

# Raising the Bar:

**The Views of California Teachers on Tenure,  
Layoffs and Dismissal**

Winter 2015

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This Teach Plus research is supported by generous contributions from many philanthropic donors, including the Moriah Fund and Heidi and Richard Landers.

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## **Acknowledgments**

The authors wish to thank the following teachers for their invaluable input: Lauryn England, Bootsie Battle-Holt, Kat Czujko, and John Rodriguez. We also wish to thank Teach Plus colleagues Celine Coggins, Alice Johnson Cain, Jennifer Kress, and Will Wiggins for their key contributions. Additionally, we want to thank Paul Goodwin for the design and administration of the survey. Finally, we want to thank the more than 500 classroom teachers of California who helped to provide their perspectives and experiences that were used in this report.

## **About Teach Plus**

The mission of Teach Plus is to improve outcomes for urban students by ensuring that a greater proportion of urban students have access to effective, experienced teachers.

# INTRODUCTION

In June 2014, the Los Angeles Superior Court, in ruling for the plaintiffs in the *Vergara v. California* case, amplified an already-intense debate about the quality of teachers and the rules that govern school staffing. In his decision, Judge Rolf Treu found that current statutes violate the state's equal protection clause by disproportionately harming low-income students and students of color.<sup>1</sup>

Judges and lawyers are just one set of actors in a large cast of stakeholders who have a significant public voice in how teachers are hired, retained and dismissed. Legislators, school and district administrators, state department of education officials, researchers, parents and assorted policy experts and school reformers have all stepped to the metaphorical microphone to weigh in with an opinion. Yet the voice that has arguably been the least present is that of actual practicing public school teachers.

To ensure that the voices of teachers are heard in the wake of the *Vergara* ruling, Teach Plus convened a group of 30 high-performing Los Angeles teachers this summer and issued their recommendations in the paper "Valuing Performance and Honoring Experience: Teacher Solutions for a Post-Vergara Profession."<sup>2</sup> The survey conducted for [this](#) report investigates the same set of questions about school staffing, but with a much larger and more representative sample of California public school teachers.

In this report, we seek to bring into clear focus the views of current California classroom teachers- teachers who are in front of our students every day and teachers who, like students, would be profoundly affected by changes in the policies addressed in the *Vergara* case. Our findings demonstrate remarkable consistency among California teachers about which policies should be kept and which should be improved with changes.

The views of current teachers, reflected herein, are important because they offer an actionable "third way" between reformer calls to throw out all teacher job protections and old-guard calls to preserve virtually all elements of the current system. These views provide a blueprint for a future system that works for both students and teachers.

## RESEARCH METHOD

Between December 4 and December 14, 2014, an online survey was administered to current, full-time California traditional K-12 public school teachers, resulting in a sample that is representative of California teachers with respect to age, gender and length of service.<sup>3</sup> The composition of the 506 responding teachers includes 15 percent with five or fewer years of teaching experience, 21 percent with six to 10 years of experience, 34 percent with 11 to 19 years of experience and 30 percent with 20 or more years of experience. Seventy percent of the responding teachers are female and the average age of the respondents is 44.7 years. Forty-five percent teach in Kindergarten to grade five, 26 percent in grades six to eight and 34 percent in grades nine to 12, with some teachers teaching in multiple grades. Public charter school teachers are not a part of the sample.

To minimize bias, the survey was administered by Goodwin Simon Strategic Research. No reference was made to Teach Plus in the survey and respondents were not informed of the sponsors of the survey. Teach Plus did not provide the polling firm with email addresses or contact information of teachers who have previously

affiliated with the organization. In the report's figures and discussion, results and aggregate summary results may not sum to 100 percent due to rounding.

Based on the responses of these teachers, in this report Teach Plus seeks to address the following questions:

1. What value do teachers place on tenure as a professional benchmark and what are their perspectives on the changes, if any, that should be made in the earning and granting of tenure?
2. When faced with shrinking budgets and potential teacher layoffs, what do teachers think about how seniority and performance should be weighted in layoff decisions?
3. What do teachers think about their schools' and districts' systems of support for struggling teachers and the appropriate time frames for exiting ineffective teachers from the teaching profession?
4. What role do teachers think that they should play in the development of policy around tenure, layoffs and dismissal as well as in the execution of these policies?

The report is organized around four findings that address these questions. We hope that these findings, taken together, will form a basis for thoughtful development of teacher-led and supported policies around complex issues of tenure, layoff and dismissal in ways that improve outcomes for all students in California. This report concludes with a call for more teacher voice in the policy development and implementation process.

## KEY FINDINGS

**Finding #1:** Teachers highly value tenure but strongly support making tenure a more performance-based, professional benchmark

**Finding #2:** Teachers believe that classroom performance should be an important element in any layoff decision

**Finding #3:** The current system needs to better support struggling teachers while setting a clear time frame for exiting persistently ineffective teachers from the profession

**Finding #4:** Teachers must play a central role in both the development of policy around tenure, layoff and dismissal systems and in the execution of these policies

## FINDING #1: TEACHERS HIGHLY VALUE TENURE BUT STRONGLY SUPPORT MAKING TENURE A MORE PERFORMANCE-BASED, PROFESSIONAL BENCHMARK

In surveying teachers about tenure, we found that while teachers strongly support the concept of tenure, they seek to make it a true, professional benchmark through clear use of teaching performance in all tenure decisions, a substantially longer period of time to demonstrate classroom effectiveness, and broader input from multiple decision-makers in tenure decisions.

