

TEACH +PLUS

Opportunities for Teachers,
Results for Urban Students

Building a Teaching Profession that Recognizes Excellence: Reimagining the Step-and-Lane Pay Scale

As classroom teachers, we believe that the teaching profession needs to be modernized. Part of this means valuing teachers' excellence in classrooms and schools. We believe that the teacher compensation system needs to be overhauled to accomplish the goals of:

- Better valuing the complex work of teaching and teachers' contributions to student learning and school-wide improvement;
- Building a career lattice of leadership roles for teachers who are successful in the classroom; and
- Better retaining great early career teachers (those with fewer than ten years of experience) in our profession by recognizing their accomplishments sooner and linking those accomplishments with tangible rewards.

Teaching is complicated, difficult work with a demanding imperative: ensure that students are college and career ready. It is time that teachers are valued for their accomplishments toward attaining this goal. Ultimately, we are seeking to reimagine the ways in which teachers are currently compensated in most districts. We hope to bring a new level of professionalism to teaching. We cannot continue to demand that teachers prepare students for college and careers of the 21st century while treating teachers as though they are interchangeable widgets who should be compensated according to a salary schedule invented in the early 1900s.

Further, the demographics of the teaching profession are shifting. There is a new majority; 52 percent of the teaching force is made up of teachers who have ten or fewer years of experience.¹ Our outdated, quality-blind compensation system rewards teachers based only on time served and defers benefits for too long. This system does not work for teachers, especially the new majority of early career and second-stage teachers. One teacher may put in many more hours than the teacher next door, achieve higher gains with students, and only earn half as much pay. Currently, accruing additional years of experience is the primary way to move up the pay scale. This means that even outstanding early career teachers need to wait patiently for ten or twelve years, moving up incrementally with each passing year, before they are eligible for maximum pay. This system is discouraging and demoralizing.

"When I began teaching ten years ago, I had to live at home for four years until I earned my master's degree because I could not afford to live on my own with the salary I was making. Most of my friends in other careers were able to be independent much sooner than that. Even though I put in long hours at work, took on advising two student clubs, and steadily increased my students' performance, the only way I could increase my salary was to take graduate courses and wait my turn."

— Christina Porter, Revere Public Schools

Additionally, we believe that we need to align teacher compensation with student progress and achievement, as well as with teachers' overall contributions to their schools. Right now, in most districts, salary is completely disconnected from a teacher's effectiveness in the classroom or a teacher's contributions to school-wide improvement efforts.² We advocate for a system that includes recognition for results and contributions with students and in the school.

The step-and-lane salary scale that many districts rely on began in the early 1900s, when there was a historical reason to design transparent compensation systems.³ At that time, teacher salaries were susceptible to bias because of gender and race. It was important to value teachers on an objective basis — years of experience. Since then, professional development credits have served as an additional criterion for salary increases.

As history shows, there are pros to having a step-and-lane schedule like the one that has been in place for many decades. The pros of the system include:

- Provides transparency: Step-and-lane schedules based solely on easily quantifiable measures ensure equitable salaries without biases (of gender, race, etc) towards teachers.
- Allows teachers to plan for the future: Teachers are given reasonable assurance of their

yearly income and can plan for future years. Additionally, teachers can make decisions that they know will be reflected in their pay. For example, teachers know exactly how many graduate credits they need to attain in order to move up.

However, there are also cons:

- Does not value teachers' work of producing student growth and achievement: The current step-and-lane schedule does not value teachers for making huge gains with students. Outstanding teachers get paid the same (or less) than peers who are not making growth with students.
- Rewards time served, not work with students: The current step-and-lane schedule supposedly helps retain teachers, but instead gives teachers the wrong message: staying on for more years increases our salary more rapidly than improving our practice. It is critically important to signal to teachers that their expertise and skill is valued, especially at the "second stage" of the career, when so many teachers leave.
- Values graduate credits that are unrelated to improving teaching: Research shows little or no correlation between attaining an advanced degree and classroom effectiveness.⁶ In fact,

Figure 1: T+ Network Event Data, January 20, 2011

At a recent T+ Network event in Boston, teachers in the audience (95% of whom had fewer than ten years of experience) overwhelmingly agreed that some teachers add more value to a school than others and ought to be compensated accordingly.⁴

