



PHILADELPHIA FEDERATION of TEACHERS

TO: MEMBERS OF THE GENERAL ASSEMBLY

FROM: JERRY T. JORDAN, PRESIDENT, PHILADELPHIA FEDERATION OF TEACHERS

RE: OPPOSITION TO SCHOOL CODE (SB 227, PN 1087)

JULY 11, 2017

A handwritten signature in black ink, appearing to read 'Jerry', is located in the upper right corner of the page.

The omnibus school code bill (SB227) in its current form contains extremely destructive attacks on collective bargaining and seniority, while simultaneously allowing the siphoning of an additional \$20M annually from public schools and allowing for lucrative tax breaks via EITC/OITC funding.

The provisions within the school code bill as relating to layoffs are outlined on p. 16-24; the provisions within the school code bill as relating to EITC funding are outlined on p.55 of **SB 227, PN 1087**.

Layoffs:

This legislation allows for the employees to be terminated for economic reasons (p.15) and removes all due process from layoff provisions in collective bargaining agreements.

The legislation explicitly prohibits collective bargaining agreements from preventing or even addressing economic based layoffs (p.20), which will have a chilling effect on collective bargaining and workers' rights across the commonwealth.

- **Further, SB227 further seeks to scapegoat educators by implementing an exceedingly flawed evaluation system as a means of determining layoff procedures.** The evaluation system, Act 82, has been a catastrophic failure in its implementation. Act 82 is a punitive means of measuring educator "performance" rather than a holistic approach to improving school resources and the funding inequities that continue to adversely affect districts that educate largely students living in poverty and students of color. Moreover, while it applies to professional educators employed by Public School Districts, it does not apply to Charter and Cyber Charter Schools that are funded by the taxpayers in those Public School Districts.
- **Allowing for layoffs to occur based on this flawed evaluation system, as outlined in p.20-22 of SB227 is simply inexcusable.** The legislation then goes

on to further solidify the collective bargaining restrictions on educators and local public school districts by restating the explicit prohibition of seniority rights being applied to layoffs within any CBA (p.24). This would be a state imposed mandate on our locally controlled public school districts.

EITC/OITC funding:

This legislation permits the use of \$145,000,000 annually in annual tax revenue to be diverted to private and religious schools. This represents a \$20,000,000 annual increase from current levels.

- This money is siphoned from traditional public schools without any fiscal, operational, administrative or academic performance accountability or transparency.
- Schools receiving EITC funding, despite being paid with tax payer money, may (and do) refuse to enroll or restrict enrollment of students for virtually any reason, including religious affiliation, disability, discipline or academic history.
- The administrative scholarship organizations created to administer and distribute the EITC/OSTC funds get to keep 20 percent of the (public/ taxpayer) money as an "administrative fee" and are not required to report on or account for how they spend it. For comparison, Florida has a similar tax credit program with scholarship organizations keeping just 3 percent of the money.
- Additionally, Pennsylvania's tax breaks for EITC funding are so lucrative that companies can actually EARN money through these "charitable" contributions. <https://www.nytimes.com/2017/05/17/us/politics/in-some-states-donating-to-private-schools-can-earn-you-a-profit.html>

This legislation represents a significant discrepancy between what educators, students, parents, and communities know that our schools need and what is being legislated. The insertion of the layoff provisions as well as the EITC language into the school code is troublesome for a number of reasons, not the least of which being the lack of transparency in the process at best and the explicit efforts to weaken unions, interfere with the free collective bargaining process, and punish educators at worst.

We urge the absolute rejection of SB 227 PN 1087, and any legislation that instead of looking to how we can best ensure that our students have the appropriate resources they need to learn, seeks to scapegoat educators.

Contact:

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