



Teacher Turnover, Tenure Policies, and the Distribution of Teacher Quality

Can High-Poverty Schools Catch a Break?

Raegen Miller and Robin Chait December 2008



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Introduction and summary

In recent years education reformers have focused a great deal of attention on strategies for enhancing teacher quality. This attention makes sense, as a growing body of evidence points to the overriding importance of teachers in promoting student achievement. On average, students with a teacher in the top quartile of the talent pool achieve at levels corresponding to an additional two or three months of instruction per year, compared with peers who have a teacher in the bottom quartile.²

Putting these numbers in context, this quality differential represents well over a third of the “achievement gap” between students from low-income families and those from families with higher incomes.³ Thus, consistent assignment to high-quality teachers can substantially lower the barriers to realizing academic success imposed by poverty.⁴ In contrast, class size reduction, a popular and expensive policy option, shows much less promise, if any, for addressing achievement gaps.⁵

Because teacher quality is so critical to students’ success in school, gross inequity in the distribution of highly effective teachers should trouble policymakers. If students attending high-poverty schools are far less likely to be assigned effective teachers than students living in more affluent communities,⁶ then it would be a pressing matter to increase access to such teachers for economically disadvantaged students. Progress on this issue requires a careful look at the composition and dynamics of the teaching workforce.

A school’s teaching staff is not static. Teachers come and go, and the patterns of their movements between schools and into and out of the profession have undergone radical changes over the past 50 years. Researchers have begun to get a grip on these patterns and their relationship to teacher quality. This report focuses on three pieces of the puzzle: the distribution of teacher quality, teacher turnover, and tenure policies. In other words, who teaches where, who stays and who leaves, and how do tenure policies affect the decisions of teachers and the school districts that employ them?

The report is organized as follows. The first section explains how teacher quality can be measured. The very idea that teacher quality can be measured has its detractors. Some argue, on principle, that teaching is an art or a kind of sacred act that cannot be measured in any way that respects the scope or importance of the work. This point of view, however, does not hold much water in the globally competitive economy, where students need well-

developed cognitive skills and where teachers, who are meant to help students develop these skills, absorb the majority of spending on public education. Historically, however, the business of measuring teacher quality has been problematic. The characteristics of teachers that are tracked most carefully are those traditionally important in hiring decisions and compensation systems (e.g., academic major, advanced degrees, years of experience). The term “qualifications” is adopted here to refer to these characteristics, which one estimate finds together explain only about 3 percent of the variation in student achievement.⁷ The rise of information technology and the recent boom in state-sponsored achievement tests, largely in response to accountability programs, have afforded researchers and policymakers access to better measures of teacher quality. These so-called “value-added” measures of teacher effectiveness have important limitations, but they hold promise for informing policies that address any inequitable distribution of effective teachers.

The second section explores the distribution of teacher quality. Although qualifications explain only a few percent of the variation observed in student achievement, they provide a reasonable basis for documenting systematic inequity in the distribution of teacher quality. Furthermore, qualifications will remain important in hiring decisions and compensation systems for the foreseeable future. An abundance of evidence suggests that the qualifications of teachers differ, on average, between high-poverty and low-poverty schools. These differences tilt in the expected direction. For example, students in high-poverty schools are less likely than students in low-poverty schools to be assigned a teacher deemed “highly qualified” under the provisions of the No Child Left Behind Act.⁸

The third section examines teacher turnover. The term turnover encompasses mobility—teachers leaving one school for another—and attrition, which is defined as teachers leaving the classroom to take up other professional responsibilities, inside or outside of education, or to spend more time with their families. Mobility and attrition are confounded by teachers returning to the classroom after several years away, a group that includes up to a fourth of newly hired teachers.⁹ Some turnover is inevitable; some is desirable. Chronically ineffective teachers should seek employment elsewhere. Instead of leaving the profession, however, such teachers may simply seek a school where their weak performance is less conspicuous. Attrition and mobility of effective teachers exacerbate inequity in the distribution of teacher quality.