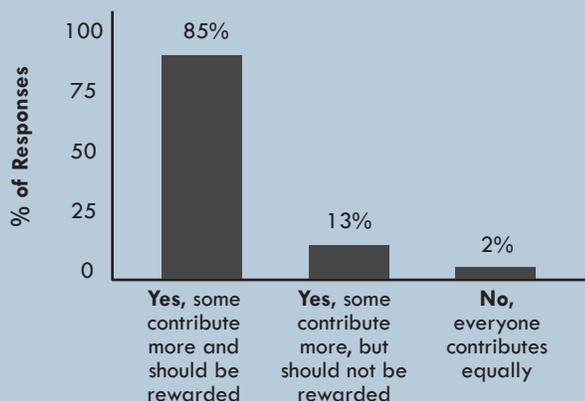
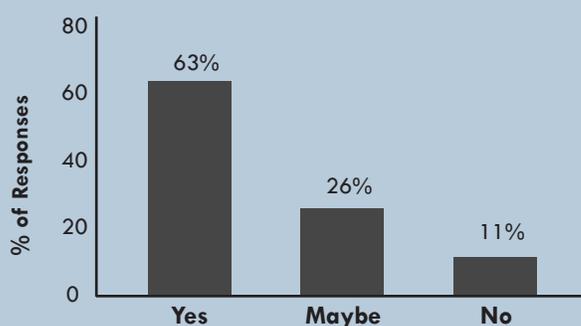


Figure 2: T+ Network Event Data, January 20, 2011

Teachers at the same T+ Network event were asked: "Would you be willing to be held more accountable for student outcomes in exchange for access to differentiated roles and additional pay?" Only 11% were unwilling to entertain the idea.⁵



some research shows a negative correlation between advanced degrees and impact on student learning.⁷ This is particularly important to note given that our current system does not differentiate between graduate courses that are relevant to a teacher's subject or area of need and those that are completely irrelevant.⁸ Teachers should not be rewarded simply for the act of taking a graduate class.

Now is the time to modernize compensation structures and to better align them to our national goal: ensuring that all students are college and career ready. Districts around the country, in collaboration with teachers unions, are adopting compensation models that will help bring our profession into the 21st century. The recommendations in this report are based on innovative models we have studied in Baltimore, Denver, Pittsburgh, and Washington, DC. We were most intrigued by the Baltimore plan, which was ratified by Baltimore teachers in the fall of 2010. Based on the innovations of these other cities and on what we believe as a group of committed teachers who would like to modernize our profession, we advocate for a new compensation system with three levels that teachers progress through based on accomplishments, including:

- excellence in the classroom, as demonstrated through successful annual evaluations and proof of student learning;
- completion of professional development that demonstrably aligns with teachers' subject area or area of need and improves student learning; and
- a teacher's contributions to the overall improvement of the school.

What should "count" for salary increases?

In a newly designed teacher compensation system, we believe the following elements should count towards increases in teachers' salaries:

Excellence in the classroom

- Teacher evaluations in our state are undergoing change.⁹ We anticipate that evaluation will soon be more closely tied to growth in student learning, as determined by multiple measures. Therefore, an excellent evaluation should

truly signal that students are making excellent progress in a given teacher's classroom.

- Teachers who receive excellent evaluations should be able to advance through the steps and attain salary increases quickly. This serves to both recognize excellent teaching and better retain top teachers by valuing their contributions.
- Teachers who receive poor evaluations should not receive automatic yearly raises (except for cost of living adjustments).

Coursework and PD that is tied specifically to subject/grade level and/or a teacher's area of need

- Professional development is a critical part of improving practice and should be aligned to what will actually improve a teacher's instruction. Teachers' evaluations should clearly outline their areas of need and guide them towards coursework that will be beneficial.
- Coursework that improves a teacher's leadership skills should also count. For example, teachers should be able to take courses on data analysis, mentoring, or leading teacher teams. Opportunities such as these will help a teacher grow professionally outside the classroom, which is in and of itself a lever for retaining teachers who are eager to take on leadership amongst their peers while remaining in the classroom.
- District and union representatives should come together to agree on appropriate and specific criteria for PD that "counts."

Contributions to colleagues' professional growth and to the overall improvement of school and district

- Mentoring colleagues or student teachers
- Leading professional development for other teachers
- Leading or participating on school-wide teams and collaborating with peers (ex. Data Team, Instructional Leadership Team, School Site Council)
- Leading a district-wide effort or committee
- Choosing to teach in a turnaround or "high need" subject/grade level
- Leading extracurricular student activities, such

as sports, student government, debate teams, etc.

