



**Pennsylvania Association of School Administrators**  
*Proud Leadership for Pennsylvania Schools*

**Testimony Regarding House Bills 779, 1722 and 1735  
Concerning Economic Furloughs**

**Presented before the House Education Committee  
December 3, 2013**

Good morning, Chairman Clymer, Chairman Roebuck and distinguished members of the House Education Committee. My name is Dr. Eric Eshbach. I serve as Superintendent of the Northern York County School District and also serve as the chair of Legislative Committee of the Pennsylvania Association of School Administrators (PASA). PASA represents school superintendents and other chief school administrators from across the Commonwealth.

We thank the Committee for the opportunity to share our thoughts on the issue of economic furloughs and the three bills – HB 779, HB 1722, and HB 1735 – that would provide school districts additional flexibility to adjust staffing levels when budgets require such adjustments. I addressed this Committee on this topic once before, in March 2011.

School district superintendents do not take pleasure in having to take actions to disassemble programs and services they helped to create and furlough staff they may have selected and hired. We recognize this is one of the most difficult actions that any school administrator must take and understand the impact such actions have on our employees' lives and the impact on their families. We also recognize that these actions

are disruptive to the provision of educational programming that administrators and boards believe are important to students enrolled in our districts.

However, in the wake of decreasing revenues, districts across the state have already instituted budget cuts by not filling vacant positions, deferring maintenance, cancelling purchases, and contracting out food services, transportation services and maintenance of building and grounds.

School districts have significantly downsized both professional and support personnel over the past four years. Department of Education data reports show that, between the 2009-10 and 2012-13 school years, professional (certified) and support staff in Pennsylvania public schools was reduced by 21,446. Just over 12,000 of these cuts were professional employees, including nearly 600 administrators. The number includes positions abolished both through staff reductions through attrition and staff reductions through furloughs. These numbers do not include additional cuts made by districts at the start of the current school year, 2013-14, in which school districts across the state continued to eliminate positions through attrition and furloughs. The School District of Philadelphia alone began the school year with nearly 4,000 fewer district employees.

The bills before you today each seek to amend Section 1124 to add to the four existing criteria for furlough of professional employees by permitting districts to suspend (furlough) professional employees for economic reasons. PASA supports this revision.

Currently, Section 1124 of the Public School Code provides that professional staff may be furloughed only when there is a substantial decrease in school district enrollment, a substantial decline in class or course enrollment, to conform with standards of organization, consolidation of schools or establishment of a new school district.

While each of the three bills contains provisions that permit school districts to furlough professional staff for economic reasons, only HB 1735 requires districts to have its board adopt a resolution that does the following:

- describe the reason the furlough is necessary;
- lists the number, percentage and description of positions eliminated;
- lists the academic subjects, courses or electives affected;
- describe other cost-saving actions taken; and
- describes measures the district will undertake to minimize the impact of the furlough on student achievement.

PASA supports this provision as a reasonable measure that will provide transparency to parents, taxpayers and district personnel about the furlough and the impact on district programs and services.

Each bill uses different criteria for districts to determine which staff would be affected by a furlough:

- HB 779 allows districts to determine which staff are affected by the furlough based upon education needs, employee's certification or performance evaluation within the affected program area.
- HB 1722 allows districts to determine which staff are impacted based upon performance evaluation within the employee's areas of certification.
- HB 1735 prohibits the suspension of a professional employee who received an overall performance rating of "distinguished" unless all other professional employees within the area of certification have also been furloughed, and provides that the reinstatement of staff must first be provided to those who received a rating of "distinguished."

PASA supports provisions that permit districts to base furlough decisions upon staff qualifications and performance in combination with seniority. The last-in/first-out policy currently required by Section 1125.1 requires professional staff to be furloughed based on seniority, not effectiveness. The result of this current requirement is that newer teachers, those who in some cases actually have many years of experience, are let go first, even if they are more effective than those who have served in the school district longer. If we are truly serious about maximizing student achievement while operating schools within our means, we must change this policy.

However, we do not believe that the new teacher effectiveness system should be used as a portion or the entire basis for making decisions about which staff to furlough at this time. The system is brand new and will continue to have growing pains that need to be worked out before using the ratings for decisions of such import. The new ratings should not be a factor in furlough decisions for at least three years, after all the data that will be used to inform the rating system are in place and evaluators have a solid base of experience in conducting the evaluations.

HB 779 and HB 1722 both remove the current requirement that provides that more senior employees who are furloughed be provided the opportunity to bump into positions for which they are certificated and filled by less senior employees. Like the criteria used to determine who is initially to be furloughed, the criteria used to determine who may bump and be bumped should also consider certification, experience teaching the discipline and subject, teacher quality and seniority.

Both HB 779 and HB 1722 change the criteria to be used to reinstate furloughed employees:

- HB 779 provides that reinstatements of affected employees should first be based upon their qualifications to teach a particular subject or grade level or

to hold a particular position. Once this criterion is met, then seniority would come into play.

- HB 1722 provides for reinstatement on the basis of their performance evaluation within their areas of certification, followed by seniority.

PASA recommends that reinstatement be based upon a combination of qualifications to teach a subject and grade level, teacher quality and seniority.

All three bills include language that prohibits collective bargaining agreements entered into after the effective date of the bill from including provisions that would prohibit suspension of professional employees for economic reasons. PASA supports this change as necessary for any changes to occur on a statewide basis in all 500 school districts.

Finally, HB 1722 extends the number of years of satisfactory performance that is required for a novice teacher to earn tenure from three to five years. PASA does not support this change. Before considering making such a major change, we suggest the Committee take a look at other employment issues, such as the requirement that when a teacher with tenure is given an unsatisfactory rating and their performance continues to be unsatisfactory, school administrators must wait at least four months before providing another unsatisfactory rating which would then allow the teacher to be terminated.

Extending the number of years required for a teacher to earn tenure not only will place an additional two-year burden on those who evaluate the teachers but will expand the number of disincentives placed in the way of those who choose a career in the teaching profession. The Commonwealth has already experienced a dramatic reduction in the numbers of students enrolled in teacher education programs in its colleges and universities. Our best and brightest high school students are turning away from public education as a career option, having observed frozen pay checks, reduced benefits,

proposed pension cuts, increased certification fees, expansion of costly criminal background checks and child abuse clearances, employment reference checks and, currently under discussion, drug testing.

PASA would much prefer that, instead of expanding tools for districts to cut programs and services, the Commonwealth provided for an adequate and equitable funding system so that each school district has the resources needed to provide all students the full range of educational opportunities and supports necessary for them to succeed.

In summary, PASA members do not relish having to advocate for the authority to furlough staff due to budgetary reasons. But, given the fiscal realities that the Commonwealth, school districts and local taxpayers face, school districts must have additional tools to manage their costs and staff. Each of the three bills provides a step forward to do just that. We urge the committee to take the best parts of each bill and combine them into a new, workable and fair bill that will provide school districts the flexible tools they need.

Thank you for the opportunity to share our thoughts with you this morning.