The fourth section examines tenure, a term denoting the contractual or statutory job protections conferred on teachers who have completed a provisional phase of employment. Once tenured, a teacher’s employment may only be terminated for cause, and only after prescribed due process procedures have been followed.¹⁰ Tenure began as a countermeasure to various forms of employment discrimination, but successive waves of civil rights legislation have largely usurped this role. This section surveys what little is known about how tenure policies affect the distribution of teacher quality.

The last section concludes the paper by making the case that tenure embodies an impor-

tant policy lever that ought to be explored. Right now, a good deal of evidence suggests that earning tenure is unrelated to what we value in teachers: their performance in the classroom. In particular, whether teachers can further student achievement is almost completely unrelated to the tenure decision. Given the interplay between teacher turnover, tenure policies, and the distribution of teacher quality, it is worth discussing what role changes in tenure policy could play in efforts to afford low-income students more access to effective teachers.

Measuring teacher quality

When asked about the quality of schools in general, people tend to express negative opinions. When asked about the particular schools that their children attend, however, more favorable views emerge.¹¹ Regardless of whether this inconsistency rests in familiarity, wishful thinking, or something else, it highlights the need for objective measures of quality. With respect to teacher quality, objective measures come in two forms: qualifications and direct measures of effectiveness.

Qualifications

For purposes of hiring and paying teachers, school districts pay close attention to qualifications. Compliance with state licensure requirements is a fundamental concern, and, as with hiring managers in other employment sectors, school principals and district human resource officials sift through résumé and transcripts, reviewing such factors as academic major, coursework, grades, and test scores. Post-baccalaureate study, advanced degrees, and documented experience in the classroom are nearly the sole determinants of pay in traditional compensation schemes. Although qualifications explain only a few percentage points of the variation in student achievement, they are important in documenting systematic inequity in the distribution of teacher quality.

Knowledge and skill

Qualifications that signal teachers' subject matter knowledge can help explain which teachers are better at imparting such knowledge. However, research substantiates this finding only for teachers of mathematics and science. Teachers with an undergraduate major or an advanced degree in mathematics or science are more effective when teaching those subjects than teachers without such qualifications.¹² Similarly, teachers certified specifically to teach mathematics show greater ability to do so than other teachers. Of course, a master's degree may be an expression of teacher traits other than relevant subject matter knowledge—a genuine love of the subject or the desire to be more highly compensated. But the conclusion that relevant subject matter knowledge is the trait that matters is bolstered by evidence that a generic master's degree, rather than a degree in mathematics or science, has scant value as an indicator of effective teaching.¹³

Qualifications related to overall academic skill can also be weak but valid indicators of teacher quality. Some studies suggest that selectivity of the undergraduate institution that a teacher attended correlates with student achievement.¹⁴ Teachers' scores on college entrance or licensure exams, particularly those assessing verbal abilities, also have been linked directly to student achievement.¹⁵

Certification

A state-issued license to teach, commonly called a certificate, is a particularly weak indicator of teacher quality. This is not a surprise, of course, given the generally low bar for entry into the profession. Relative to college graduates entering other professions, teachers have lower scores on college entrance exams.¹⁶ In particular, those who major in education as undergraduates experience less rigorous curricula than students in other majors, yet their grades are higher.¹⁷

In contrast to licensure, advanced certification, which is not a state enterprise, holds some promise of marking teacher quality. Advanced certification purports to gauge teachers' pedagogical content knowledge, their grasp of a subject, and the specific challenges and methods involved in teaching that subject to students.¹⁸ Teachers certified by the National Board of Professional Teaching Standards, or NBPTS, the dominant player in advanced certification, have been shown to be more effective in raising student achievement than teachers who tried but failed to obtain certification through NBPTS.¹⁹ While it remains unclear whether NBPTS-certified teachers are more effective than teachers who do not apply for the voluntary certification, good evidence shows that the scores arising from the certification process contain information that predicts student achievement.²⁰

Experience

A final qualification that researchers have linked to teacher quality is experience—the number of years that a teacher has been in the classroom. A strong body of evidence suggests that teachers become more effective as they accrue experience. However, the learning curve for teachers, which is initially steep, appears to level off after a handful of years.²¹ Of course, teachers may continue to develop valuable competencies well after their initial few years in the classroom, but researchers have been unable to tie significant differences in student achievement to the higher increments of experience. It makes intuitive sense that a teacher with 17 years of experience, for example, has no great advantage over a teacher with 16 years of experience, while a second-year teacher is liable to be much more effective than an absolute novice, provided that the teaching context and other qualifications are the same.