“As a young teacher I was asked to serve on interview committees and as a coach in my first year, and to serve as a team leader and class advisor in my second year in addition to teaching a full load of classes. I reluctantly took on some of these tasks, and unfortunately my classroom teaching suffered as a result. I see the same thing happening still... new teachers [first and second year] are being asked to stretch themselves so thin that their classroom teaching falls short. The teacher’s most important job is to instruct students and help them grow. Everything else, regardless of how important it might be, is secondary to that goal. Instituting a system to ensure success will help teachers be the best teachers they can be, but even more importantly will give students the best possible instruction they can receive.”

– **Greg Hurley, Malden Public Schools**

We envision leadership opportunities as a way to recognize great teachers. At different career stages, teachers should be offered additional leadership roles that acknowledge their accomplishments. For example, teachers in the first two years with Provisional status should be sheltered from too many responsibilities and should almost solely focus on their classroom instruction. Teachers who have been acknowledged with Professional status should be able to join school-wide improvement teams and should be able to lead student extracurricular activities and teams. Master teachers should be tapped for leading professional development, mentoring Provisional or struggling teachers, and leading teacher teams. Master teachers should be offered the most challenging teaching assignments and leadership roles that allow them to have greater input into school-based decision-making. Teachers and administrators must work to ensure that teachers are ready to take on these various roles, feel supported in doing so, and believe that the role will contribute to sustaining them in the profession.

Maintaining Fairness

Since teacher evaluations would be linked to compensation in our proposed model, it is imperative that evaluations are fair and unbiased depictions of

a teacher’s abilities and growth areas. The purpose of evaluations must be to give all teachers specific and actionable steps for improvement. We advocate for a district-level External Review Committee made up of union members and district representatives who would collectively decide if teachers are eligible to move up to the next step. In addition to annual evaluations, teachers should present a portfolio that shows:

- proof of lesson-planning and curriculum design;
- student work at a range of levels of mastery;
- proof of contributions to school or district improvement; and
- proof of eligible coursework that is aligned with areas of need.

There are some aspects of the current step-and-lane model that we would like to retain. Fair cost of living adjustments should remain in place for all teachers on an annual basis. Salary increases should still be outlined in a transparent way which will allow teachers to understand what, specifically, they can do to move up to the next step. Also, there should be an appeals process for teachers who feel they have been unfairly judged.

Finally, we, as teachers, are the first to recognize that we are advocating for a significant change. It is critical to keep teachers well-informed through implementation and to create avenues for teacher feedback and for questions to be answered. A joint committee of district and union representatives should be formed to guide implementation. At least at first, current teachers should have the choice to opt in rather than being forced to adopt the new model. When transitioning from the current schedule to a new model, teachers should be reviewed by the External Review Committee to determine their proper placement. We want to be clear: teacher salaries should not be lowered from where they are now. Under this new model, a fraction of teachers will earn more than they currently earn.

Why this time will be different

When the single salary schedule was introduced in the early 1900s, it was customary in many industries and bureaucracies to pay employees incrementally larger salaries with each passing year of employment. In the 1980s and 1990s, however, districts across the country began experimenting with merit pay or career

ladders tied to differentiated pay in recognition of the fact that the broader economy around the teaching profession had changed. Many of the programs that were implemented in the 1980s and 1990s did not succeed. In part, this is because they often drew from a limited pool of funds, meaning that only some teachers or some schools were eligible for bonuses. In cases like these, an element of competition is introduced, which

Union Leaders Recognize Need for Change

The American Federation of Teachers believes the decision to adopt a compensation system based on differentiated pay should be made by the local union leaders and district officials who know best what will work in their schools. Systems must be locally negotiated, voluntary, schoolwide, and must promote a collaborative work environment. Well-designed compensation systems based on differentiated pay for teachers must include the following elements:

- Labor-management collaboration
- Adequate base compensation for all teachers
- Credible, agreed-upon standards of practice
- Support for professional development
- Incentives that are available to all teachers
- Easily understood standards for rewards
- Sufficient and stable funding
- Necessary support systems, such as data and accounting systems

Read more about the AFT's view on differentiated teacher pay at <http://www.aft.org/issues/teaching/diffpay/index.cfm>

runs counter to what we now know helps schools improve: collaboration. Additionally, career ladder opportunities for teachers often reduced the teaching load for a limited number of teachers and, instead of providing differentiated roles within teaching, ended up being a ladder out of the classroom altogether. Other limitations of failed systems include doling out bonuses so uniformly across a school that even poor performing teachers benefit or allowing principals to select which teachers do or do not receive bonuses.

