



November 26, 2013

The Honorable Paul Clymer
216 Ryan Office Building
Harrisburg, PA 17120-2145

Re: HB 1722 “Protecting Excellent Teachers Act”

Dear Chairman Clymer,

On behalf of PennCAN, I’d like to thank Chairman Clymer and the members of the House Education Committee for the opportunity to submit testimony in support of Rep. Tim Krieger’s “Protecting Excellent Teachers Act” (HB1722).

My name is Jonathan Cetel and I am the Executive Director of PennCAN: the Pennsylvania Campaign for Achievement Now. PennCAN is a nonprofit education reform advocacy organization building a movement of Pennsylvanians with the political will to enact smart public policies so that every Pennsylvania child has access to a great public school.

An important component of a great public school is ensuring that students have access to high-quality, effective teachers. Unfortunately, too many effective teachers are faced with the reality of being laid off when a district is facing tough financial times because they don’t have as many years in the classroom as their colleagues. Basing layoffs solely on seniority does not have a positive impact on our schools or students for the following reasons:

1. Research confirms that a teacher’s length of service does not always correlate with his/her performance. Seniority-based layoffs, therefore, result in some high-performing teachers being laid off.
2. Schools with a high concentration of low-income and minority students tend to employ less experienced teachers. Therefore, when seniority-based lay-offs occur, these schools are the hardest hit because their teachers typically have less seniority.
3. Finally, making layoff decisions based solely on seniority means more teachers have to lose their jobs than necessary. Less experienced teachers earn less money than their veteran colleagues. If only teachers at the bottom of the pay scale are being removed, districts need to layoff more of them to make ends meet. Fewer teachers, in turn, means larger classes and less flexibility for principals to deploy teachers in a way that makes sense for their schools.

For these reasons, it is time that we reevaluate not only our system for laying-off teachers when districts are facing difficult financial hardships, but also our system for determining tenure eligibility for teachers.

The ideas expressed in the bills being presented before the committee today (HB1722,

H1735 and HB779) are not new to the General Assembly. In 2011, a bill designed to provide school districts with additional flexibility to reduce costs through layoffs in order to adjust to challenging economic times failed to make it to the Governor's desk

However, three important changes have occurred since 2011 that account for PennCAN's strong belief that now is the time to pass a bill that will allow economic furloughs, end seniority-based layoffs, and reform tenure:

1. *New Teacher Evaluation System:* This fall, Pennsylvania school districts began implementing the new teacher evaluation system. Back in 2011, critics argued that seniority is the only fair, objective and transparent method to make furlough decisions. That's because 99.4% of teachers were rated satisfactory under a binary evaluation system based solely on classroom observations. Under the new system, evaluations will be based on classroom observations and multiple measures of student achievement. This new system is a significantly more fair, objective and transparent way of making furlough decisions when compared to the current system that focuses exclusively on seniority.
2. *Proof Points:* Back in 2011, supporters of SB612 could only conjecture that high-performing teachers were inadvertently being laid off because of seniority. Pittsburgh Public Schools, however, is ahead of the rest of the state and has already begun implementing a new teacher evaluation system that groups teachers into 4 tiers: failing, needs improvement, proficient and distinguished. There is now conclusive evidence that basing layoffs entirely on seniority leads to proficient and distinguished teachers being laid off.
3. *Grassroots Support:* A diverse coalition of organizations cares deeply about this issue. PennCAN organizes bi-weekly calls that include statewide advocacy groups (i.e. Students First, Commonwealth Foundation), business groups (PA Chamber of Commerce, TeamPA), alternative certification programs (Teach for America, TNTTP), and local organizations (A+ Schools, Philadelphia Education Fund). In Philadelphia, PCCY formed the Coalition for Effective Teaching to advocate for a teachers contract that includes the elimination of seniority as the prime factor in certain staffing decisions. This coalition includes education organizations, social-service providers, parent advocacy groups, and civil-rights organizations, including the NAACP.

We believe that HB1722 reaches our goal of improving Pennsylvania's schools for our students because:

1. *HB1722 includes tenure reform, making it the most comprehensive bill:* HB1722 addresses three issues: economic furloughs, seniority-based layoffs and tenure reform. The other two pieces of legislation only address economic furloughs and seniority-based layoffs. The need for tenure reform is self-evident if you consider the following:
 - Awarding tenure is effectively a \$3 million investment in a teacher's combined salary, benefits and pension over the course of his/her career. It is a decision that should be made based on consistent excellent performance.

