well. Everyone knows that. The frustration is
22 that we don't seem to be able to use whatever tools we have
23 to remedy that situation, particularly you with experience
24 in school districts.

25 Can you comment on the tools we have now, whether

1 they're used, whether they're effective and how these bills
2 might help you in that endeavor?

3 MR. ESHBACH: We do have tools. I think our
4 processes that are in place can be effective. I think what
5 is utterly important is the relationships that we build
6 with the Union, between the Administration and the Union.

7 REP. KRIEGER: Okay.

8 MR. ESHBACH: Even though I've been a district
9 superintendent for nine years, I've never had to dismiss an
10 employee or a teacher, mainly because I've built great
11 relationships with my Union. And they've helped me to
12 counsel that person out.

13 REP. KRIEGER: Okay.

14 MR. ESHBACH: Your 1 percent number doesn't take
15 into account the number of ineffective teachers who have
16 been counseled out.

17 REP. KRIEGER: Okay.

18 MR. ESHBACH: However, when the process gets in
19 the way is when we have situations in which ineffective
20 teachers are defended and the process is used. The four
21 months, the number of days are counted too. Every day is
22 counted. Improvement plans are put in place and then are
23 argued that enough time hasn't been given for the
24 improvement plan to take place.

25 So I think we have tools in place. I think

1 they're flawed. As I mentioned, I think the tenure issue
2 isn't as much of a concern to me. It's how do I take care
3 of the tenured folks? And how do I get rid of ineffective
4 tenured people?

5 But that's really not what your bill looks at.
6 It looks at, when you have to furlough -- God forbid you
7 have to furlough. But when you do, there should be
8 something in place that allows you to look at the most
9 ineffective people. We've heard that over and over and
10 over again. And I don't think the current law allows and
11 permits you to do that.

12 Talking with fellow superintendents that have had
13 to go through the furlough process, it is painful, painful,
14 painful. And one of the reasons that it is so painful is
15 the current last-in/first-out procedures, when you're
16 getting rid of hugely effective teachers who may have been
17 there for 10 or 12 years. We may be talking about veteran
18 teachers that are just not as veteran. That's not right.

19 MS. VILETTO: And to echo that, I have had
20 situations, being on our Board, that we have had dismissals
21 on bases of ineffectiveness. It has been a long process.
22 It has been marred every step of the way with delay.

23 And in the meantime, the students in that
24 classroom are suffering. Because again, everyone knows
25 who's ineffective. And even though we have a good

1 relationship with the Union, the reality is that there are
2 protections in place that limit the ability to make the
3 changes as quickly as some would like to see. And one day,
4 one month, one year, is lost to that child who is sitting
5 in that classroom with the ineffective teacher.

6 REP. KRIEGER: Thank you.

7 Thank you, Mr. Chairman.

8 MAJORITY CHAIRMAN CLYMER: The Chair thanks the
9 gentleman and recognizes Representative Wheatley.

10 REP. WHEATLEY: Thank you, Mr. Chairman.

11 Thank you, panel, for your presentation and your
12 willingness to sit through hours and hours of this
13 conversation.

14 Because the door was opened earlier,
15 Representative Carroll, who I have tremendous respect for
16 and agree with about the conversation around funding, I
17 think that before we go there, I've always been one to say,
18 we need to have a real conversation around what's the
19 vision that we want to have from our educational system?
20 Because then that will drive or should drive how we fund
21 and what we fund and how we create the system again.

22 I said this earlier. For six years, I've said
23 this system is broken. We really need to redesign it. So
24 when I heard Dr. Eshbach mention about the
25 individualization of education -- because I certainly don't

1 believe students learn the same. I don't believe teachers
2 in every environment teach the same nor should they teach
3 the same.

4 I think the way that we set up our structure is
5 totally outdated. And the only reason we really do it is
6 because that's just the way we've been doing it. And we're
7 fearful of change. When we talk about teachers being
8 fearful of change, we, as policymakers, we, as a system,
9 are fearful of change, drastic change.

10 So I will welcome a conversation around financing
11 of a system only if before we had that conversation we had
12 a real conversation around what do we anticipate and what
13 do we envision our 21st century learning environment in the
14 Commonwealth of Pennsylvania looks like or should look
15 like?

16 With that being said, what's before us today --
17 and I need help. I keep hearing about the tenure
18 situation. Now, help me understand from you, as a
19 superintendent, as a Board, every year -- how often do you
20 evaluate your teachers? Is it that they just have to stay
21 for three years and then they can get tenured? I mean,
22 you're evaluating them before the three years?

23 MR. ESHBACH: They're evaluated twice a year for
24 their first three years before they're granted tenure.

25 REP. WHEATLEY: Okay.

1 MR. ESHBACH: That doesn't mean observed. That
2 means a formal evaluation two times per year. So there's a
3 lot of artifacts that go into those observations,
4 walk-throughs, project-based assessment, that goes into the
5 midyear and end-of-year evaluation.

6 REP. WHEATLEY: Maybe it's because I'm not in the
7 system as you all are in there. But it would seem to me,
8 after three years of twice-a-year evaluating someone, you
9 should have a pretty good understanding if they should
10 continue or not. And if by the third year they haven't
11 shown you some, you know, morsel of effectiveness, they
12 should be let go before you even get into the fourth and
13 fifth year.

