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National Schooling in Crisis

Neoliberal Policies and the 2011 Justice
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Contract Teachers

Peter Chua
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“HOW IN THE WORLD CAN I GO BACK TO THE PHILIPPINES IN 9 DAYS? I have a car loan, doctors’ appointments, financial obligations, etc. My family is with me here, we cannot just pack our bags and go home. This is our life at stake; we need to plan for it! Talk about injustice! They could not even give a 45 day notice like our apartment does,” exclaimed Ms. Gumanoy on 8 August 2011 (Pilipino Educators Network and Katarungan 2011). Ms. Gumanoy expressed the common sentiment of about five hundred Filipino overseas contract teachers in Prince George’s County, Maryland (USA) who unexpectedly lost their jobs due to illegal practices of their employers.

This article analyzes how neoliberalism compounded the already difficult conditions Ms. Gumanoy and the other Filipino teachers and compelled them to be overseas contract teachers in the U.S. and how they struggled to advance their migrant rights as their interests as educators. The analysis highlights the importance of a nation-centered approach to counter the prevailing notions of Philippine “brain drain.”

**The 2011 Justice Campaign for
The PGCPS Filipino Overseas Contract Teachers**

On 4 April 2011, the U.S. Department of Labor (US-DOL) announced that it determined that the Prince George's County Public Schools (PGCPS) system willfully violated U.S. law related to the H-1B temporary foreign worker visa program. The PGCPS system illegally obtained from 1,044 overseas contract teachers, many of whom came from the Philippines, Jamaica, and Chile, payment for the H-1B visa processing fee.¹ As the employer, PGCPS should have paid the visa fee. In effect, the wages of these teachers were reduced below the legally required amount. While the US-DOL ruling favored the payment of teachers' back wages, it also barred the PGCPS system from continuing to employ overseas contract teachers, and thus, voided the existing contracts. As a result, the ruling ensured that the teachers were prevented to work in the U.S. and made it illegal for them to stay in the U.S.

The PGCPS system consists of over 205 schools and 125,000 students from pre-kindergarten to grade 12 and is the second largest school district in the state of Maryland, located immediately east of Washington, D.C. Its students are majority African Americans and from middle-class and working-class families. From 2004 to 2009, the PGCPS system aggressively recruited over a thousand overseas contract teachers to remedy acute shortage of qualified teachers to instruct in difficult-to-fill content areas such as math, science, and special education. Public schools including those in the PGCPS system have been required to comply with U.S. neoliberal education policies (emerging out of testing-based accountability reactionary groups) such as the No Child Left Behind Law that compel schools to adopt more stringent certification and area-expertise requirements for teachers in key content areas.

In May and June of 2011, the Filipino overseas contract teachers who were recruited to work for the PGCPS system started to explore legal and organizing options. They decided to launch a justice campaign over the wage violations and for their economic and migrant rights. Their campaign gain local support with guidance primarily from the Pilipino Educators Network (PEN), a member-based organization comprising of Filipino educators in Prince George's

County and from Katarungan, a Washington D.C.-based center that promotes peace, justice, and human rights in the Philippines through research, education, and grassroots advocacy. The overseas teachers with other PEN members and Katarungan members came together to develop campaign objectives and education materials and to coordinate major campaign activities.

On 7 July 2011, the US-DOL and the PGCPs system announced a settlement agreement, pending approval of an Administrative Law Judge. The major details of the agreement include:

1. The PGCPs system repays US\$4.4 million in back wages owed to the overseas contract teachers.
2. The PGCPs system pays a civil penalty fee of US\$100,000, reduced from the original US\$1.7 million imposed by US-DOL.
3. The PGCPs system is debarred from participating in the H-1B overseas contract worker visa program for two years.

The PGCPs system also agreed not to file or renew employment-based petitions from the date of settlement until the start of the debarment, halting attempts for overseas contract teachers to adjust their immigration status (by renewing their H-1B visa or by applying for permanent residency). Moreover, the settlement agreement was developed and finalized without consultation with the overseas contract teachers and without consideration on how the agreement would adversely affect these teachers.