Caveat emptor

Most evidence about the relationship between teacher qualifications and student achievement has to be taken with a grain of salt for two reasons. First, researchers don't know what they don't know. This tautology raises its head in the form of unobserved differences between groups of students assigned to different teachers. For example, administrative data from schools typically lack measures of parental education, which is strongly associated with student achievement.²² Systematic relationships between such unobserved indicators and either teacher qualifications or student achievement can bias estimates of the effects of qualifications. Second, even solid evidence can be interpreted too aggressively. Estimates of the effects of National Board Certification, for example, tend to come from a handful of states. It may be rash to base policy decisions on evidence suffering from either of these problems. Thus, a pattern of similar results across a number of related studies is the preferred kind of evidence. With respect to the qualifications discussed above, this preference has not been observed completely. Fortunately, there is an approach to measuring teacher quality that sidesteps qualifications altogether.

Direct measures of effectiveness

Value-added measures of teacher quality are based directly on student achievement, typically assessed with end-of-year exams in core academic domains, especially mathematics, reading, and writing. As the term “value-added” suggests, this approach to measuring teacher quality accounts, at least to some extent, for the prior levels of academic success that students bring to a teacher's class. Several states have already embraced value-added measurement,²³ which entails a robust data management system and sophisticated statistical techniques. Owing to the jargon associated with these techniques, value-added measures of teacher quality are often called “teacher effects.”

A value-added approach to teacher quality has three inherent strengths. First, teacher effects are better predictors of future performance than any of the qualifications discussed above,²⁴ a fact which may cause policymakers to take notice. While qualifications explain only a few percentage points of the variation in student achievement, teacher effects explain between 7 and 21 percent of the variation in student achievement.²⁵ Second, a value-added approach focuses explicitly on outcomes. This focus resonates with business leaders and others who recognize that strategic management of schools is impossible without it.

A final strength of a valued-added approach to teacher quality is its low cost in comparison to other forms of direct measurement, which typically involve repeated observation by highly trained experts of a teacher's performance in the classroom. These more subjective, observation-based measures do offer information about how a teacher's performance actually affects student achievement.²⁶ Cost and subjectivity notwithstanding, observa-

tion-based information has value for professional development purposes, but very little is known about whether its use makes sense for other purposes.

Despite their clear superiority to qualifications, value-added estimates of teacher quality are not without problems. The test scores upon which value-added estimates are based may pertain to a small fraction of what a teacher is meant to teach. Scores include statistical noise (e.g., measurement error associated with tests) as well as information about actual student achievement, a problem compounded by the generally small numbers of students taught by a given teacher. Many question whether estimates have the properties necessary to support serious decisions affecting the livelihoods of teachers.²⁷ However, value-added estimates seem to be at least as good as subjective ratings made by principals, at least where the very most effective and very least effective teachers are concerned.²⁸

Distribution of teacher quality

When teachers have a choice of where to work, they tend not to choose high-poverty schools. Challenging working conditions, poor human resource practices, and individual preferences represent major obstacles to staffing high-poverty schools with effective teachers.

Working conditions

One reason that teachers are reluctant to teach in high-poverty schools is that they are challenging places to work. Students tend to have greater needs, both academically and socially, and schools have fewer resources to address them. Tough working conditions have concrete drawbacks, as when teachers have to purchase basic classroom supplies with personal funds, but there are less tangible issues as well. These issues include an atmosphere of trust, a shared vision and commitment to solving problems, effective leadership, and effective professional development,²⁹ all less prevalent in high-poverty schools. Poor working conditions contribute to teacher turnover,³⁰ and the resulting instability reinforces the poor working conditions.