- Tenure has become a de facto “job for life” because so few tenured teachers are ever dismissed. In Philadelphia, only .21% of teachers were dismissed on average over the past 3 years. The average length of time it takes to dismiss one of these teachers is 2 years, with some cases taking up to 13 years.
 - HB1722 increases the length of time it takes to earn tenure from 3 to 5 years. This is important because, in order to make an informed decision on tenure, a principal needs at least three years of student outcome data. Typically, the third year of data is not available until the teacher’s fourth year. Therefore, increasing the time it takes to earn tenure to 5 years ensures that principals will have all the necessary data to make an informed decision.
2. *HB1722 protects both proficient and distinguished teachers:* HB1735 exempts the highest-rated (i.e. “distinguished”) teachers from layoffs. While this is a step in the right direction, it is likely most teachers will fall somewhere in the middle (i.e. “needs improvement” and “proficient”) while the number of teachers being rated “failing” or “distinguished” will be small. By offering exemption to only “distinguished” teachers, it is likely that under HB1735 some proficient teachers would still be furloughed before failing teachers.
 3. *HB1722 mandates that school boards use teacher evaluation data when determining layoffs:* HB779 provides substantial flexibility to local school boards to make furlough decisions based on teacher evaluation data, “educational program needs,” or teachers’ certifications. This appears to provide school boards with maximum flexibility when making layoff decisions. To ensure that layoff decisions are fair, objective and transparent, it is necessary to mandate that school boards use the results of the teacher evaluation system as the primary factor when determining layoffs.

HB1722 addresses a serious issue around how we support and protect teachers within our education system. As with any plan that includes a drastic shift in thinking and action, it is likely that motivations of the groups supporting this legislation will be questioned. I would like to address these anticipated accusations head-on:

1. *Eliminating seniority is “anti-teacher” or “anti-union”:* a poll was conducted that shows that 87 percent of voters statewide and 77 percent of teachers’ union households support basing school staffing decisions on performance and not solely on seniority. HB1722 has a strong Democratic co-sponsor in Representative Vanessa Brown who recently wrote an op-ed in *Philadelphia Inquirer* identifying how this is a profoundly personal issue for her, “My son lost more than a year of his education because a gifted teacher lost his job for seniority reasons. I am not anti-union or anti-teacher, and I am not saying that experience shouldn't be a factor in hiring, transferring, or terminating a teacher. But I know from bitter experience that seniority cannot be the only factor in every case. It's time to change work rules that cater to the adults running the system, instead of the children they serve.”
2. *Eliminating seniority will lead to discrimination:* A common argument is that seniority protects teachers from nepotism, racism, sexism and other discriminatory

practices that were widespread at one point. Fortunately, HB1722 takes steps to prevent these discriminatory practices from sneaking into the system by requiring that all layoff decisions be based on the objective and transparent results of teacher evaluations.

3. *Eliminating seniority will lead to school boards laying off all of their veteran, expensive teachers in hopes of saving money:* Laying off veteran teachers violates federal protections against ageism and therefore, is illegal. However, if principals did decide to target their older staff, they would have to distort the student achievement data *and* commit fraud by manipulating and falsifying their observations of that teacher. This is because HB1722 requires layoff decisions to be based on the results of the teacher evaluation system. This requirement protects veteran teachers from being unfairly targeted by their principal. More importantly, beginning next fall, principals will be held accountable to student achievement data. For all these reasons, laying-off an effective veteran teacher is not in a principal's self-interest.
4. *Evaluation systems aren't perfect, so using them to determine layoffs is a bad idea:* We know for certain that the seniority-based layoff system results in many highly effective teachers being dismissed. We also know that the new evaluation-based system would keep more of these teachers in the classroom. Therefore, if this bill keeps more highly effective teachers in front of the classroom our schools will benefit and, more importantly, so will our kids.

Change is never easy, but it is time that we protect our excellent teachers and ensures that all students have access to an effective teacher. For these reasons, and all the reasons stated above, PennCAN strongly supports HB1722.

Thank you again to the members of this committee for the opportunity to offer our support of HB 1722.

Sincerely,



Jonathan Cetel
Executive Director
PennCAN