## Background on Tenure Systems in California

Under the current California education code, tenure (or “permanent status”) is granted to traditional public school, fully credentialed/certificated teachers on the first day of their third year of teaching - provided that the district exceeds 250 students and the teacher serves the prior two complete, consecutive years as a fully credentialed teacher. By March 15 of the teacher’s second year, a district determination must be made to “re-elect” the teacher to remain in the district for the subsequent year. If no determination is made, the default action is to re-elect the teacher.<sup>4</sup>

Tenure or “permanent status” means that, under the California Education Code, teachers with permanent status can only be terminated for “just cause” or as part of a layoff. If a teacher is notified that he/she is being terminated for cause, he/she is provided a series of legal protections. “Just cause” includes unsatisfactory performance, immoral or unprofessional conduct, persistent disobedience of applicable laws and policies, among several others.<sup>5</sup>

## Broad Support for Concept of Tenure

Our first area of interest was to determine what teachers thought, in general, of tenure and its impact on schools in California. We found that by wide margins, California teachers strongly support the concept of tenure, believing that tenure positively impacts the quality of teaching, that it carries great personal importance to teachers, and that it limits potential arbitrary or vindictive decision-making by administrators in personnel matters.

A majority of teachers see tenure as having a clear, positive effect on the quality of teachers and view it as an important personal and professional benchmark. We asked respondents if they thought that teacher tenure has had a positive or negative effect on the quality of teachers in California and 56 percent of teachers said that it has had a positive effect. Only 23 percent believe that tenure has had a negative impact on teacher quality.<sup>6</sup>

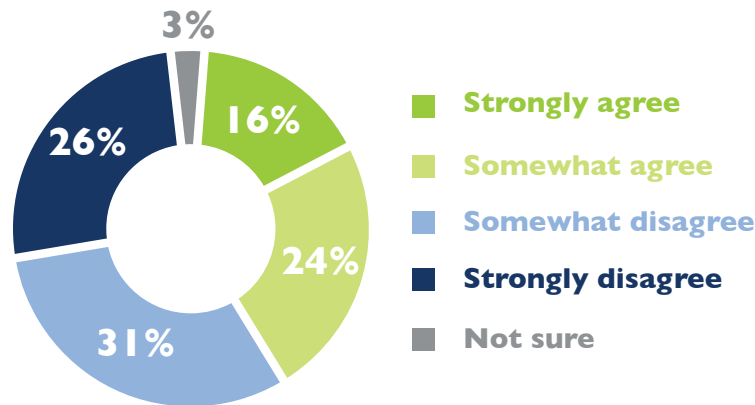
In addition to the positive impact teachers believe tenure has on California schools, we also wanted to gauge the importance and meaning of tenure to teachers. In two separate questions, we asked respondents how important tenure was to them personally and how meaningful an achievement it was to get tenure. Seventy-three percent of teachers see tenure as either a very meaningful or a somewhat meaningful achievement. An even greater proportion of teachers, 81 percent, feel that tenure is important to them personally.<sup>7</sup> These findings suggest that tenure is of critical importance for California public school teachers both as a personal achievement as well as being a positive influence on teacher quality in schools.

**81%** of teachers believe that **having tenure is important**

At the same time, while most teachers highly value tenure, a large majority of surveyed teachers recognize the need for change in how tenure decisions are made, who is involved in granting it, and how long it takes to earn it. While tenure is an important milestone for teachers personally, just 40 percent believe that tenure is granted to only effective teachers- suggesting that a minority of teachers believe that performance is factored into tenure decisions in ways that differentiate effective from ineffective teaching (see Figure 1).

**Figure 1**

**Question: “Please indicate if you agree or disagree with the following statement: ‘In your experience, only effective teachers can get tenure.’”**



One of the arguments for having tenure in education is the role it plays in safeguarding teachers from possibly unfair dismissals by their administration. We were interested to learn if teachers observed tenure providing this protection. Specifically, we asked if they had ever worked at a school with a teacher they thought was effective whose tenure status protected him or her from an unfair dismissal effort by an administrator. Fifty-five percent of teachers responded in the affirmative, suggesting that teachers also see tenure as playing a role in protecting effective teachers from arbitrary decision-making by an administrator (see Figure 2).

**Figure 2**

**Question: “Have you ever worked at a school with a teacher you thought was effective whose tenure status protected him or her from an unfair dismissal effort by an administrator?”**



On the other hand, we were also interested in hearing from teachers as to whether or not tenure was acting as a barrier towards removing those teachers who were not serving students well. When we asked respondents if they had ever worked with another teacher who they felt should have been dismissed due to poor performance but whose tenure status seemed to prevent this, more than two-thirds of teachers (69 percent) said “yes” (see Figure 3).

