

As explained in the previous newsletter, the Recovery School District in the New Orleans, Louisiana area has been hiring H-1B school teachers from the Philippines. The school district used a third party bodyshop called Universal Placement International (UPI) to import teachers by using H-1B visas.

On October 1, 2009 the Louisiana Federation of Teachers (LFT) and the American Federation of Teachers (AFT) filed complaints to the Louisiana Workforce Commission and the Louisiana Attorney General against UPI. They allege that UPI engaged in illegal practices in order to defraud the Filipino teachers.

This newsletter goes one step further by presenting convincing evidence that the schools have been using H-1B to replace their older American teachers.

**\*> THE CONTRACT AGENCY "BODYSHOP" IS RUN BY A CONVICTED FRAUDSTER**

The president and owner of UPI is Lourdes "Lulu" Navarro. She is a native of the Philippines who moved to California. In addition to being an immigrant, Lulu is also a convicted felon that has been charged with fraud and many other serious crimes. This is what the attorney general of California has to say about her:

<http://ag.ca.gov/newsalerts/release.php?id=695&>

In the earlier case, Shams and Navarro were convicted on felony counts of Medi-Cal fraud, grand theft, money laundering, and identity theft for using the names of legitimate physicians without permission and filing thousands of false claims with the state for medical tests never performed. The Attorney General's Bureau of Medi-Cal Fraud and Elder Abuse seized approximately \$1.1 million in uncashed warrants, which were returned to the Medi-Cal program.

Clinic owner Navarro was sentenced to five years in prison upon entering her guilty plea and ordered to pay \$200,000 in restitution by the end of the year. Navarro also was required to surrender her license as a clinical laboratory scientist and

prohibited from owning or working in any health care business. Orange County Superior Court Judge Robert Gallivan suspended the prison sentence under a plea agreement.

Navarro's partner Shams remains in custody pending sentencing in October after pleading guilty to charges of Medi-Cal fraud. A third laboratory owner, Zubair Younis, 42, of Brooklyn, N.Y., is being sought on a felony warrant.

UPI is probably a Minority and Woman-Owned Business Enterprise (I say "probably" because I haven't been able to confirm that UPI is registered in a state as such). Affirmative action rules allow these companies to have a huge competitive advantage when seeking government contracts. Owning bodyshops like UPI is the perfect gig for female convicts, especially if they are classified as "minority".

\*> LOUISIANA REPLACED AMERICAN TEACHERS WITH FILIPINOS

First, let's look at a timeline:

2003: The Recovery School District (RSD) was created by the Louisiana Department of Education. The purpose was to reform "low performing" schools.

August 29, 2005: Hurricane Katrina strikes Louisiana. The hurricane destroyed or severely damaged thousands of schools and universities in the Gulf coast states. Over 250,000 students had no school to attend. Thousands of teachers were instantly jobless.

November 2005: Over 107 "low performing" schools were put into the RSD.

May 4, 2007: Louisiana Superintendent of Education Paul Pastorek appointed Paul Vallas to head the RSD.

Summer 2007: Paul Vallas, superintendent of the RSD, said that they were suffering a severe teacher shortage. This was less than two years after Katrina displaced thousands of teachers.

May 30, 2008: A memo was sent out to board members about a junket to the Philippines to hire teachers.

June 20, 2008: School officials go on an all expense paid junket to the

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Philippines.

July 15, 2008: Board members sent around emails about the Filipino teachers.

August 5, 2008: Caddo Parish schools were notified that Filipinos with advanced degrees are being hired for low performing schools. The implication was that Filipino geniuses would replace the incompetent American teachers. Low performing schools would now become academic havens.

September 6, 2008: The first Filipino teachers report to work.

Nov 11, 2008: By this time 38 teachers had arrived from the Philippines. School administrators said that the Filipinos were very good performers.

August 3, 2009: The school district terminated the employment of dozens of teachers. In total, about 250 teachers formed a pool of available teachers looking for jobs, but schools hired very few of them. Most of them were not able to find teaching jobs. That number of 250 is significant -- remember it. Read this to find out more about the teacher layoffs:

[http://www.nola.com/news/index.ssf/2009/08/recovery\\_school\\_district\\_to\\_la.html](http://www.nola.com/news/index.ssf/2009/08/recovery_school_district_to_la.html)

Recovery School District to lay off dozens of teachers today

August 17, 2009: New school year starts. By now about 200 teachers with H-1B visas were holding jobs. That's very close to the number of Americans that were fired. The number becomes even closer because some of the laid off teachers were rehired by other schools. Sadly, most of those teachers couldn't find jobs in Louisiana schools.