Right now, we are in a time of immense change within the teaching profession. Reimagining the

teacher compensation system is only a piece of broad, comprehensive change that is needed to truly modernize and professionalize our profession. We are shifting from identifying highly *qualified* teachers to highly *effective* teachers as we move from focusing on *processes* to focusing on *outcomes*. A reformed teacher compensation system that credits teachers for strong outcomes with students must have a robust evaluation system underlying it that accurately and fairly ties teachers to measures of learning growth. While we do not yet have such a system in Massachusetts, we know that our state is heading towards a teacher evaluation model that will more reliably allow teachers to track their contributions to student learning growth and will therefore enable teachers to move up a new pay scale more quickly.

Conclusion

As with any large-scale reform that stands to overhaul our profession in a major way, we know that implementation will be key. As teachers, we feel the effects of reforms that have been designed by policymakers at 30,000 feet above what actually occurs in our classrooms and schools. Therefore, we believe it is imperative to include teachers in the design and implementation of new salary structures. This will increase teachers' faith in the system and help to preempt unforeseen complications.

Additionally, a complex undertaking like revamping an age-old structure must be viewed as a work in progress, something that will be revisited and improved over time. Again, teachers themselves must be included in this ongoing review.

Perspectives from the Classroom

“When I first became a teacher, I spent a lot of time grappling with the idea that I was putting in significantly more effort than some of my colleagues. I believe my students were also making more progress, yet my colleagues were receiving satisfactory evaluations and making significantly more money than I was. It left me tempted to leave, similar to many of the other early career teachers who leave within the first five years of teaching. It also made me feel unprofessional, as though the outcomes I was working so hard to get with my students meant little or nothing when it came to my paycheck.

When I worked in a district school, I, like so many teachers, worked far more hours each day than what was contractually expected. I worked tirelessly to refine my practice so that my students would make progress. But I would witness other teachers – some of whom were earning twice what I was earning – who were simply not helping their students grow. It was disturbing and infuriating.

If more teachers worked in a district that valued the hard work that they put in and the progress that their students are making, more effective teachers might stay in teaching, and the status of the profession might rise.”

– Judy Fahey,
Boston Collegiate Charter School

“I want to stay at my current school, work with these same students, and help our school improve. But, with each passing year, my own future weighs on my mind. I am a single woman who needs to know how and when I can reach my target salary: \$70,000. Other schools and districts will tell me, which will help me plan for my future. I want to buy a house and have a child, which should not be out of my reach as a highly educated and successful professional.”

– Laura Fleming, Community Charter School of Cambridge

“As a high school history teacher, I have taken some excellent classes. For example, a class called “Immigration in a Changing World: Identity, Citizenship and Belonging” helped me to build a unit that relates late 18th century immigration to current immigration trends. This really improved my teaching and knowledge about immigration. While this class was extremely useful to my teaching, it was not recognized in terms of “professional development points” or salary. However, a graduate class on human behavior that was completely useless counted towards getting additional pay. This makes no sense!”

– Brinda Tahiliani, Boston Public Schools

“Reforming the current compensation system will have a greater impact on the teaching profession’s ability to recruit and retain future teachers. As a result, I am definitely in favor changing our current system to one that rewards teachers proportionately to their effectiveness. The possibility of earning a more attractive salary coupled with working alongside other strong teachers and visionary school leaders would do a better job retaining great teachers, though. We need to think of this only as a piece of the puzzle.”