U.S. Labor Secretary Hilda Solis viewed the settlement as a victory for worker rights. Yet teachers affected by the settlement saw it differently. While US-DOL penalized the PGCPs system from participating in the H-1B visa program, the unfair circumstances of the settlement unfortunately ended up punishing the victims of the PGCPs's violations. Moreover, this settlement discourages H-1B workers or other victims to expose future labor violations. In effect, although the PGCPs overseas contract teachers gained an average payout of \$4,044, hundreds saw their contracts terminated, faced deportation, and became undocumented.

A PGCPs system spokesperson admitted it was becoming too costly to continue to employ overseas contract teachers. Given worsening budget cuts, the PGCPs system needed to cut as many as 700 teaching positions. While it had encouraged more than 500 teachers to accept an early retirement, the system sought to cut an additional 200 positions with the termination of overseas contract teachers, as an expected outcome from the US-DOL settlement.

As the new school year started in August 2011, many teacher visas expired and fresh graduates with limited classroom experience would replace the more experienced teachers. The PGCPs overseas contract teachers, others educators, and support organizations raised concerns over possible reversal in student performance gains that overseas contract teachers have helped build for several years. PGCPs students were made to suffer from the irresponsibility of the PGCPs system.

In effect, the PGCPs overseas contract teachers and support organizations intensified the justice campaign to overturn the US-DOL ruling and settlement agreement and to ensure the overseas contract teachers continued to work in the U.S. The justice campaign escalated their campaign with raising greater public awareness, holding fundraising benefits, and more fierce protest mobilizations. For instance, the campaign galvanized hundreds of Filipino overseas contract teachers and their supporters to picket several times in front of the US-DOL Washington, DC national office and rallied in front of the White House and the U.S. Department of Homeland Security.

The major campaign demands included: (1) the replacement of the unjust US-DOL and PGCPs settlement agreement with a just and equitable solution that allows for the continued legal employment-based sponsorship of overseas contract teachers from the Philippines and other countries; (2) the PGCPs overseas contract teachers should not be punished with job loss and deportation because of the PGCPs system's willful failure to comply with the law; (3) a public investigation of the negative impacts of terminating the highly-qualified overseas contract teachers; and, (4) call on the Philippine Embassy to

exert maximum effort in mobilizing appropriate resources to assist PGCPs Filipino overseas contract teachers and other Filipino migrants in distress. The organizations widely circulated these demands using online petitions that gathered around 3,300 signatures in four months. The campaign drew support from parents, labor organizations, and the U.S.-based National Alliance for Filipino Concerns as well as the ACT Teacher Party-List in the Philippines. It gained U.S.-wide and international attention with coverage such as that of MSNBC News, BBC World News, and Philippine news media. Furthermore, the television documentary *The Learning* aired across the U.S. that spotlighted the plight of the PGCPs Filipino overseas contract teachers.²

The “Brain Drain” of Filipino Educators?

The “brain drain” concept (also known as “human capital flight”) refers to large-scale migration of highly skilled professionals such as the PGCPs teachers, scientists, engineers, and health care personnel, often from a country with an abundant supply of these professionals to a new host country where the economic and societal need exists. Since the late 1960s, this concept began to gain circulation among leading academics and to be integrated as a key component to theories on international migration and on dependent development of Third World economies.³ In the 1980s, a number of mainstream scholars on the Philippines began, for instance, to incorporate the brain drain concept into their particularization of perspectives such as Frank’s dependency theory, Cardoso and Faletto’s dependent capitalist development theory, and Wallerstein’s world-system analysis. As such, a dominant model on the Philippine brain drain began to emerge, which offered an explanation as to why seeming-large number of professionals were leaving the Philippines and seeking permanent work in other countries.

The Brain Drain Model—as applied to the Philippines context—explains that pull-factors such as far better economic opportunities for professionals such as PGCPs teachers and the far greater need for them in host countries (such as the USA) drive large-scale out-migration. As a result, the

“brain drain” related to these professionals mainly keeps the Philippines as a poor and underdeveloped country.