14 So why would we need to extend it to five? I
15 mean, I just don't understand the extension part of it if
16 you're doing the evaluation on this before that.

17 MR. ESHBACH: I've been around long enough to
18 have been a teacher when it was two years and then tenure.
19 That was ineffective.

20 REP. WHEATLEY: Okay.

21 MR. ESHBACH: I mean, your first year is
22 learning, is growing. I can't tell you how many teachers
23 that I have evaluated that in their first year have really
24 struggled but by the end of their second year are really
25 progressing and have turned out to be distinguished

1 teachers.

2 REP. WHEATLEY: Sure.

3 MR. ESHBACH: I think, in three years, you can
4 identify that, as Mr. Fields pointed out, if there's any
5 concern. If there's any concern at all, we still do have
6 the flexibility of not granting tenure and allowing them to
7 be what we call a temporary professional employee
8 throughout the next year as well, which is the issue that
9 PASA has with the extension from three to five.

10 We don't see it to gaining us a whole lot, other
11 than more work on the part of the administrators to have to
12 do more evaluations. And generally, it's for, you know, a
13 small population.

14 REP. WHEATLEY: Okay.

15 MR. ESHBACH: So let's focus on those that aren't
16 satisfactory. Let us make those decisions not to grant
17 tenure. Let us focus on that. Let that be a local
18 decision, not one where everybody in the State now has to
19 extend the granting of tenure.

20 REP. WHEATLEY: We haven't talked about it much,
21 but I also think that when we talk about a system, you
22 can't just talk about the people in the current system. We
23 have to talk about the pipeline that's feeding it. And so
24 from our teaching prep institutions that are feeding our
25 teachers to you, in our system, we don't do much to

1 evaluate or to share data.

2 I know currently there are some conversations
3 around, you know, possibly tracking -- we can't track them,
4 but possibly finding out where teachers are coming from and
5 if you at the local level have to spend additional time in
6 remediation, having a conversation back to the colleges
7 that they come from.

8 What do you see as the, I guess, policy types of
9 things that could help you in the pipeline question of your
10 teachers coming into your system?

11 MR. ESHBACH: I have a pipeliner. I have a
12 daughter who is in school for elementary education, Special
13 Education. You've noticed that I haven't discouraged her
14 from going into education. It's a great profession. I
15 mean, it's the profession that makes all other professions
16 possible. It really does.

17 REP. WHEATLEY: Right.

18 MR. ESHBACH: But I am concerned. I am concerned
19 because the new teacher effectiveness tools in Act 82, I
20 believe, will have teachers saying, I don't know if I want
21 to take a student teacher because that could have an impact
22 on my scores and could have an impact on my rating. I'm
23 concerned about that.

24 So we're having pointed discussions with our
25 sending institutions. What are you going to do to make

1 sure that your student teachers are ready to come in to our
2 programs? That is a difficult discussion to have. You're
3 talking about a whole other group of individuals that you
4 have to get to to look at the 21st Century instead of the
5 way we've always done things.

6 REP. WHEATLEY: Right.

7 MR. ESHBACH: But we're having those
8 conversations. Those conversations are actually very
9 productive in engaging in some new ways of student teaching
10 that protect both the professional educator and the
11 pipeliners. So it is a good question.

12 REP. WHEATLEY: Right.

13 MR. ESHBACH: I'm very concerned about the future
14 of education. We've always welcomed those that are going
15 to be our next professionals with open arms and try to
16 teach and try to mentor them. I'm concerned that some of
17 the things that are in place right now will keep us from
18 wanting to do that.

19 REP. WHEATLEY: Thank you.

20 Thank you, Mr. Chairman.

21 MAJORITY CHAIRMAN CLYMER: The Chair thanks the
22 gentleman.

23 The Chair thanks the panel for being with us.
24 That completes this part of the hearing of the Committee.

25 I just would like to add that this has been a

1 very informative and very helpful meeting today. We have
2 heard from many good testifiers.

3 And there were many who sent letters of testimony
4 who couldn't be with us or we just didn't have the time to
5 have them come and speak. But we have letters, which the
6 members of the Committee have, from the Pittsburgh public
7 schools, from TNTP, Reimaging Teaching, PennCAN, from AFT
8 Pennsylvania, a Union of Professionals. We have had
9 letters from A-plus schools, from the Philadelphia
10 Education Fund, from the Pennsylvania Chamber of Commerce,
11 from the Philadelphia School Partnership.

12 So you can see that this is a very important
13 issue. But I think it also addresses education in its
14 whole. I think these groups understand economic furloughs
15 are important. But if we had another issue dealing with
16 education, they would be with us as well. And I'm sure
17 that you would be back again to talk about it.

18 So we're encouraged that there are conversations
19 developing around the table on education. It's got to be
20 collective. It has to be working together. There cannot
21 be divisions. Criticism, sure, but not divisions where we
22 fall apart and we don't get together to provide the best
23 for our children.

24 Again, thank you to the Committee members for
25 being with us today. And thank you to our testifiers. You

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did a magnificent job, each and every one of you.

This meeting is now adjourned.

(The hearing adjourned at 1:55 p.m.)

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I hereby certify that the proceedings and
evidence are contained fully and accurately in the notes
taken by me on the within proceedings and that this is a
correct transcript of the same.

Jean M. Davis
Notary Public