Human resource practices

Poor human resource practices in high-poverty districts also affect the quality of candidates that districts are able to hire. One study of four “hard-to-staff” urban districts found that these districts actually received large numbers of applications, but because of their later hiring timelines, they missed out on many of the top candidates.³¹ Similarly, a study of teacher hiring practices in four states found that more than one-third of new teachers in California and Florida were hired after the school year began.³²

Individual preferences

Researchers have documented two preferences that affect teachers’ likelihood of teaching in high-poverty schools. First, teachers prefer to teach in regions that are similar to the ones where they grew up. For instance, a teacher raised in an urban area is three times

more likely to teach there than in its suburbs.³³ The problem is that urban areas where poverty is concentrated produce few college graduates. Second, many teachers would rather not teach in schools where they do not share the ethnicity of the majority of students.³⁴ This matters because the majority of teachers are white, while the student bodies of many schools, especially high-poverty ones, are composed primarily of students of color.

Inequitable distribution

As a result of these challenges, it is not surprising that high-poverty schools have relatively few high-quality teachers. An inequitable distribution of teacher quality is clear in the body of evidence that uses teacher qualifications as measures of quality.³⁵ High-poverty schools have greater proportions of inexperienced teachers, teachers with a history of failing licensure exams, and graduates of non-selective institutions of higher education.³⁶ Students in high-poverty schools are less likely than students in low-poverty schools to be assigned a teacher deemed “highly qualified” under the provisions of NCLB.³⁷ Teachers in high-poverty middle schools teach out of field more often (no major or minor) and have lower scores on college entrance exams and teacher licensing exams.³⁸

Although value-added estimates of teacher quality are better measures of teacher quality than qualifications for most purposes, they are less useful in documenting the inequitable distribution of teacher quality. The reason is that estimates account statistically for poverty at the district level. This decision is meant to allow for the fair comparison of teachers within a district. Much of the variation in student poverty, however, lies between districts. Therefore, value-added measures are useless for comparisons of teachers across districts.

Teacher turnover

According to data from the U.S. Department of Education, the overall turnover rate for public school teachers in 2004-05 was 16.5 percent, with 8.1 percent due to mobility and 8.4 percent due to attrition.³⁹ Some turnover is inevitable, and reasonable levels of turnover may promote innovation.⁴⁰ High levels of turnover, however, have three drawbacks. First, replacing teachers is not free. The cost of recruiting, hiring, and training a replacement teacher ranges from \$4,366 to \$15,325, depending on the district.⁴¹ Second, students in schools with higher rates of turnover are more likely to be taught by inexperienced, ineffective teachers. Finally, in schools with high turnover, a “revolving door” atmosphere stifles the development of relationships and programs that foster learning.⁴²

Not surprisingly, teacher turnover tends to be higher in schools where the need for high-quality teaching is greatest: high-poverty and low-performing schools.⁴³ In Philadelphia’s highest-poverty schools, for instance, a fifth of teachers leave each year, and less than a half of new hires remain past three years.⁴⁴ In New York City, schools with the lowest levels of student achievement had teacher attrition rates 58 percent higher than those in high-performing schools.⁴⁵

Clearly, elevated rates of turnover exacerbate the competitive disadvantages facing high-poverty schools. To slow down the revolving door, however, policymakers need to understand which teachers are more inclined to leave these schools, and what motivates them. In particular, do effective teachers behave differently than ineffective teachers?