**Figure 3**

**Question: “Have you ever worked with a teacher who you thought should have been dismissed due to poor performance in the classroom but was not dismissed because he or she had tenure?”**



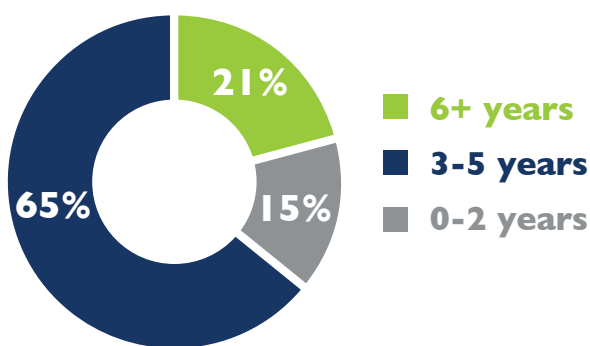
### Strong Support for Making Tenure a Benchmark Earned through Performance

While teachers value tenure, they very strongly believe that standards must be raised for attaining what teachers see as an important professional benchmark. Current standards provide only 18 months for an administrator to make a tenure-related decision. Furthermore, many districts in California lack a rigorous and affirmative process for determining whether a probationary teacher merits tenure.<sup>8</sup> Surveyed teachers believe that there should be a greater period of time involved in tenure decisions and that there needs to be a clear determination of classroom effectiveness before granting tenure.

Teachers strongly support a period of time beyond the current 18 months for an administrator to determine whether or not a teacher should be granted tenure. In fact, 72 percent of teachers believe that 18 months is not enough time for an administrator to make a tenure determination.<sup>9</sup> A separate question found that, on average, teachers believe that five years is the appropriate length of time before an administrator makes a decision about whether or not a teacher should be granted tenure. Only 15 percent of teachers believed that the appropriate amount of time should be two years or less (see Figure 4).

**Figure 4**

**Question: “In your opinion, how many years should a teacher serve in the classroom before an administrator makes a decision about whether or not the teacher should be granted tenure?”<sup>10</sup>**



**5 YEARS**

Time, on average, teachers say teachers should serve in the classroom **before a tenure decision is made**

In addition to learning about how long teachers believe it should take to earn tenure, we were interested to hear from teachers about their views on how tenure was earned. Specifically, we asked respondents about three potential revisions to tenure rules in California, including requiring a measure of classroom effectiveness, requiring observations from multiple administrators, and opening up the tenure decision to involve other teachers. We found that a strong majority of teachers supported these possible revisions to how teachers earn tenure in California.

First, we found that California teachers overwhelmingly support the need for the demonstration of classroom effectiveness in tenure decisions. As noted earlier, just 40 percent of teachers believe that only effective teachers can get tenure. But the vast majority of teachers - 92 percent - support a demonstration of classroom effectiveness to achieve tenure, something that is not explicitly required in all districts in California.<sup>11</sup>

**92%** of teachers believe that they **should be required to demonstrate classroom effectiveness** as part of the tenure decision

Second, teachers were highly supportive of having more and different people weigh in on tenure decisions. Specifically, California teachers favor the use of multiple decision-makers in tenure-related decisions and were explicit about the use of other teachers in the process. We found that 83 percent of teachers support requiring observations from multiple administrators in tenure decisions, an increase from the often sole administrator involved in the process.<sup>12</sup> Furthermore, we found that teachers strongly support including their peers in tenure decisions, with 75 percent of teachers favoring observations from teacher peers as part of the tenure decision.<sup>13</sup> When teachers were asked specifically about who they thought should make the decision to grant tenure to a teacher, 75 percent of teachers believe that qualified teachers should play some role in the tenure decision.<sup>14</sup> These findings suggest a strong preference on behalf of the teachers surveyed to widen the decision to grant tenure to multiple parties, including more administrators as well as other teachers.

In sum, the value that teachers place on tenure ties in closely with their belief that tenure provides a reasonable amount of job security to teachers. At the same time, California teachers appear ready to elevate the teaching profession by making tenure a more meaningful professional achievement. Of particular note is the broad-based support by teachers to substantially extend the amount of time involved in the granting of tenure- by allowing teachers to develop professionally (e.g. through ongoing collaboration with peers) and to prove themselves over a sufficient period of time. This extension of time also would allow administrators to make more fully-informed decisions about a teacher's promise. Finally, for California teachers, "raising the bar" also means explicit inclusion of teaching effectiveness in tenure-related decisions- thereby giving administrators greater opportunity and incentive to retain outstanding educators.



## **FINDING #2: TEACHERS BELIEVE THAT CLASSROOM PERFORMANCE SHOULD BE AN IMPORTANT ELEMENT IN ANY LAYOFF DECISION**

In surveying teachers about layoff policies, we found both a wide range of views on current layoff systems and support for continued use of seniority in these decisions. However, we also found that teachers supported the idea of explicitly using performance in the classroom as part of all layoff decisions.

### **Background on Layoff Policies/LIFO in California**

In California, when layoffs are necessary, they are based on the LIFO (“last in, first out”) provision in the California education code. The LIFO provision prescribes the factors that can be used to determine which teachers are terminated in the event of layoffs. With few exceptions, these factors include a teacher’s tenure status (probationary or permanent) and his or her seniority.<sup>15</sup>

With California’s statewide financial challenges between 2007 and 2012, many California school districts were compelled to lay off substantial numbers of teachers. Over these five years, California’s overall teaching force fell by 32,000 - with large numbers of financially-driven layoffs.<sup>16</sup> Determination of layoff sequence is subject to current California law, which generally mandates that tenure status and seniority be the determining factors in layoffs. As layoffs are executed without explicit consideration of performance, both effective and ineffective teachers have been subject to these layoffs. The ironic impact of the LIFO system is that early-career, tenured teachers (who have earned due process protections) are routinely laid off for reasons unrelated to performance. At the same time, most veteran teachers are largely immune to layoffs, independent of their effectiveness in the classroom.

