



Ringling the Bell for K-12 Teacher Tenure Reform

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Introduction and summary

The seminal *A Nation at Risk* report was released in 1983, and in the 25 years since, education reforms at the state and national level have increasingly focused on improving student academic performance and reducing persistent racial and socioeconomic achievement gaps. These efforts have encompassed a wide array of different reforms, but contemporary researchers and policymakers have highlighted the importance of improving teacher quality at schools that serve poor, minority, and/or special needs students.

A number of states have instituted new policies in this area since the 1990s, and the federal No Child Left Behind Act of 2001 contained a mandate requiring that all classrooms be staffed with a “highly qualified teacher.” Yet much of the political and scholarly attention in the area of teacher quality has to date focused on the issues of teacher recruitment, preparation, compensation, and distribution. The issue of teacher tenure, or “continuing contracts,” has received less attention despite its potential importance to efforts to improve teacher quality.

Legislated and bargained contractual protections make the process of dismissing an ineffective teacher with tenure prohibitively lengthy and expensive in most states, and teacher tenure evaluation processes remain largely disconnected from teachers’ performance in the classroom or student achievement.¹ Yet a number of proposals to reform teacher tenure at the state level have emerged during the past 20 years. These proposals have generally sought to do one or more of the following: lengthen the probation period for new teachers, strengthen the teacher evaluation process, streamline the teacher dismissal process, or “end tenure” by moving to renewable contracts.

Unfortunately, existing research in the area of teacher quality has devoted very little attention to the enactment and implementation of tenure reforms. In the few instances when researchers have focused on the issue of teacher tenure specifically, they have generally sought to document the costs and benefits of tenure, make normative arguments about whether tenure should or should not be abolished, or propose specific ways in which tenure policies could be improved. Little analysis has been conducted on actual past state efforts to bring about such changes or the political dynamics around the issue.

This report seeks to begin to fill the void in the scholarly literature and direct researchers to fruitful lines of future investigation. It will provide an overview and history of teacher

tenure; analyze the nature of current and past teacher tenure reform proposals and their variation across states; offer a brief assessment of the reforms where they have been enacted; and highlight recommendations for policymakers going forward.

The political opposition and technical challenges around tenure reform have historically prevented these efforts from advancing very far in state legislatures, but both have decreased in recent years. The establishment of annual systematic student testing and data collection systems at the school, district, and state levels has created an opportunity for policymakers to link teacher evaluations and tenure to student performance in a way that was heretofore impossible. At the same time, increased public and elite concern about the effect of underperforming schools on national equity and economic competitiveness has created new political incentives for policymakers to embrace innovative approaches to teacher quality and school reform generally. As a result the time appears ripe for a more sustained and efficacious effort to improve the process by which new teachers are granted continuing contract status.

The paper makes a number of recommendations for federal and state policy that would reform state tenure laws and district tenure processes:

- The federal government should continue to leverage education funding to push states to develop and deploy more meaningful teacher evaluation systems based on a clear definition of teacher effectiveness. Such evaluation systems are an essential precondition for effective tenure reform, but have been missing from most past state tenure reform proposals.
- The U.S. Department of Education should fund research and pilot demonstration programs that will provide empirical evidence of how effective different kinds of teacher tenure policies are on raising teacher quality and student achievement.
- Empirical evidence should be the basis for a serious—and unprecedented—conversation among policymakers as well as the general public about the costs and benefits of teacher tenure and the circumstances under which it should be granted and revoked.
- States should change their tenure statutes to explicitly mandate that teacher retention and dismissal decisions incorporate teacher effectiveness data. Alternatively, states with a preference for local control should loosen prescriptive state tenure policies and give districts the flexibility to experiment with new approaches to teacher evaluation and tenure. Federal grant-in-aid conditions should be used to prod states in one of these directions.
- Legislators should ensure that state-level tenure reforms are not overridden by local collective bargaining agreements by articulating explicit statutory language to this effect.

- States should improve their teacher licensing processes to ensure that the effectiveness of all teachers is assessed on a regular basis as a condition for the granting and renewal of a state teaching license—regardless of the particular criteria for evaluation and tenure laid out in state tenure laws and collective bargaining contracts.
- Think tanks and organizations such as the National Governor’s Association, National Conference of State Legislatures, and Education Commission of the States should provide more informational resources and policy guidance to states interested in pursuing teacher tenure reform.
- Creative reform-minded school administrators operating within existing statutes and collective bargaining agreements can and should bring about significant improvements in the teacher tenure process.
- Teachers unions should embrace efforts to streamline the removal process for ineffective teachers and only contest those dismissals that clearly violated due process or were unsubstantiated by the teacher evaluation process.²

This report provides an overview of state teacher tenure reform in the United States as well as case studies of reform efforts in a sample of six states—Georgia, California, Florida, Wisconsin, New York, and Ohio—and the District of Columbia. These areas were selected for study because they each represent a different approach or result in terms of tenure reform.

This study hoped to identify and explain the variance in tenure policies across states. But further investigation has revealed that very little variation in tenure policies exists; states have done remarkably little experimentation in this area. Kate Walsh, the President of the National Council on Teacher Quality, for example, observed that, “states really haven’t done anything interesting on tenure. To date, tenure reform is all talk and hasn’t made it to the mainstream.” She noted, however, that, “a huge paradigm shift is underway that recognizes that tenure shouldn’t be automatic, but the discussion is really just starting.”³ In sum, the chorus calling for tenure reform is loud and growing, but the enactment and sustenance of tenure reform on the ground is still quite rare.

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