Effectiveness breeds contentment

It would be truly alarming if the most effective teachers showed higher rates of turnover than their less effective colleagues. Research relying on weak relationships between qualifications and turnover hints that this may be the case. Teachers with higher scores on college entrance exams and those who attended selective institutions are more likely to leave the profession early and are less likely to return to it.⁴⁶

Fortunately, value-added estimates of teacher effectiveness paint a different picture. The most effective teachers tend to stay in their schools at higher rates than less effective teachers. Put another way, effectiveness breeds contentment. This pattern is encouragingly general in that it holds across schools offering differing levels of challenge, includ-

ing urban schools and those with the highest concentrations of low-income students.⁴⁷ Unfortunately, these findings are overshadowed by the fact that many teachers leave high-poverty schools before their efficacy has been established. Moreover, there is almost no research looking at teacher effectiveness across schools. So it's not clear whether high-poverty schools have less effective teachers overall, even though the most effective teachers within these schools are more likely to stay.

In search of compatibility

Differential turnover patterns notwithstanding, another major problem is that effective teachers may be less likely to be in high-poverty schools in the first place. In fact, their very scarcity may be one reason why some effective teachers choose to leave high-poverty schools. They may wish to have more colleagues with similar skills and energy, or administrative support and professional development opportunities that allow them to improve their skills.⁴⁸ Another reason could be that they anticipate burning out at their current pace, and a lower-intensity job in a less challenging context offers longevity.⁴⁹

They may also seek the company of teachers and students with whom they share an ethnic or cultural affinity. For example, white teachers are more likely to leave schools with high minority enrollments.⁵⁰ This pattern may go along with other commonly observed trends. Teachers in urban centers may move to the suburbs when their children reach school age, or they may return to their roots, teaching in the region in which they grew up or studied.⁵¹

Having marketable qualifications helps effective teachers secure jobs in schools more amenable to their tastes or in other professions. A number of studies have found that teachers with strong academic credentials are the most likely to leave the lowest performing schools, schools with high minority populations, and the teaching profession overall.⁵² Those who do stay in teaching tend to move to high-achieving schools and those with fewer low-income students.⁵³

Lumps and lemons

Ineffective teachers leave schools each year. Many lack the skills and training to succeed, but others could become effective given more robust investments in induction and mentoring programs. The loss of potentially effective teachers is, of course, lamentable. Perhaps more lamentable, however, is that many chronically ineffective teachers remain in the classroom. Having invested in certification and advanced degrees in education, as opposed to a particular content area, some ineffective teachers have trouble identifying other work with comparable pay and benefits. Options for such teachers whose undergraduate major was education are particularly limited. It makes perfect economic sense that such teachers are the least likely to leave the profession.⁵⁴

While some chronically ineffective teachers remain in the same school throughout their careers, others shuffle between schools. In some cases, this shuffling represents a tightly choreographed performance, a so-called “dance of the lemons.”⁵⁵ Some teachers transfer voluntarily; others, involuntarily. In either case, teachers’ contracts spell out the precise sequence of events involved in a transfer between schools in the same district. It is important to note that principals are sometimes involved in the transfer process. Teachers and principals may offer well-meaning rationalizations for such transfers, but some cases represent a more cynical deal, whereby principals furnish a satisfactory evaluation to a teacher in exchange for the teacher’s promise to transfer to another school.⁵⁶ There are little data to document the extent to which seemingly voluntary transfers of ineffective teachers are actually the result of these deals or a principal’s gentle “advice” that an ineffective teacher should seek a position elsewhere.

Tackling the persistence in the workforce of chronically ineffective teachers is clearly one of the great challenges facing school reformers. There are no simple solutions, but terminating the employment of chronically ineffective teachers would seem to be part of any solution. There are two policy obstacles to taking this step. First, who will replace the terminated teachers? Expanding the supply of effective teachers and truly promising candidates requires the coordinated work of universities, colleges, state departments of education, nonprofits, foundations, businesses, and school districts. Though there has been some progress on this front, describing it is beyond the scope of this report. Second, chronically ineffective teachers are notoriously difficult to dismiss because they have tenure.

Tenure policies

Most conversations about tenure are short ones. Opponents of tenure assert that it makes firing lousy teachers impossible. Proponents counter that tenure is essential to protect teachers from arbitrary dismissal. Advocates on either side tend to be passionate, leaving little room for a rational debate, much less policy innovation. Not surprisingly, educational researchers have shied away from the subject of tenure. This is unfortunate, because there is variation in state and local policies around teacher tenure, and nothing is known about whether or how this variation affects turnover rates or the distribution of teacher quality.