September 30, 2009: A year after the first Filipino H-1B was hired the union announces complaints concerning UPI.

October 1, 2009: The local teacher's union LFT and the American Federation of Teachers filed complaints to the Louisiana Workforce Commission and the Louisiana Attorney General against UPI.

October 4, 2009: By this time 27,000 teachers in California had been pink slipped. It never occurred to Louisiana school districts to offer them jobs, or to go to junkets in Los Angeles or San Francisco.

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So, in summary here is what happened: School officials took an all expense paid junket to Manila. They must have had a wonderful time because they decided to hire young female Filipino teachers. There was just one big problem though -- they already had more teachers than they needed. The problem was solved by initiating a large layoff of their American teachers.

There is nothing unusual about the strategy used by the school district. The usual script goes like this: First employers decide to replace their American workers with H-1Bs. Then they start firing Americans shortly after the first wave of H-1Bs report to work. The firings are done after the H-1Bs report to work in order to make sure the foreign workers are in the bag before the Americans are eliminated.

You would think that after nearly 20 years of the start of the H-1B program newspapers and unions would figure the script out, but they never do. They are usually dumbfounded when somebody like myself tries to explain it to them. If any of you find a newspaper article that actually explains that American teachers were replaced in Louisiana please notify me because it would be the first I have ever seen.

#### \*> THE MOTIVATION FOR REPLACING AMERICAN TEACHERS WITH H-1B VISA HOLDERS

When politicians say something ain't so, then the first thing you know is that it is so!

Recovery District Superintendent Paul Vallas called any implication that the district favored hiring new, young teachers false, and said hiring authority lies with principals.

Vallas is a real silly guy! Of course the district favored hiring young teachers -- that's why they fired their older Americans and hired young females from the Philippines.

As I have explained many times, H-1B doesn't cause age discrimination but it makes it a lot easier for employers to do it. It would be more accurate to say that H-1B is an age discrimination enabler because the program provides a huge pool of fresh, inexpensive young blood to exploit. From an employer's point of view the rest of the world has an infinite labor pool that can be used to churn older employees out, and younger ones in.

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Infinite labor pools are also very useful for creating labor arbitrage, but that's probably less of a factor in teaching where labor rates are set. So, keep reading to find out why schools benefit from churning.

To understand how well churning has worked for Louisiana schools look at the table on the web page:

<http://blog.nola.com/graphics/2009/08/RSD-rookie-teachers.jpg>

That chart shows that 47% of the teachers in the Recovery School District are first year teachers while only 1% have been teaching for more than 36 years. Refer to this chart to see what that means in terms of salaries:

<http://www.rsdl.net/Libraries/Salaries/Teachers.sflb.ashx>

In simple terms, first year teachers get first year salaries and benefits, so every time the school hires a fresh wave of Filipinos or new college graduates, they can fire older employees and save lots of cash.

Politicians and the media love to talk about unemployed engineers and scientists going back to school to get math and science teaching certificates. It's a trap many unemployed techies fall for because they don't understand that the age factor will severely harm their odds of finding a teaching job. The dynamics of age discrimination and H-1B are lost on almost every labor expert and economist in the U.S.

\*> LOUISIANA ISN'T THE ONLY STATE THAT'S DOING IT!

Take Georgia for example. They list UPI as a registered supplier for foreign teachers.

[http://www.ciclt.net/sn/org/o\\_detail.aspx?ClientCode=gaspa&O\\_ID=400006](http://www.ciclt.net/sn/org/o_detail.aspx?ClientCode=gaspa&O_ID=400006)

UPI posted news videos about their Filipino teachers that have been placed in many areas of the nation. Go here to watch:

<http://www.universalplacementinc.com/news.html>

This newsletter has done many stories over many years about H-1B teachers -- the most recent one in New York. Go to the archive to read more.

In 2004 The National Education Association published a comprehensive study

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on the use of nonimmigrant school teachers in the USA. I can't find it so they probably removed it, or changed the URL (see newsletter "NEA study on H-1B/J-1 teachers", August 18, 2004 - No. 1079"). Considering that the NEA has known how destructive the H-1B problem is, and they have understood it for many years, you would think that teacher's unions like the LFT would be opposed to the program, but they never are -- they just want to reform H-1B and to prosecute evil employers if they break the regulations. Ha!Ha!  
Unions are sooooo naive!

