



**Testimony of the
Pennsylvania State Education Association (PSEA)**

**Public Hearing Regarding
Economic Furloughs and Seniority
House Bills 779, 1722, and 1735**

**Presented to the
House Education Committee
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**By
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Good morning Chairman Clymer, Chairman Roebuck, and members of the House Education Committee. I am Mike Crossey, President of the Pennsylvania State Education Association (PSEA), and was a teacher in the Keystone Oaks School District for more than 34 years. Thank you for inviting me to share PSEA's perspective on legislation that would allow school boards to furlough educators for economic reasons and allow them to choose which individuals will lose their jobs without using the objective factor of seniority. Both of these issues are of critical importance to PSEA and our 182,000 members across the Commonwealth.

The debate around economic furloughs and seniority is not new. In fact, our organization testified about it in 2011 when similar legislation was considered. The harsh fiscal reality facing our school districts across the Commonwealth in recent years due to a historic loss in funding support, coupled with increasing costs and decreasing revenue capacity at the local level, has continued to elevate the discussion. It is important, however, to clarify that these are two distinct and separate issues.

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

On the first issue of allowing furloughs for economic reasons, the reality is that it is not the solution to the problem. The financial pressures facing our school districts, our local taxpayers, and our educators are very real—no one is denying that. Indeed we have seen massive furloughs over the last several years—thousands of professional educators have been laid off. School districts have not been prevented from reducing staff under the current law, but districts are required to base the furloughs on program alterations, organizational changes, and declining enrollment. Current law prevents individual school boards from setting abstract and arbitrary financial parameters and then staffing to those parameters. PSEA opposes lifting this proscription. We know from the harsh experience of the last several years that furloughing educators resulting in increased class sizes, less individualized attention, and slashed academic programs is not the answer. Opening the flood gate to remove the decision to furlough from the structure of the education program will exacerbate these problems.

The true answer to the problem facing our schools is for the Commonwealth to enact and implement a sound, rational, and equitable school funding formula that provides resources to districts that need it the most. The current law pertaining to furloughs isn't broken – but our school funding system is.

Layoffs caused by budget cuts are about money. On the face of it, experienced teachers cost more than newcomers so removing the experienced teachers from the budget equation may appear to save the most money. This may be true in the short term in some districts, but in the long-run, it can be more costly and have a negative impact on the school community. Experienced teachers have been well-trained and those years of experience and additional training walk out the door when the educator is furloughed. Districts are then required to train newer teachers at a rapid pace in order to quickly bridge the gap of lost information and expertise for the students.

Unfortunately, some believe economic furloughs can be an “opportunity” to remove unsatisfactory teachers from the classroom or school community. This is a separate issue from the process of furloughing staff for economic reasons. Let me be clear - if a teacher or professional employee is not qualified and is not meeting performance standards, he or she should not be in the classroom. School districts and administrators should not wait for a budget crisis to remove them. Economic furloughs are not the appropriate tool to use for this entirely different responsibility. A furlough is a temporary layoff; why would school boards or administrators want to use furloughs to get rid of ineffective teachers when they can dismiss them? With furloughs, school districts have to bring teachers back when there is a recall. How is that a helpful process for removing ineffective educators from the classroom?

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

Allowing furloughs to be based on factors other than seniority creates a subjective and arbitrary process that could open the door to abusive employer practices that undermine educational quality. While furloughing the most experienced and educated school employees could result in short-term cost savings, it costs more in the long run and hurts the educational environment. Seniority and experience reflect the investments of significant time and energy teachers have made in our schools and in their professional practice. These investments are valuable and should not be disregarded. Research has also shown that educators continue to gain effectiveness for decades when consistently teaching at a specific grade level.¹

Teaching is a complex profession. Demands on the profession to meet the needs of students, the expectations of their community, and the requirements of federal and state policies (IDEA, NCLB, PA Core Standards and Keystone Exams) have risen and will continue to rise in the foreseeable future. An educator’s experience in pedagogical skills and navigating the classroom environment *matters*. And yet, there appears to be an assumption by some that experience is a *liability* instead of an *asset*. In what other profession is that the case?

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

Contrary to popular belief, poor teachers with tenure can be removed from the classroom and dismissed after two consecutive negative evaluations. Tenure is not a job “for life” as some may believe. Any discussion of how to remove unsatisfactory teachers from classrooms should center on the proper implementation of an effective evaluation system, not on the use of temporary furlough power. If there are performance concerns about an educator, administrators should document an educator’s performance to identify shortcomings and what can be done to improve

¹ Huang, F.L. and Moon, T.R. 2009. Is Experience the Best Teacher? A multilevel analysis of teacher characteristics and student achievement in low performing schools. *Education Assessment, Evaluation, and Accountability*. 21: 209-234.

instruction. If the performance does not improve, the educator should be found “unsatisfactory” and dismissed as is the requirement under current law.

Given the importance of the evaluation system in supporting effective teaching, PSEA has invested extensive staff time and resources since at least 2009 in the statewide efforts to revamp the teacher evaluation process in Pennsylvania. PSEA worked with the PDE and other stakeholders - including the prime sponsor of what is now Act 82 of 2012, Representative Aument - to improve the initial proposal seeking to overhaul teacher evaluations. In addition, our organization has spent significant time providing guidance and feedback to stakeholders and our members about the implementation of the Act.

And while Representative Aument seeks to incorporate provisions of the new educator evaluation system in House Bill 1735, the reality is that the “distinguished” educator rating is likely unworkable and does not protect against imposing a subjective and arbitrary system for dismissal. This is because the “distinguished” rating is reserved for a very small number of educators. The system designers and PDE have continually advised that no educator should assume or expect that he or she can achieve a distinguished rating year after year but rather will move in and out of “distinguished” status. Therefore, using the status to “protect” teachers from furloughs as is proposed in House Bill 1735, subjects all teachers to a revolving door of vulnerability depending less on actual teaching quality than on the specific elements of teaching that were observed during the current evaluation year.

PSEA believes the current law surrounding employee furloughs is appropriate and reasonable and that the real answer to the concerns raised by school districts is the Commonwealth meeting its obligation to provide full and fair funding for our schools and for our students. We cannot support the utilization of the current school funding crisis as a tool for advancing policies that we believe will harm students and communities for years to come.

Thank you again and I am happy to answer any questions you may have.