The rise of tenure

Well into the 20th century, school boards and administrators routinely engaged in employment practices that are illegal today. For example, female teachers earned lower salaries than male teachers doing the same work, and female teachers who dared to marry often were fired. Teachers could be dismissed to make way for patronage appointments or for espousing certain political views.⁵⁷ In such a political context, complaining about difficult working conditions, such as dark and crowded classrooms, was tantamount to resignation.⁵⁸ Such were the historical conditions that gave rise to tenure policies.⁵⁹

As early as 1885, policymakers recognized that the threat of arbitrary, capricious, or unfair dismissal could dissuade talented people from becoming teachers.⁶⁰ Recognition led to action in 1909, when enthusiasm for efficient operation of schools, then bursting with the children of new immigrants, gave rise to the first state law dealing with teacher tenure. Proponents of this New Jersey law claimed that tenure would “attract more qualified and effective teachers; increase the efficient operation of school districts, make teaching more attractive by providing teachers with increased political and economic security, and eliminate political favoritism in hiring and dismissal.”⁶¹ By the mid-1940s, about 70 percent of teachers were afforded some type of job protection,⁶² and today almost all traditional school districts have tenure policies.⁶³

Revisiting tenure policies

Anticipating current criticisms of tenure, opponents of New Jersey’s seminal law feared it would “limit the dismissal of poor performing educators.”⁶⁴ Policymakers evidently found the tradeoffs acceptable, but they were hardly giving away the store—in 1909, most teachers did not have the right to vote. Today, of course, the landscape of legal safeguards against arbitrary dismissal is much different than it was a century ago.⁶⁵ Thus, it is worthwhile to ask what role tenure policies play in public schools today. How do tenure policies affect the distribution of teacher quality? In particular, do they help attract talented college graduates to teaching, as New Jersey proponents once imagined? How do tenure policies affect teacher turnover? Do they exacerbate the inequitable distribution of teacher quality? Researchers have not engaged these questions directly, but should they want to, an understanding of how tenure policies vary between and within states would be the starting point.

Variation in tenure policies

Almost all states have tenure laws on the books,⁶⁶ and these laws have some common traits. First, they almost always prescribe that local school boards offer tenure to teachers.⁶⁷ Thus, the actual school districts that employ teachers have no choice about whether to implement tenure policies. Second, state statutes typically specify general requirements relating to tenure. These requirements include the length of the probationary period preceding tenure, what constitutes valid cause for dismissal of a tenured teacher, and the required due process procedures that must be followed in the event such cause arises. Employment contracts (collectively bargained or not) may impose additional requirements and restrictions on tenure processes, provided they do not conflict with state statutes.⁶⁸ Contracts tend not to do this,⁶⁹ but they do detail additional rights and privileges that accrue to tenured teachers. In Baltimore City Public Schools, for example, tenured teachers are annually granted five additional days of paid sick leave relative to their nontenured colleagues.⁷⁰

Three states stand apart from the others in their handling of teacher tenure. Hawaiian state law defines probationary and tenured teachers, but it is left for local negotiations to specify the grounds and procedures for dismissing tenured teachers.⁷¹ As Hawaii comprises just a single school district, the uniqueness of its tenure statute holds little interest. North Dakota takes the opposite tack, specifying only cause for dismissal and due process procedures.⁷² More interestingly, Wisconsin treats tenure as an entirely local matter. Its statute does spell out a default tenure scheme for populous counties, but collective bargaining agreements can “modify, replace, or waive” any of the provisions of the statute.⁷³ Theoretically, districts in Wisconsin could forgo having a tenure policy, or the facets of their policies could vary in the same ways that they vary across states.

States differ in the terminology used in their tenure laws. Some laws use the actual word “tenure”; others distinguish probationary teachers from those employed on a “continuing” basis. Other kinds of variations in tenure policies are more meaningful.

