May 17, 2010

Dear Senator or Representative:

A recent survey by the American Association of School Administrators finds school leaders across the country bracing for cuts in the upcoming school year that are likely far deeper than those made during the past two. In fact, 90 percent of school administrators across the United States are expecting to slash their budgets—mainly by laying off teachers.

Federal help is needed and needed urgently.

The recently introduced "Keep Our Educators Working Act of 2010" is aimed at providing that help. But a loophole in the bill would allow states to use the $23 billion in assistance offered under the Act to replenish drained state reserve funds, rather than save teacher jobs. And, the Act is missing a component that would allow it to maximize the number of teacher jobs saved.

The act should help state and district leaders put an end to "last-hired, first-fired" policies, which exacerbate the number of people who lose their jobs during layoffs.

Most school districts employ a mechanical last-hired, first-fired approach to layoffs. As a result, new teachers are always the first to go, regardless of how well they may do their jobs. But according to a 2009 report from the Center on Reinventing Public Education at the University of Washington (CRPE), such policies actually result in far more people losing their jobs than otherwise might be necessary.

Teachers' salaries increase with longevity. That means that when school districts are forced to focus solely on teachers with the fewest years of experience—the ones who are paid the least—administrators have to eliminate more jobs to achieve the same dollar savings. In many districts, that can mean pushing out energetic veterans who have worked for four, five, or even six years.

The CRPE report illustrates this point. Using the seniority-based layoff policies now in effect in most districts, roughly 875,000 public school jobs would be lost nationally if districts had to reduce their salary expenditures by 10 percent. Nearly a quarter-million of those lost jobs could be saved by using seniority-neutral policies that take into account employee effectiveness. Of those who would have remained employed, about 125,000 would be classroom teachers.

To ensure the Keep Our Educators Working Act minimizes teacher layoffs, Congress should require states receiving these new funds to abandon seniority-based layoff practices.

But that alone won't be enough to ensure that this bill has the desired effect.

The act makes clear that the available funds are to be used only to retain existing school employees and hire new ones. In fact, the bill contains a lengthy prohibition against the use of its funds to restore, supplement, or establish a state reserve or rainy-day fund—that is, unless the state has a requirement to maintain a balanced budget. All states, with the exception of Vermont, have such a requirement. So Vermont would be the only state required to spend its portion of the $23 billion to keep educators on the job. The remaining 49 states would be able to use the federal funds to fortify state coffers, even as they lay off thousands of teachers.

It's critical for the federal government to act on behalf of the millions of educators and students in America's public schools. But as currently written the Keep Our Educators Working Act won't maximize the number of teacher jobs saved and could actually be used to replenish state reserves rather than save educator jobs. The bill should be amended to ensure that Congress invests in our children and our schools.

Sincerely,

Casita Maria Center for Arts and Education
Children's Defense Fund
Citizens' Commission on Civil Rights
ConnCAN
Democrats for Education Reform
Education Equality Project
Education Reform Now
Educators 4 Excellence
The Education Trust
League of Education Voters
The Mind Trust
National Council on Teacher Quality
New Schools Venture Fund
Oklahoma Business and Education Coalition
Partnership for Learning
Prichard Committee for Academic Excellence
The New Teacher Project

(Note: This letter contains additional signatories to a letter originally dated April 30, 2010.)