While the Brain Drain Model continues to be popular and widely circulated, this model is based on several key not-so-obvious assumptions that are often un-examined (see Figure 1 and Table 1):

1. It assumes that the transnational migration of low-skilled workers and high-skilled professionals is within a single unified global economy. These transnational migrants are viewed as extensions of trading relations among nations within this global system. In particular, this unified and interlinked system has for a long time been a world capitalist system in which the U.S.A. is a core element of the world-system and the Philippine is a peripheral or semi-peripheral element of the world-system. As such, the Philippine may be viewed as a semi-capitalist country, a dependent capitalist country, or a periphery country in the capitalist world-system, depending on the particular version of the model.
2. Because the Brain Drain Model argues that the large outflow of the best, brightest, and high-skilled professionals keeps the Philippine poor, the model place great emphasize that *if these professionals choose* to stay in the Philippines, poverty and economic hardship would end and strong capitalist growth would “take-off” in the country. It is assumed that Philippine underdevelopment is mainly due to professionals leaving the country.
3. Furthermore, the Brain Drain Model assumes that migrants in the host country are very likely to be highly desired and well received. These migrant professionals such as Philippine teachers recruited to work in the U.S. would be widely accepted into U.S. society and generally be able to assimilate economically, politically, and culturally into U.S. society.

With the noticeable assimilation of Filipino professionals in the U.S. society, the Brain Drain Model may be strongly upheld. Yet, the economic and political struggle of the PGCPs overseas contract teachers as well as many other Filipino professionals demonstrates that the Brain Drain Model needs serious rethinking. We must not assume that Filipinos such as the PGCPs Filipino

migrant teachers are the main reason for the economic backwardness of the Philippines. It becomes imperative that we question strongly the Model's assumptions and assertions and consider other possible explanations, grounded in the concrete experiences and struggles of these teachers.

Figure 1. Competing Models on Formal Schooling and Transnational Migrant Teachers

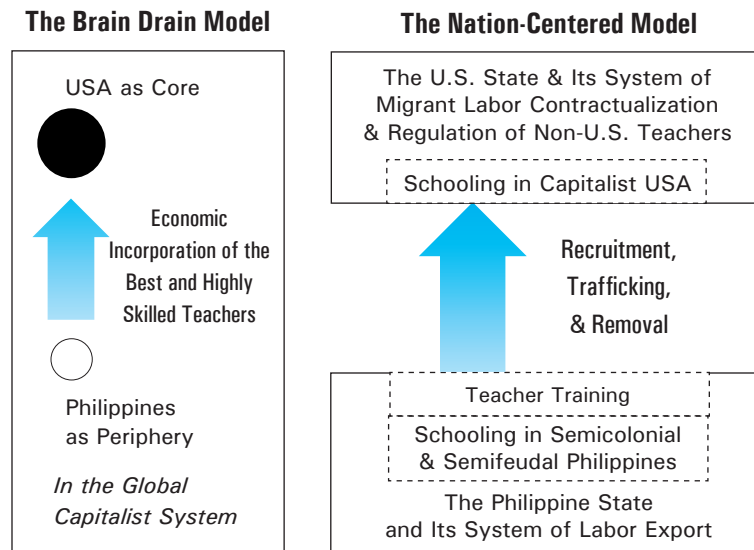


Table 1. Competing Models In Analyzing the Injustice Faced By the PGCPs Teachers

	The Brain Drain Model	The Nation-Centered Model
The Philippine and its Schooling Institutions	Semi-Capitalist or Dependent Periphery in the Global Capitalist System	Semicolonial and Semifeudal
The U.S. and its Schooling Institutions	Core in the Global Capitalist System	Monopoly Capitalist
Significant Outcomes	Brain Drain Promotes Underdevelopment in the Periphery Assimilation of Professional Immigrants Into Core Country	U.S. Domination Maintains Philippines as Semicolonial and Semifeudal, Resulting in State-System of Filipino Labor Export The U.S. and Philippine States Perpetuate a Transnational System of Labor Certification, Trafficking, Removal, and Regulation

Towards a Nation-Centered Model of Labor Contractualization and Regulation of Migrant Labor: Differences in Crisis and System of Schooling Between the U.S. and The Philippines and Their Interrelations

The Nation-Centered Model I am proposing begins with an analysis of the particularities in the national economic and political crisis and their relations to schooling and labor regulation (see Figure 1 and Table 1). The characteristics of U.S. and Philippine societies remain highly distinct as well as their nature of their crisis. The U.S. is a monopoly capitalist country, facing relatively short periodic cycles (over several years) of economic boom and economic crisis. For instance, the U.S. has been experiences a serious economic depression starting 2006, after several years of seemingly economic growth and limited recovery. With the overproduction of industrial commodities and manufacture goods and in housing, the U.S. economy entered in 2006 a sharp rise in national business closures and job loss, which continues in 2011. This economic crisis provided the pretext for further local adoption and implementation of neoliberal policies

of the PGCPs system prompted its aggressive recruitment overseas as well as the termination of the contract teachers.