Probationary period

The length of the probationary period preceding tenure varies among states. Among the 49 states that prescribe a probationary period, three years is the average length. Six states have longer periods. These include Missouri and Indiana, which do not grant full tenure until teachers have been in the classroom for five years. Eight states, including California, have periods shorter than three years.⁷⁴

During the probationary period, teachers’ employment status is, by definition, tenuous. School districts generally have the right to fire a probationary teacher without offering any notice or cause, but this extreme administrative flexibility is constrained in practice. Districts have other interests: avoiding the appearance of discrimination and not leaving classes in the care of substitute teachers for protracted periods. Nevertheless, probationary teachers have no access to the job protections that tenured teachers enjoy. Key among these job protections is the requirement of cause for termination.

Causes for termination

State statutes specify a variety of causes for termination of tenured teachers. Most states include incompetence or poor performance, although 13 states do not.⁷⁵ Other typical reasons for termination include immorality, insubordination, unprofessional or inappropriate conduct, and neglect of duties.⁷⁶ For the employer, establishing cause to terminate a tenured teacher is not necessarily a simple matter. Statutory definitions of cause are fairly vague. This is clear because state courts vary in their interpretations of these causes.⁷⁷ For instance, a Minnesota court interpreted incompetence as “poor rapport with students, inappropriate use of class time, irrational grading of students, and lack of student progress,” while a Pennsylvania court interpreted it as having “deficiencies in personality, composure, judgment, and attitude that have a detrimental effect on a teacher’s performance.”⁷⁸ Therefore, in many states, incompetence may not be explicitly defined as a failure to further student achievement. Furthermore, case law may or may not offer useful guidance around the kinds of evidence necessary to document incompetence.

Sometimes cause for termination is clear-cut, as when a teacher is convicted of a serious criminal offense, but to fire a tenured teacher, districts generally need to enlist the protracted services of legal counsel. This is because statutes afford tenured teachers access to due process.

Due process

Due process refers to the administrative procedures involved in terminating the employment of a tenured teacher. The full sequence of events may take the better part of two years and cost as much as \$300,000,⁷⁹ and just how events unfold varies by state and district. There are three essential features of due process. First, a teacher is formally notified of the district's wish to terminate his or her employment. Second, there is a hearing at which the district presents the case for dismissal. Whether the local board of education, a judge, or some other designated officer presides over the hearing is specified in state law or local regulation.⁸⁰ Teachers may, by rights, make their own cases in due process hearings,⁸¹ often with the assistance of union-provided counsel. Finally, a teacher can appeal an official decision to terminate. In most states, teachers must appeal decisions in a superior, circuit, or district court, while in others they may appeal to the state board of education or superintendent.⁸²

Clearly, due process is the linchpin of the original purpose of tenure, to prevent arbitrary dismissal. The costs of due process, principally administrative attention and legal fees, are substantial enough to dissuade districts from attempting to fire tenured teachers as often as there are grounds to do so. How often this is remains largely unknown. One study loosely estimated that between 5 and 15 percent of tenured teachers are incompetent.⁸³ However, the dismissal of tenured teachers appears to be an exceedingly rare event. A variety of evidence suggests that the percentage of tenured teachers dismissed each year falls somewhere between 0.1 and 1. Scott Reeder of the Small Newspaper Group examined teacher tenure and dismissal in Illinois in 2005, and found that over 18 years, 93 percent of Illinois school districts did not attempt to fire a tenured employee.

Getting tenure

Since removing tenured teachers is so difficult, it seems reasonable to ask why so many ineffective teachers receive tenure. The problem is that in most districts tenure is not a rigorous bar that teachers must meet, but rather a mark of time: Teachers receive tenure as a matter of course, as long as they have put in the required number of years in the district. Frequently, the decision to grant tenure relies on an instrument—the traditional teacher evaluation—with little connection to student achievement.