– Adam Gray, Boston Public Schools

Endnotes

1. Celine Coggins & Heather Peske, 2010. "New Teachers Are The New Majority." Education Week Vol. 30, Issue 17: 21-23.
2. There are a few notable exceptions, such as Baltimore Public Schools, Denver Public Schools, and Eagle County, Colorado, and schools and districts participating in the Teacher Incentive Fund.
3. Alan Odden & Carolyn Kelly, 1995. CPRE Finance Briefs: Reinventing Teacher Compensation Systems.
4. Respondents are urban Greater Boston teachers who attended a T+ Network event on January 20, 2011 and used live polling technology to respond to the question. The data reflects the responses of 52 teachers.
5. Respondents are urban Greater Boston teachers who attended a T+ Network event on January 20, 2011 and used live polling technology to respond to the question. The data reflects the responses of 52 teachers.
6. Charles T. Clotfelter, Helen F. Ladd, and Jacob L. Vigdor, 2007. How and Why Do Teacher Credentials Matter for Student Achievement? Also see: Kate Walsh & Christopher O. Tracy, 2004. Increasing the Odds: How Good Policies Can Yield Better Teachers. and J.K. Rice, 2003. "The incidence and impact of teacher professional development: Implications for education productivity" In M. Plecki & D. Monk (Eds.), School finance and teacher quality: Exploring the connections, 2003 Yearbook of the American Education Finance Association (pp. 111-136). Larchmont, NY: Eye on Education.
7. Goldhaber, Dan and Brewer, Dominic. (1997). "Evaluating the Effect of Teacher Degree Level on Educational Performance." In William Fowler (Ed.), Developments in School Finance 1996 (pp. 197-210). Washington, DC: NCES.
8. The Boston Teachers' Contract does give the district some management of the courses teachers can take: "The School Department reserves the right to disapprove for salary credit courses that are unrelated to the field of education in the Boston Public Schools, or to subjects taught therein, or which do not enhance advancement up the educational career ladder." Collective Bargaining Agreement between the Boston Teachers Union and the Boston School Committee, effective 2006-2010, page 139.
9. At the time of publication, the state of Massachusetts is still working to finalize new regulations that will guide teacher evaluation. Based on the preliminary regulations drafted by the MA Commissioner of Education (April 16, 2011), we believe that the new evaluation system will allow for high-stakes decisions to be made based on a teacher's impact on student learning.

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TEACH +PLUS

**Opportunities for Teachers,
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Fifteen Ideas for Promoting Effective Teaching in MCS with Master Teachers

Teach Plus and the Teacher Effectiveness Initiative in Memphis City Schools have in common a core belief that increasing student learning requires having effective teachers. The Teacher Effectiveness Initiative, guided by four strategies, has specific goals that will directly impact teachers. As classroom teachers in Memphis, we hope the development and implementation of these policies will include us. This brief is focused on recommendations for Strategy 2 of the TEI—to better support, utilize, and compensate teachers. We are highly interested in the goal of developing the role of a “master teacher.”

We offer the following recommendations for the master teacher role in MCS. We believe that if we well-structure this role, master teachers will have a larger impact on student achievement in the district.

Create clear, transparent definitions and processes to identify master teachers.

1. Identify master teachers using a combination of measures such as: growth in student learning, results on the revised teacher effectiveness measures, student feedback, demonstrated knowledge of content, anticipated contributions to colleagues' knowledge.
2. Recognize master teachers for their accomplishments. In Chattanooga, the mayor hosted an annual dinner with terrific teachers. We appreciate this kind of recognition and want the criteria for invitations to be transparent to all.

Tap into master teachers to promote effective teaching across the district.

3. Compile a list of master teachers who are willing to be observed, including their subjects, grade level and school.
4. Match MCS professional development sessions to master teacher expertise: Give master teachers opportunities to lead professional development sessions. Giving master teachers additional responsibilities such as leadership in professional development for teachers will expand their impact and enable them to reach more students. Set up an “observation station” in mentor teachers' classrooms for observers that includes long-term planning documents, daily lesson plans and samples of student work.
5. Bring master teachers in specific subjects together to design lessons and assessments, especially in non-tested subjects.
6. Film master teachers at work. Use the videotapes in an “Effective Practice” library.
7. Offer Saturday Sessions with master teachers, during which master teachers provide one-on-one support to teachers with specific, identified needs.

Assign master teachers – our best resource – strategically.

8. Cluster master teachers so that they are not alone; focus on the students and schools that need them the most.

Keep them: Focus on retention.

9. Give master teachers additional planning time to be used to observe or meet with other teachers, especially teachers who are struggling in the area in which the master teacher has demonstrated success.
10. Let master teachers teach as much as possible. Streamline paperwork, especially for master teachers; focus every minute on teaching students or teaching teachers.
11. Give master teachers an extra resource budget to purchase resources to be used in working with novice teachers.

Recognize that master teachers want to get better, too!