In contrast, the Philippines remains a semifeudal country, even after its political “independence” of the U.S. in 1946. The crisis in semifeudal and semicolonial countries such as the Philippines differs in character with that of capitalist societies. The economic crisis in the Philippines reflects the contradictions in its primarily rural agricultural economy and in its very weak industrial manufacturing sector, which serves the U.S. and dominant monopoly capitalist interests. The recent presidencies of Gloria Macapagal-Arroyo and Benigno Aquino III further have made worse the lives of the majority through greater displacement of land and livelihood, intensifying joblessness and economic hardship, and high level of state corruption. The deepening crisis in semifeudal and semicolonial Philippines has resulted in further implementation of particular national policies that advance the neoliberal agenda. While the crises of the Philippines and the U.S. have important national features, they are nonetheless interrelated in a world capitalist system through relations of dominance and subordination. As a consequence, Philippine schooling and state institutions remain compliant to U.S. interests and ensure the continuation of the semicolonial and semifeudal system in the Philippines. Thus, the Philippine economic crisis has compelled educators to become contract workers overseas.

States as Labor Brokers and Traffickers of Filipino Overseas Contract Teachers

The Nation-Centered Model makes explicit the distinctive brokering and trafficking role of the Philippines as the “sending” state and the U.S. as the “receiving” state in the context of the *authorized trafficking* of Filipino overseas contract teachers.

The role of the Philippines state has been to ensure the systematic and coercive export overseas of Filipino migrant labor through its official Labor Export Program (LEP) policy. This and similar government policies advancing

neoliberalism make certain that the Philippine economy remains semifeudal and that there are very limited employment opportunities and very low pay even for those with jobs. Moreover, the government continues to reduce and cut state support to public education, making learning and teaching much more challenging with less than adequate support and resources. These issues are particularly salient for many teachers in the Philippines, some of whom seek work overseas not based on their own personal choice or interests. Furthermore, the Philippine state also actively manages an elaborate brokering system of job training, migrant verification, employment certification, and employee relations to ensure that Filipino workers are trafficked overseas (see Rodriguez 2010).⁴

During the recent economic crisis and in the context of neoliberalism, the role of the U.S. government has been to promote greater contractualization of state employees (such as public school teachers) and to monitor and criminalize more intensely migrant workers overseas. Thus, the U.S. state continues to manage and regulate actively migrant flow, particularly processes related to employment and migrant entry, exit, and removal, and take part in the authorized trafficking of migrant workers (see Chua and Francisco 2007). In this context, neoliberalism fosters drastic cuts in state programs, increase in public and private policing, and increase use of the “individual responsibility” discourse to categorize migrants who would be “deserving” to be authorized and legal to work and to reside in the U.S.

Furthermore, the PGGPS system actively recruited teachers trained overseas such as those from the Philippines on a short-term contractual basis to resolve initially its worsening financial crisis linked to costs for teacher benefits and compensation employed long term and the address the strong demand of core content-area teachers to instruct in predominantly Black and working-class communities. Also, the need for these teachers reflects the more structural weaknesses of U.S. schools in general and of teacher-training institutions in particular to recruit and develop teachers in these subject areas.

Neoliberal States Dismantling Migrant Labor Protection

The Nation-Centered Model highlights how Filipino overseas contract teachers do not easily assimilate economically and politically into U.S. society as suggested by Brain Drain Model. Rather the Nation-Centered Model emphasizes that the systemic difficulties faced by a good number of these teachers emerge from neoliberal policies that curtail labor and migrant rights. In particular, the PGCPs wage violation and its reduction of more positions prompted by heighten budgetary woes as well as the US-DOL and PGCPs agreement highlight the challenge for the teachers to advance economically in the U.S. Moreover, U.S. local and national state agencies are limited in the ways they can provide politically just and economically equitable options for the teachers.

Likewise, the Philippine state as the main labor broker and trafficker failed to provide adequate protection to its citizens by enforcing the labor contract and standing firm against the US-DOL and PGCPs agreement. The Philippine state opted only to take limited actions by engaging in the publicity effort to support the teachers. It took no real legal action to enforce the contract, ensure that the teachers continue to work at PGCPs schools, and challenge the U.S. government to ensure economic justice for the Filipino contract teachers.