The pervasiveness of layoffs of effective teachers is reflected in the fact that 74 percent of teachers in our survey said that they have worked at a school where a teacher that they thought was effective was laid off because of a lack of seniority.<sup>17</sup>

**74%** of teachers worked at a school with a teacher they thought was effective but who was **laid off because he or she lacked seniority**

The effects of seniority-based layoffs on a wide range of student outcomes also have been significant, as documented in several California and nationwide studies.<sup>18</sup>

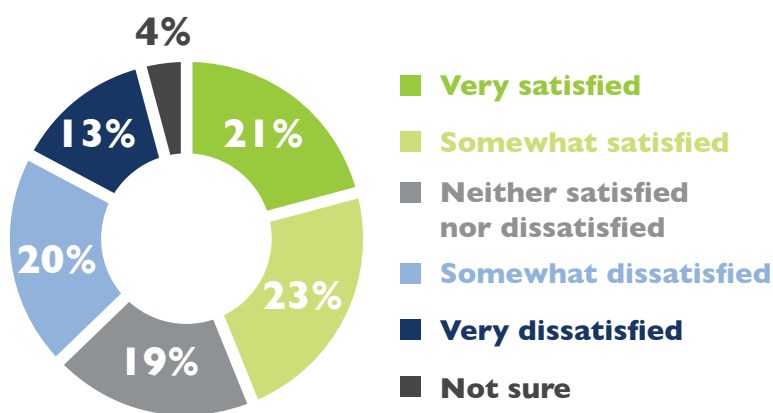
## Strong Support for Use of Performance and Seniority in Layoff Decisions

Our areas of interest around layoff policy/LIFO revolved around teachers' general views of the current system, their degree of support for use of performance in layoff decisions, and their preferred weighting of performance and seniority in a potentially revised system for determining layoffs.

We found a wide range of views around current layoff policies- with teachers notably divided on the issue. In asking teachers about their views of the current system used to determined layoffs, 44 percent of teachers indicated that they were satisfied with the current system, while 33 percent were dissatisfied. A substantial number of teachers (23 percent) were either neutral on the question or not sure (see Figure 5).<sup>19</sup>

**Figure 5**

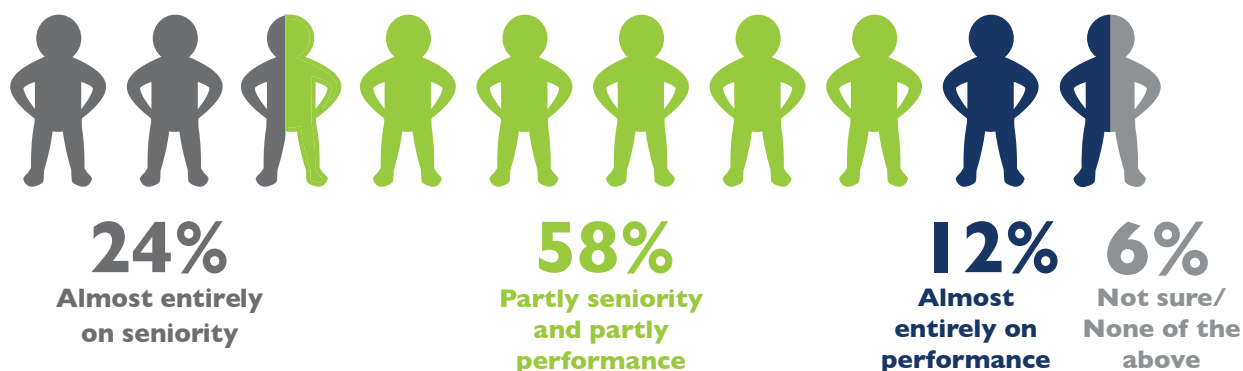
**Question: “As you know, budget cuts reducing school funding in California have resulted in periodic teacher layoffs. How satisfied are you with the current rules in your district for deciding which teachers are laid off?”**



At the same time, when we asked teachers whether teacher performance should be considered in deciding who gets laid off, we received a very different and clearer response. Seventy-one percent of teachers feel that layoff decisions should be based either partly or entirely on performance in the classroom. Only 24 percent of teachers supported basing layoff decisions almost entirely on seniority (see Figure 6).<sup>20</sup>

**Figure 6**

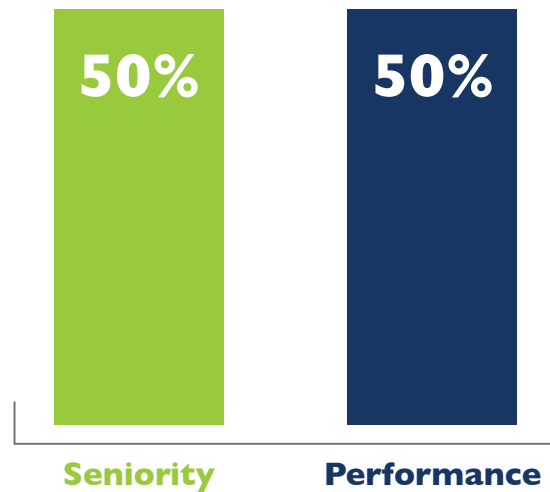
**Question: “If a district has to lay off teachers, do you think that the decision about which teachers get laid off should be based on:”**