It's not just the NEA that understands that H-1B visa holders are being used to replace American teachers. Even the American Federation of Teachers, who co-signed the complaint wrote a study about what is going on, but teacher's unions still remain oblivious and refuse to advocate the abolishment of the H-1B program. This statement in the AFT study is quite profound -- too bad nobody pays attention to this kind of stuff:

It should be recalled that nurse migration to the U.S. began as a small and seemingly innocuous trend in the 1950s. In 2002, one in three nurses hired in the U.S. was foreign educated. Such trends in the health sector may foretell what is to come in education without thoughtful intervention.

REFERENCES:

[http://www.nola.com/news/index.ssf/2009/08/recovery\\_school\\_district\\_to\\_la.html](http://www.nola.com/news/index.ssf/2009/08/recovery_school_district_to_la.html)

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[http://www.fairus.org/site/News2?page=NewsArticle&id=21535&security=1601&news\\_iv\\_ctrl=1721#4](http://www.fairus.org/site/News2?page=NewsArticle&id=21535&security=1601&news_iv_ctrl=1721#4)

New Report Shows Schools Increasingly Hiring Foreign Teachers Over Americans

[http://www.aft.org/pubs-reports/intl/Teacher\\_Migration.pdf](http://www.aft.org/pubs-reports/intl/Teacher_Migration.pdf)

Importing Educators: Causes and Consequences of International Teacher Recruitment

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Recovery School District to lay off dozens of teachers today

Posted by rkoenig August 03, 2009 07:15AM

Chris Granger / The Times-Picayune Recovery School District Superintendent Paul Vallas greets students at L. E. Rabouin High School's graduation last year. The RSD is poised to lay off dozens of teachers today.

Two years ago, New Orleans school officials in desperate need of teachers scoured job fairs across the country, advertised online, partnered with nonprofits and offered recruits hefty relocation bonuses -- all in an effort to ensure that the city had enough teachers in its classrooms when school opened.

Then last year, the district found itself in nearly the opposite posture: awash in resumes, with 24 applicants vying for every spot in teachNOLA, a teacher training and recruiting program.

With intense competition the new norm, even at some of the city's historically hard-to-staff schools, the Recovery School District, which opens most of its schools this week, has arrived at a crossroads that would have been unimaginable two years ago: District officials are poised to lay off dozens of teachers today -- many of them veterans.

Click to open graphic in new window.

Predictably, the situation drew howls from several educators facing the prospect of unemployment.

"There's room for the young and enthusiastic, God bless them, but not at the expense of the people who have been here for many years and understand the culture," said Maryjane Potts, who taught art at the RSD's Sylvania Williams Elementary School last year but has not yet found a teaching position for this year.

Recovery District Superintendent Paul Vallas called any implication that the district favored hiring new, young teachers false, and said hiring authority lies with principals.

"They make the decision to hire: lock, stock and barrel," he said. "We don't guarantee any teacher, veteran or (new), a job."

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Last spring, district officials put Potts in a "surplus" teacher pool when they consolidated Sylvania Williams and Laurel elementary schools. Many of the 187 surplus teachers were victims of school consolidations or the transfer of portions of some RSD schools to charter school operators.

Surplus teachers did not lose their positions because of poor performance.

District officials encouraged these teachers to seek out new positions with the Recovery District or dozens of independent charter schools in the city. About 80 of those teachers had no luck -- at least with the RSD -- and received letters last week informing them that their jobs would be terminated today. Another 30 staff members, including clerical workers and teacher's aides, also received the notices.

"If you are going to do a reduction in force, why not just say that's what it is," Potts said, adding that Sylvania Williams teachers were told they would have positions at the consolidated school. "Don't come in and blindside everyone the last week in July."

Vallas said the surplus teachers were never guaranteed jobs but that more than 100 of them found new positions in the Recovery District, including most Sylvania Williams teachers. He added that many of the district's principals prefer veteran teachers, noting that more than two-thirds of the new teachers hired by RSD principals have teaching experience.

The principals' hiring "reflects their desire to have more mixed staff in terms of experience," he said.

Principals have power

New Orleans public schools now feature completely decentralized hiring: Seniority guarantees nothing, collective bargaining does not exist, and teachers keep their jobs only at the discretion of their principals.

For many officials, including Vallas and several principals, the new system rightfully puts the power in the hands of the people who know their staffs and their campus needs best.

"I think hiring this year has been really great in the sense that principals are having really candid conversations about what their expectation is for the school, why a teacher may or may not be a good fit, and what the year will look like," said Kira Orange Jones, the executive

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director of Teach For America's operations in the Greater New Orleans region. The program places elite college graduates in disadvantaged school communities for at least two years.

But to Daphanne Poole, a surplus teacher who has yet to find a job, the hiring process seemed unfair from the start. Poole, a longtime New Orleans educator who taught at Frederick Douglass High School for the second half of the last school year, said the number of job applicants dwarfed the number of openings at the job fairs and networking events she attended. Some schools did not even send representatives, she added.

