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INDEPENDENT REGULATORY
REVIEW COMMISSION



Leadership for Public Education

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Mr. Shawn Farr
Special Assistant to the Secretary of Education
Department of Education
333 Market Street, 10th Floor
Harrisburg, PA 17126-0333

Re: Keystone Education Accountability Standards

Dear Mr. Farr:

The Pennsylvania State Education Association (PSEA) represents public school employees across the state. PSEA supports efforts by the state to improve management practices in public schools. We have read the proposed Keystone Education Accountability standards (22 PA Code Ch. 405, as presented by the Department in the *Pennsylvania Bulletin*, v. 36, n. 26, July 1, 2006) and evaluated their potential impact on our members and their collective bargaining agreements. I submit these written comments to reflect concerns we have about some of the standards, and ask the Department to revise them where indicated.

PSEA is concerned that some of the proposed standards touch on issues that are mandatory subjects of bargaining under Section 701 of the Public Employee Relations Act of 1970, and Section 1111-A of the Public School Code. PSEA objects to any action by the state that would directly violate or abrogate the terms of collective bargaining agreements. Furthermore, PSEA objects to proposed standards that may unnecessarily and even inappropriately restrict negotiations between school employees and their employers, or imply that public school employers are excused from statutory bargaining obligations. The bargaining process must remain as flexible as possible to allow the parties to reach innovative solutions to shared problems.

The proposed standards for Section 405.2(3)(iv) and Section 405.10(2)(vi) call for districts to hold staff accountable for a variety of policies and regulations. Policies and practices related to discipline of staff are mandatory subjects of bargaining. These standards could be interpreted by some districts as encouragement to extend such accountability in ways not contemplated in existing agreements.

Similarly, the proposed standards for Section 405.4(8) and Section 405.6(4) call for districts to analyze insurance coverages and the benefit packages they provide employees, and to seek alternatives to existing arrangements. Issues related to employee compensation, including benefits, are mandatory subjects of bargaining.

The PSEA Mission

To advance quality public education for all students while fostering the dignity and worth of members through collective action.



Again, these regulations could be interpreted by some districts as encouragement to seek specific types of changes in compensation packages.

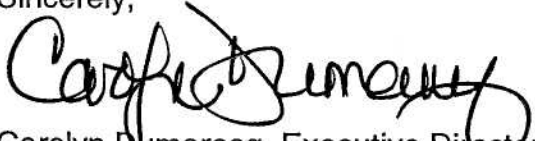
PSEA asks the Department to clarify that the standards referenced in preceding paragraphs are not intended to suggest that districts must seek any particular bargaining outcomes to be in compliance with the regulations, nor are they excused from their obligations to bargain in good faith on subjects mandated by law.

PSEA is concerned that some of the proposed standards encourage districts to outsource or subcontract services in a manner that threatens the job security of our members. PSEA objects to these practices as ultimately ineffective and as devaluing the work of our members. We believe the proposed standards for Sections 405.6(5)(iii), 405.8(i) and (ii), and 405.12(5)(iii) suggest that districts should seek to reduce costs by eliminating jobs, a practice PSEA objects to as unnecessary, ineffective, and often counterproductive.

PSEA asks the Department to clarify that the standards referenced in the preceding paragraph are not intended to imply that elimination of jobs or outsourcing jobs is a “best practice.”

Please feel free to contact me for clarification of our concerns. We look forward to working with the Department to develop standards that enable schools to perform at the highest level possible while preserving the rights of their employees. Thank you for your consideration of our concerns.

Sincerely,



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