To narrow in on performance and gain a more exact sense of teachers' preferred weighting of performance and seniority in layoff decisions, we posed an open-ended "fill in the blank" question that asked teachers to provide a specific numerical weighting between seniority and performance in layoff decisions. On average, teachers chose to weight performance and seniority equally- representing a desire for substantial change from current layoff policy (see Figure 7).<sup>21</sup>

**Figure 7**

**Question: "If there were a fair way to evaluate teachers, what do you think is the right balance between seniority and performance to determine teacher layoffs? Your answer can be anywhere from (0% seniority and 100% performance) to (100% seniority and 0% performance), or any combination in between."**



It should be noted that included in the set of questions about the use of performance in layoff decisions, teachers were asked whether they felt a fair evaluation of teachers is possible. Seventy-five percent of teachers believe that it is definitely or probably possible to develop a fair way to evaluate teachers. Only two percent felt that it is definitely not possible.<sup>22</sup> Teachers were not surveyed on the exact components and weighting of evaluation systems.

**75%** of teachers believe it is possible to develop a **fair way to evaluate teachers**

In sum, surveyed California teachers strongly support the use of performance in layoff policies, as they did in the case of tenure-related decisions. Believing that a fair evaluation system is possible, these teachers want to modify the current layoff statutes that revolve around tenure status as well as the date on which a teacher signs his/her district contract. The survey results provide strong support for adopting a mixed use of both seniority and performance in any needed layoff decisions.

## **FINDING #3: THE CURRENT SYSTEM NEEDS TO BETTER SUPPORT STRUGGLING TEACHERS WHILE SETTING A CLEAR TIME FRAME FOR EXITING PERSISTENTLY INEFFECTIVE TEACHERS FROM THE PROFESSION**

In surveying teachers about dismissal-related issues, we found that teachers clearly recognize the need for greater support of ineffective colleagues and want to establish clear time limits in potentially dismissing persistently ineffective teachers. At the same time, teachers believe that districts must provide far better instructional support for struggling teachers.

### **Background on Dismissal Statutes in California**

Certificated, tenured public school K-12 teachers have a series of protections that pertain both to their status as California public employees and to their attainment of tenure. While California statutes are specific in prescribing time frames around some dismissal-related processes, the statutes do not mandate initiation of dismissal proceedings by a district after a certain period of time when a teacher fails to meet minimum performance expectations or receives unsatisfactory ratings. For a variety of reasons, including resignation, the frequency of dismissal of tenured teachers purely for unsatisfactory performance is extremely limited. A report by Students Matter found that the annual number of tenured teachers dismissed in California for unsatisfactory performance averaged just 2.2 (out of a total teaching force of about 275,000) - reflecting the complexity of the dismissal process.<sup>23</sup>

### **Teachers Want Greater Support for Struggling Colleagues and Clear Timelines for Dismissing Ineffective Teachers**

To understand teachers' perceptions about whether they have colleagues who need supportive intervention and/or may not be suited to the profession, we asked a series of questions. We asked teachers whether they believe that there are teachers at their school who are ineffective and who need additional training and assistance. Sixty-six percent of teachers answered affirmatively.<sup>24</sup>

**66%** of teachers believe that there are teachers at their current school who they think **are ineffective and need additional training and assistance**

When we asked teachers whether they believe that there are teachers at their school who are not suited to be classroom teachers, the corresponding result was 58 percent.<sup>25</sup> These results suggest that weaker-performing teachers are visible, at some level, to the majority of teachers.

While the majority of surveyed California teachers believe that there is at least one ineffective teacher at their school, California teachers overwhelmingly believe that there is not sufficient support from the school district for struggling teachers. When we asked respondents if they feel that their school district offers appropriate support and assistance for ineffective teachers, only 31 percent believed that this is the case.<sup>26</sup>

While the data presents a compelling case for significantly more and stronger instructional support for struggling teachers, surveyed teachers also appear to want more clearly-defined parameters for exiting persistently ineffective teachers from the profession.

We posed a series of questions aimed at understanding the views of teachers around the appropriate period of time for support of an ineffective teacher. In asking teachers how many years a district should provide appropriate support to an ineffective teachers before that teacher is considered for dismissal, 70 percent of teachers felt that it should be two years or less.<sup>27</sup> When asked how long it should take to dismiss a demonstrably ineffective teacher who does not show improvement after appropriate support (provided that there were a fair evaluation system), 74 percent of teachers felt that it should take no more than two years while 36 percent of teachers felt that it should take no more than one year.<sup>28</sup>

**70%** of teachers believe that **district support for an ineffective teacher should be limited to two years**

These views clearly indicate that the majority of California teachers favor stronger support for struggling teachers, but that support should not be indefinite and there should be a time limit after which dismissal actions are initiated. Consequently, these results suggest the need to develop more explicit time parameters around support and related dismissal issues.