Filipino Overseas Contract Teachers: Organizing in the Context of Neoliberal Crises

Given the unsatisfactory conduct of Philippine and U.S. governments and PGCPs as the employer, the Filipino overseas contract teachers organizationally came together to protect and advance their interests, sought support from U.S.-based Filipino community organizations, and launched a justice campaign.

The Nation-Centered Model draws attention to the political initiatives of the teachers, their organizations, and other Filipino community organizations in challenging the faulty neoliberal policies that negatively affected these overseas contract teachers. These organizations highlighted the need for greater rights and protection for migrants and contract workers in the U.S. These rights

have been under serious attack given neoliberalism and in the current economic crisis. Moreover, these organizations campaigned for more funding for public schools and better working conditions and for pro-migrant policies.

Yet U.S.-based reform campaigns remain insufficient to address comprehensively the economic struggles of Filipino overseas contract teachers. More structural and genuine changes in the Philippines, its economy, and its state are necessary. Still during the brief duration of the PGCPST Filipino overseas contract teachers justice campaign, pro-migrant, pro-education, and other pro-people organizations campaigned with initial and limited efforts to make the Philippine state accountable for LEP and its role as migrant labor broker and trafficker, its neoliberal policies that cut funding to education and other social programs and ensured the further continuation of the country to be semifeudal and semicolonial.

Closing Remarks

Schooling has been an important institution in the U.S. colonization of the Philippines. The 2011 justice campaign for the PGCPST Filipino overseas contract teachers reveals important vestiges of earlier colonial schooling turned upside down. In this case, Filipino educators are used to teach U.S. students. It may seem that the Philippine “brain drain” exists. Yet with neoliberalism, the ongoing uneven U.S.-Philippine relations, and semifeudalism and semicolonialism in the Philippines, the justice campaign must be analyzed within a nation-centered framework that draws out national distinctions in economic crises, in the role of states in labor trafficking, migrant regulation, and labor contractualization, in the national particularization of neoliberal policies, and in national struggles for genuine economic betterment.

The proposed Nation-Centered Model developed here remains rather rudimentary. Key features of the model can be developed further. The model can be expanded, for instance, to incorporate important aspects of “low-cost” training of teachers in the Philippines for export to capitalist countries and the

for-profit system of teacher recruitment to the U.S. This model might also be applied to concrete conditions beyond the education sector to other similar “brain drain” sectors such as the healthcare profession and be contrasted to account for specificities of industrial sectors such as the burgeoning call-centers in the Philippines.

As the world protracted global recession and national economic crises unfold and as neoliberal economic policies ensure greater labor contractualization, more sizeable batches of labor recruitment of Filipino overseas contract teachers to the U.S. as well as their mass layoffs and deportation are to be expected. The experiences from the justice campaign of the PGCPSP Filipino overseas contract teachers and other earlier campaigns provide guidance in the development of more effective pro-migrant, pro-education, and anti-trafficking organizing.

In rebuilding their lives and seeking new jobs, Ms. Gumanoy and many of the PGCPSP Filipino overseas teachers are more powerful, having been in the forefront of confronting neoliberalism in education and taking part in mass-movement building.

Notes

1 The H-1B visas allow overseas contract workers in the U.S to work temporary with a maximum of up to three years and are renewable twice. During this period, these workers may apply to obtain permanent residency status. Some of the PGCPSP overseas contract teachers were able to acquire permanent residency status during their stay and prior to the US-DOL debarment. Many of them were still in the process of changing their immigration status to gain U.S. permanent residency.

2 See the internet sites of the Pilipino Educators Network < <http://www.penua.org/>> and Katarungan <<http://www.katarungan-dc.org/>> and the campaign petition site <<http://www.change.org/petitions/tell-dol-dont-deport-filipino-teachers-after-school-system-failed-them>> for various media accounts. Also, the PBS network website <<http://www.pbs.org/pov/learning>> provides classroom and discussion guides related to *The Learning* documentary.

3 For an early example of this line of argument, see the writing of sociologist Walden Bello and his colleagues (1969) regarding the so-called brain drain phenomenon.

4 For instance, see the posting on the teacher blog site for the Philippine Department of Education that promoted recruitment to work in the U.S. and in PGCPs in particular (“Lessons of an Imported Teacher” 2008).

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