Traditional teacher evaluations vary tremendously in scope and quality.⁸⁴ In many districts, teacher evaluations are meaningless, since almost all teachers receive satisfactory ratings. The New Teacher Project conducted a study of the evaluation system in Chicago and found that between 2003 and 2006, only .3 percent of teachers received unsatisfactory ratings and 93 percent received superior or excellent ratings.⁸⁵ Given this backdrop, it is

not surprising that in the recent survey by the Education Sector and the Farkas Duffett Research group, 69 percent of teachers agreed with the statement that tenure is “just a formality—it has very little to do with whether a teacher is good or not.”⁸⁶

It is clear that in most districts the tenure decision is unrelated to a teacher’s performance in the classroom. And from a policymaker’s point of view, there is a mismatch between the costs of tenure and the seriousness with which the decision to grant tenure is undertaken. This mismatch is not a secret and is an area that is ripe for reform.

Reforming tenure policies

Over the past two decades, several states have tinkered with their tenure statutes.⁸⁷ Connecticut, Michigan, and South Dakota have increased the length of their probationary periods and streamlined due process procedures.⁸⁸ In North Carolina, reforms in 1998 shortened dismissal timelines and allowed principals in low-performing schools to recommend that specific teachers be evaluated.⁸⁹ Florida, Idaho, Mississippi, Texas, and Utah eliminated tenure by instituting renewable contracts for specified periods of time.⁹⁰ Yet veteran teachers in these states still have de facto tenure by way of due process protections similar to those provided by tenure in other states.

Major tenure reforms face stiff political opposition. Three years after eliminating due process rights for teachers hired after July 1, 2000, the Georgia legislature instituted a new set of due process rights. In 2005, despite the support of Gov. Arnold Schwarzenegger, California voters rejected Proposition 74, a ballot initiative that would have lengthened the probationary period from two to five years and augmented and clarified the list of causes for which tenured teachers could be dismissed.⁹¹ Similarly, Chancellor Michelle Rhee of the District of Columbia Public Schools is facing an uphill battle in her proposal to boost teachers’ pay in exchange for concessions around tenure. The proposed plan would have currently tenured teachers go on probation for one year before potentially regaining tenure, while the length of the probationary period faced by all new teachers would increase from two to four years.⁹² At the time of this writing, it was unclear whether this proposal would fly.

It may not make sense to alter tenure policies in isolation. One reason is that teacher pensions are usually “back loaded.” This means that the value of teachers’ pensions escalates rapidly in the last few years of teaching, magnifying the importance of job protections.⁹³ Similarly, proposals to have teachers’ salaries climb steeply during their first 10 years, rather than gradually over a much longer period as is presently done, raise the stakes in tenure reform conversations.⁹⁴

Conclusion

When it comes to teacher quality, it seems that high-poverty schools can't catch a break. Their competitive disadvantages in attracting and retaining high-quality teachers set off a vicious cycle. Reluctant to endure lumbering human resource practices and difficult working conditions, effective teachers tend not to take jobs in high-poverty schools. A revolving door atmosphere hampers professional development initiatives, one of many reasons preventing high-poverty schools from offering a coherent instructional program. Weak student academic achievement and abysmal school completion rates mean that high-poverty schools do not create many college graduates who may consider careers in teaching. This is important because teachers are prone to work in areas similar to the ones where they were raised.

Unable to attract effective teachers, to develop them from a stock of novices, or to grow their own, high-poverty schools are generally unable to ensure that all of their students learn enough to be productive members of society. This is not acceptable, and tinkering with policies affecting teacher labor markets is unlikely to break the cycle.

It is time for policymakers to revisit policies at the heart of the status quo. Teacher tenure is one of these policies. Currently, tenure policies do not play a role in ensuring that all students have access to effective teachers. Rather, they reinforce the chances that students in high-poverty schools will be assigned chronically ineffective teachers. In an era when the U.S. economy must be globally competitive, the vital role of schools in safeguarding the nation's economic security is clearer than ever, and the role that tenure policies play in preserving a skewed distribution of teacher quality cannot be ignored.

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Endnotes

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