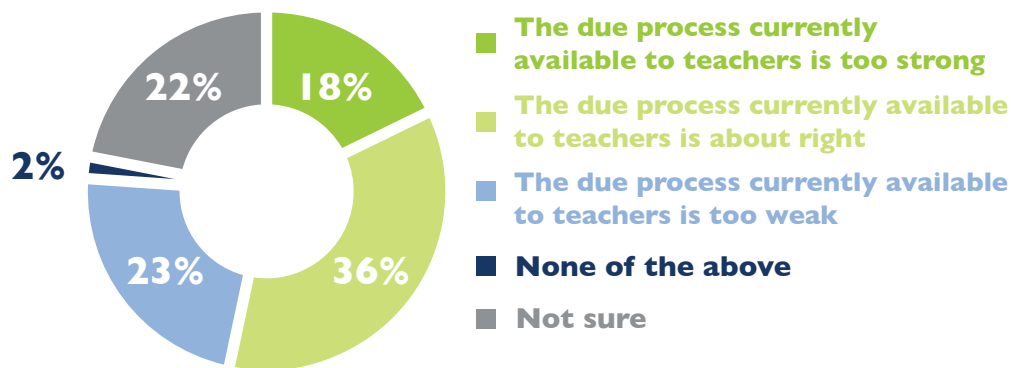
Additional survey results also suggest that changes to California's due process system for teachers and related dismissal statutes must be approached carefully. A substantial number of California teachers feel that the due process system prevented dismissal of an ineffective teacher. When asked specifically whether they believed that the due process system prevented administrators from dismissing a teacher they thought was ineffective, 46 percent responded "yes."<sup>29</sup>

**46%** of teachers have seen a situation at their school in which the due process system **prevented administrators from dismissing a teacher they thought was ineffective**

At the same time, when asked if the due process system currently available to teachers is “too strong,” “too weak,” or “about right,” only 18 percent of teachers felt that it was “too strong.”<sup>30</sup> These results indicate that there must be careful crafting of policy changes around due process and dismissal statutes (see Figure 8).

**Figure 8**

**Question: “Which of the following statements comes closer to your point of view on the issue of due process for teachers who are determined to be ineffective?”**



**FINDING #4: TEACHERS MUST PLAY A CENTRAL ROLE IN BOTH THE DEVELOPMENT OF POLICY AROUND TENURE, LAYOFF AND DISMISSAL SYSTEMS AND IN THE EXECUTION OF THESE POLICIES**

A central element of professional work is that practitioners own responsibility for key issues affecting their work. Teachers clearly demonstrated a strong desire for ownership around development of policy in staffing decisions. When asked how important it would be to have the views of classroom teachers reflected in changes to rules around tenure, layoffs and due process, 92 percent of teachers believed that it was “important.”<sup>31</sup>

**92%** of teachers find it important to **have the views of classroom teachers reflected** in any new rules if California policymakers were to consider changes to rules for teacher tenure, due process and layoffs

We also found that teachers, as classroom practitioners, seek to be more closely involved in evaluative aspects of key staffing decisions. As indicated above, when asked who should make the decision to grant tenure to a teacher, 75 percent believe that teachers should play at least a partial role. Furthermore, 75 percent of teachers believed that observations from teacher peers should be part of the tenure decision. These results reflect a clear desire by teachers to participate much more meaningfully in the development of policy around staffing rules and in the actual decision-making process involved in the granting of tenure.

## **POLICY RECOMMENDATIONS FROM “VALUING PERFORMANCE AND HONORING EXPERIENCE: TEACHER SOLUTIONS FOR A POST-VERGARA PROFESSION” (TEACH PLUS 2014)**

The following provides a snapshot of some of the key recommendations put forth by the thirty Teach Plus Policy Fellows in their September 2014 policy brief titled “Valuing Performance and Honoring Experience: Teacher Solutions for a Post-*Vergara* Profession.”<sup>32</sup>

These Policy Fellows’ recommendations very closely align with the views and preferences of the surveyed 500+ California teachers in all three major areas of focus (tenure, layoffs, and dismissal). At the same time, the 2014 Policy Brief recommendations reflect the experiences and views of a select group of Los Angeles-based classroom teachers, rather than the views of teachers on a statewide basis. With this in mind, the slight differences between the surveyed teachers’ views and the Policy Fellows’ recommendations hopefully will provide a rich basis for discussion and policy change.

### **Tenure**

- Extend the time needed for teachers to gain “permanent status” from two to four years.
- Require three consecutive years of evaluations demonstrating effective teaching in order to earn tenure.
- Base tenure decisions solely on performance.
- Require schools to provide evidence of support for teachers who have received an unsatisfactory evaluation.

## Layoffs (LIFO)

- Retain effective teachers in the classroom by beginning layoffs with teachers with unsatisfactory evaluation scores and the least seniority.
- Use teacher evaluations ratings in addition to seniority when making layoff determinations.

## Dismissal

- Improve and expand support programs that target new and struggling teachers.
- Connect teacher evaluation to dismissal process.
- Initiate a time-limited remediation process for teachers who receive two consecutive unsatisfactory evaluations.

## CONCLUSION

The voice of teachers provides clear direction for elevating the teaching profession and improving student outcomes through needed changes in tenure, layoff and dismissal systems. As new policy action regarding these issues emerges on the horizon, one thing is clear: teachers want their opinions on these issues to be heard and factored into decision-making. Within this context, it is critical for the voices of classroom teachers to be heard directly, as new policies are developed for tenure, layoffs and dismissal.

Lost in the polarized debate over these issues is that fact that California teachers have clear, strong and consistent views on “raising the bar” of the teaching profession. While valuing appropriate job protections and due process, teachers clearly support the role of classroom performance in key personnel decisions. Tenure must be a true, earned professional benchmark. Performance must be considered in layoff decisions. Dismissal must be a viable option when support of struggling teachers is not enough. Teachers’ views on these issues should provide a clear pathway for policymakers seeking to find a middle ground that serves all students while both valuing outstanding teaching and recognizing the need for fair treatment of all teachers.