Through professional contacts, Poole had leads on two possible positions in the Recovery School District. But, in both cases, school leaders told her before formal interviews that the district's central office had sent someone else over to take the job, she said, a concern echoed by other surplus teachers.

Last month, Poole missed one of the final local job fairs because of a medical procedure. Though she had wanted to attend the fair, Poole kept her appointment, fearing she soon would be without health insurance coverage, she said. Now, she's applying to districts as far away as Alaska.

Vallas denied that the district ever asked principals to choose some teachers over others. He said Recovery District officials suggested that principals first look at the list of surplus teachers when filling vacancies. The district also provided resumes of surplus teachers upon request to principals trying to staff hard-to-fill vacancies, Vallas said.

## 250 new arrivals

In interviews, four surplus teachers said they felt that Teach For America candidates were given preference over veterans in the RSD's hiring process, something Vallas and Teach for America's Orange Jones strongly deny.

"I went to the job fair and stood for hours in line. I called all the places they said were going to need people. I went through the whole process, and I got nothing, " said one surplus teacher who did not want her name used for fear it would make it harder to get a job.

The teacher said she checks the job-vacancy list every day, but whenever "you call the principals they say, 'Oh, we've already filled the position.' "

Orange Jones said her program's teachers are in the same straits as veteran educators, and are not guaranteed jobs by the RSD. She added that many of the Teach For America applicants have been turned away by multiple schools, and that some also ended up in the surplus pool.

The Recovery School District has hired about 20 new Teach For America teachers for this school year so far and has a contract to hire as many as 30 teachers through the program, though Orange Jones and Vallas say the contract does not mandate that the district hire that many.

In all, about 250 new Teach For America instructors arrived in the New Orleans region this summer to work in the Recovery District; New Orleans charters; and the schools in St. Bernard, Jefferson and St. John the Baptist parishes.

Dozens of those teachers don't yet have jobs, though Orange Jones said her organization is "used to teachers getting hired right up until the first days of school," she said.

Brian Thevenot contributed to this report.

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### New Report Shows Schools Increasingly Hiring Foreign Teachers Over Americans

A report released last week by the American Federation of Teachers (AFT) entitled "Importing Educators: Causes and Consequences of International Teacher Recruitment" has revealed that "some American school districts have turned increasingly to overseas recruiting to find teachers" to fill teaching vacancies. The findings in the new report raise questions regarding proper levels of legal immigration and, in particular, the H-1B visa program. (AFT Report; The New York Times, September 15, 2009).

According to the report, nearly 20,000 teachers were working in the United States on temporary visas in 2007, and that number is increasing steadily.

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The report contains a case study of the Baltimore Public School District and notes that the city had hired 108 teachers from the Philippines in 2005. Just two years later, more than 600 Filipino teachers are now working in Baltimore classrooms, comprising more than 10% of the district's teaching workforce. The report went on to assert that Baltimore school officials were leaning so heavily on these foreign teachers to fill job vacancies in their district that they were recruiting less aggressively in the United States: "Rather than attending job fairs throughout the Mid-Atlantic, trying to persuade reluctant American teachers to accept positions in troubled inner-city schools, HR officials can meet all their hiring needs in one trip. At a single career fair in Manila, they can interview hundreds of pre-screened applicants, each of whom is eager to pay for the opportunity to work in Baltimore city schools." (Id.).

The AFT's findings imply that international teacher recruitment is displacing American teachers. Amid the current economic recession, declining tax revenues have forced many state and local governments to lay off teachers. (The Wall Street Journal, February 3, 2009). Why, then, are school districts across the country increasingly recruiting foreign teachers to come to the United States to fill teaching vacancies? The AFT report suggests a possible answer: in one school district, foreign born teachers were "paid only \$18,000 per teacher for their services, well below prevailing wage." (AFT Report).

The AFT report also points out that many foreign teachers are being brought to the United States on H-1B visas. The H-1B visa program allows employers to bring foreign workers to the United States to work in specialty occupations that require "the theoretical and practical application of a body of specialized knowledge and a bachelor's degree or the equivalent in the specific specialty." (Department of Labor). However, some - most notably Bill Gates of Microsoft - have put forth the misconception that the H-1B program exists primarily to bring foreign workers to the United States to work in technology-related fields. Gates has then leveraged this misconception to lobby Congress to increase the H-1B visa cap so that companies such as Microsoft can have access to more cheap foreign labor. (See FAIR's Legislative Update, March 24, 2008).

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