## ENDNOTES

1. See *Vergara v. California*, Superior Court of the State of California. (2014). Retrieved from <http://laschoolreport.com/wp-content/uploads/2014/08/Judgement-Vergara-Judge-affirms-ruling.pdf>.
2. See Teach Plus. (2014). *Valuing Performance and Honoring Experience: Teacher Solutions for a Post-Vergara Profession*. Los Angeles, California.
3. See U.S. Department of Education, National Center for Education Statistics, Schools and Staffing Survey (SASS). (2011-2012). *Public School Teacher Data File*. Washington, DC.
4. See California Education Code § 44929.21.
5. See California Education Code § 44932, California Education Code § 44944 and California Education Code § 45298.
6. Question, “Do you think that teacher tenure has had a positive or negative effect on the quality of teachers in California public schools?” Responses: “Very positive” (24 percent), “Somewhat positive” (32 percent), “Neither positive nor negative” (19 percent), “Somewhat negative” (19 percent), “Very negative” (4 percent), “No effect” (1 percent), and “Not sure” (1 percent). For all questions, n = 506 unless otherwise noted.
7. Question, “For you, how meaningful an achievement is getting tenure?” Responses: “Very meaningful” (46 percent), “Somewhat meaningful” (26 percent), “Neither meaningful nor not meaningful” (15 percent), “Not very meaningful” (8 percent), “Not meaningful at all” (4 percent), and “Not sure” (0 percent). Results for each question may not sum to 100% due to rounding. Also, aggregated summary responses may not add to 100% due to rounding (e.g. “Very meaningful” (46.4% or 46%) + “Somewhat meaningful” (26.3% or 26%) = 72.7% or 73% aggregated “meaningful” after rounding. Question, “How important is having tenure to you personally?” Responses: “Very important” (57 percent), “Somewhat important” (24 percent), “Neither important nor unimportant” (10 percent), “Somewhat unimportant” (5 percent), “Very unimportant” (4 percent), and “Not sure” (0 percent).
8. For more information about the tenure process in California, see National Council on Teacher Quality. (2014). *2013 State Teacher Policy Yearbook California*. Washington, DC.
9. Question, “Currently in California, administrators have about 18 months after a teacher is credentialed to decide whether or not the teacher should be granted tenure. Which statement about this comes closest to your point of view?” Responses: “18 months is too long” (5 percent), “18 months is about the right length of time” (21 percent), “18 months is not enough time” (72 percent), and “Not sure” (3 percent).
10. Respondents were asked to provide their response as an open-ended question. Responses were then grouped into three ranges: “0-2 years,” “3-5 years,” and “6+ years.” For this question, three responses that were above 25 years were trimmed (resulting n = 503).
11. Question, “The following are some ideas for revising tenure rules in California. Please indicate if you support or oppose each item. Require teachers to demonstrate classroom effectiveness as part of the tenure decision.” Responses: “Strongly support” (65 percent), “Somewhat support” (27 percent), “Somewhat oppose” (3 percent), “Strongly oppose” (3 percent), and “Not sure” (2 percent).
12. Question, “The following are some ideas for revising tenure rules in California. Please indicate if you support or oppose each item. Require observations from multiple administrators as part of the tenure decision.” Responses: “Strongly support” (50 percent), “Somewhat support” (34 percent), “Somewhat oppose” (11 percent), “Strongly oppose” (5 percent), and “Not sure” (0 percent).

13. Question, “The following are some ideas for revising tenure rules in California. Please indicate if you support or oppose each item. Include observations from teacher peers as part of the tenure decision.” Responses: “Strongly support” (45 percent), “Somewhat support” (29 percent), “Somewhat oppose” (14 percent), “Strongly oppose” (9 percent), and “Not sure” (2 percent).
14. Question, “Who do you think should make the decision to grant tenure to a teacher?” Responses: “Administrators only” (18 percent), “Both administrators and qualified teachers” (68 percent), “Qualified teachers only” (8 percent), “Other” (1 percent), and “Not sure” (5 percent).
15. See California Education Code § 44929.21.
16. See California Legislative Analyst’s Office. (2012). *A Review of the Teacher Layoff Process in California*. Sacramento, California: Taylor, M.
17. Question, “Have you ever worked at a school with a teacher you thought was effective but who was laid off because he or she lacked seniority?” Responses: “Yes” (74 percent), “No” (20 percent), and “Not sure” (6 percent).
18. See Education Trust-West. (2012). *Learning Denied: The Case for Equitable Access to Effective Teaching in California’s Largest School District*. Oakland, California and Chetty, R., Friedman, J., & Rockoff, J. (2011). *The Long-Term Impacts of Teachers: Teacher Value-Added and Student Outcomes in Adulthood* (NBER Working Paper 17699). Cambridge, Massachusetts.
19. Question, “As you know, budget cuts reducing school funding in California have resulted in periodic teacher layoffs. How satisfied are you with the current rules in your district for deciding which teachers are laid off?” Responses: “Very satisfied” (21 percent), “Somewhat satisfied” (23 percent), “Neither satisfied nor dissatisfied” (19 percent), “Somewhat dissatisfied” (20 percent), “Very dissatisfied (13 percent), and “Not sure” (4 percent).
20. Question, “If a district has to lay off teachers, do you think that the decision about which teachers get laid off should be:” Responses: “Based almost entirely on how much seniority a teacher has” (24 percent), “Based in part on seniority and in part on teacher performance in the classroom” (58 percent), “Based almost entirely on teacher performance in the classroom” (12 percent), “None of the above” (2 percent), and “Not sure” (3 percent).
21. Question, “If there were a fair way to evaluate teachers, what do you think is the right balance between seniority and performance to determine teacher layoffs? Your answer can be anywhere from (0% seniority and 100% performance) to (100% seniority and 0% performance), or any combination in between.” Responses: Mean % seniority- 50 percent, Median % seniority- 50 percent, Mean % performance- 50 percent, Median % performance- 50 percent.
22. Question, “Do you think it is possible to develop a fair way to evaluate teachers?” Responses: “Definitely yes” (29 percent), “Probably yes” (47 percent), “Probably no” (20 percent), “Definitely no” (2 percent), and “Not sure” (2 percent).
23. California Teachers Association supported Assembly Bill 215 that took effect on January 1, 2015. AB 215 revised existing statutes on procedures for teacher discipline and dismissal proceedings. See California Education Code § 44944. See Students Matter. (2014). *Vergara v. California Trial by the Numbers*. Menlo Park, California. Retrieved from [http://studentsmatter.org/wp-content/uploads/2014/06/SM\\_Trial-By-Numbers\\_06.09.141.pdf](http://studentsmatter.org/wp-content/uploads/2014/06/SM_Trial-By-Numbers_06.09.141.pdf).
24. Question, “Again, knowing that your responses are totally confidential, are there any teachers at your current school that you think are ineffective and need additional training and assistance?” Responses: “Yes” (66 percent), “No” (23 percent), and “Not sure” (11 percent).
25. Question, “Again, knowing that your responses are totally confidential, are there any teachers at your

school that you think are not suited to be classroom teachers?” Responses: “Yes” (58 percent), “No” (29 percent), and “Not sure” (13 percent).

26. Question, “Do you think your school district offers appropriate support and assistance for ineffective teachers?” Responses: “Yes” (31 percent), “No” (53 percent), and “Not sure” (16 percent).

27. Question, “Many school districts provide assistance and support to ineffective teachers. In your opinion, how many years should a district provide appropriate support to an ineffective teacher before that teacher is considered for dismissal?” Respondents were asked to provide their response as an open-ended question. Responses were then grouped into three ranges: “0-1 years,” “2 years,” and “3+ years.” Responses: “0-1 years” (21 percent), “2 years” (49 percent), and “3+ years” (30 percent). Mean: 2.5 years, Median: 2 years. For this question, three responses above 20 years were trimmed and one blank case was excluded (resulting n = 502).

28. Question, “If a fair evaluation system were available to determine teacher performance, how many years should it take to dismiss a demonstrably ineffective teacher who does not show satisfactory improvement after appropriate support?” Respondents were asked to provide their response as an open-ended question. Responses were then grouped into three ranges: “0-1 years,” “2 years,” and “3+ years.” Responses: “0-1 years” (36 percent), “2 years” (38 percent), and “3+ years” (26 percent). Mean: 2.2 years, Median: 2 Years. For this question, one response above 20 years was trimmed and one blank case was excluded (resulting n = 504).

29. Question, “Have you ever seen a situation at your school in which the due process system prevented administrators from dismissing a teacher you thought was ineffective?” Responses: “Yes” (46 percent), “No” (38 percent), and “Not sure” (16 percent).

30. Question, “Which of the following statements comes closer to your point of view on the issue of due process for teachers who are determined to be ineffective?” Responses: “The due process currently available to teachers is too strong” (18 percent), “The due process currently available to teachers is about right” (36 percent), “The due process currently available to teachers is too weak” (23 percent), “None of the above” (2 percent), and “Not sure” (22 percent).

31. Question, “If California policymakers were to consider changes to rules for teacher tenure, due process, and layoffs, how important would it be to you to have the views of classroom teachers be reflected in any new rules?” Responses: “Very important” (75 percent), “Somewhat important” (18 percent), “Neither important nor unimportant” (3 percent), “Somewhat unimportant” (1 percent), “Very unimportant” (2 percent), and “Not sure” (1 percent).

32. See Teach Plus. (2014). *Valuing Performance and Honoring Experience: Teacher Solutions for a Post-Vergara Profession*. Los Angeles, California.

## **RAISING THE BAR: THE VIEWS OF CALIFORNIA TEACHERS ON TENURE, LAYOFFS AND DISMISSAL BY THE NUMBERS**

81% of teachers view tenure as either very important or somewhat important

72% of teachers believe that 18 months is not enough time for administrators to decide whether or not a teacher should be granted tenure. On average, teachers believe that a teacher should serve in the classroom at least five years before an administrator makes a decision about whether or not to grant tenure

75% of teachers believe that qualified teachers should play a role in the decision to grant tenure to a teacher

75% of teachers believe that it is possible to fairly evaluate teachers

71% of teachers feel that layoff decisions should be based either entirely or partly on performance.

On average, teachers want performance and seniority to have equal weight in layoff decisions (based on a fair evaluation system)

70% of teachers believe that district support for an ineffective teacher should be limited to two years