One of the hallmarks of a successful person is that he or she is constantly striving to get better. The same is true of effective teachers in MCS. These teachers never rest on their laurels; they seek constantly to improve, to be stronger, to meet more students and accelerate them. They want opportunities to learn from other master teachers and to be continuously challenged and grow. In fact, these teachers are frustrated when their learning reaches a plateau. To retain them, keep them challenged and provide learning opportunities for them.

12. Support master teachers to meet with other master teachers to promote even greater levels of effectiveness.
13. Provide opportunities for master teachers to compete for funding to increase their knowledge or learning. For example, in Chicago, the district conducts competitions for teachers to participate in the “Fund for Teachers”; the competitive funding pays for teachers to pursue specific learning opportunities during the summer. A master art teacher might apply to go to Italy for three weeks to study Renaissance painting and bring that learning back to her students. A biology teacher might apply for a stipend to offset costs to work in a research lab during the summer.

Align new evaluation and compensation systems with opportunities for master teachers.

Right now, MCS is embarking on revising the evaluation and compensation structures through the work of the Teacher Effectiveness Initiative. We suggest the district build opportunities for master teachers into this revised system.

Specifically, we believe master teachers—proven teachers who have demonstrated their capacity to promote student learning in a variety of ways—should be given opportunities to serve as Peer Assistants and Reviewers if MCS moves to using this type of system in teacher evaluation. What better person to serve as an observer and evaluator than another teacher, especially one who is effective and has knowledge of the subject and grade level?

14. Select master teachers as Peer Assistants and Reviewers: Promote effectiveness among our own. Give master teachers first dibs at being Peer Assistants and Reviewers in a revised evaluation system.
15. Provide additional compensation for master teachers (stay tuned for our thoughts on this in our next Teach Plus Memphis Teaching Policy Fellows’ brief).

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The mission of Teach Plus is to improve outcomes for urban children by ensuring that a greater proportion of students have access to effective, experienced teachers. Teach Plus is grateful to the Bill and Melinda Gates Foundation for their support. The views in this brief represent the Memphis Teaching Policy Fellows and Teach Plus. www.teachplus.org.



Bumping HR: Giving Principals More Say Over Staffing

October 2010

In what may come as a surprise to many, principals have remarkably little control over who teaches in their schools. For the most part, the human resources (HR) department in a district's central office, not individual school principals, makes the final call about when to hire teachers, whom to hire and in which schools they are placed.

Districts generally downplay the authority of their HR offices, insisting that principals play an integral role in staffing. Such assertions are only partly true. Aside from a few notable exceptions, most districts sharply limit the authority of principals to staff their schools.

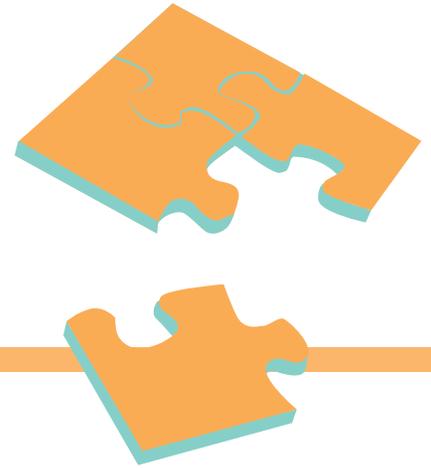
So who, exactly, hires teachers? Almost all districts routinely give principals an opportunity to interview teachers for vacancies. Many also allow principals to independently advertise for, recruit and recommend good candidates for hire. *If* the district determines that a school vacancy is legitimate, *if* it has not already hired a full slate of new teachers and *if* it does not need to fill a vacancy with a teacher who was "excessed" from another school, then the principal may select the teacher.

The problem with this system is that principal authority depends on too many "ifs."

Even plans for reauthorizing the Elementary and Secondary Education Act, or ESEA (more recently known as NCLB), would likely give HR departments yet another reason to intervene in hiring and transfer decisions. In the goal of achieving "comparability," or ensuring that high-quality teachers are spread throughout a district, the new ESEA would tie funding to districts on the basis of whether teachers are equitably distributed throughout the district.

This paper explores the problems, including this latest, that get in the way of the "ifs" and what districts and state legislatures can do differently to provide greater principal autonomy over school staffing. We tap into the 101 large school districts in NCTQ's TR³ database (www.nctq.org/tr3) to examine state laws, regulations and district policies.

OBSTACLES & Solutions



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Five factors currently prevent a district from giving principals full autonomy over staffing and teacher assignment. They are generally the result of the culture of the district, the rules agreed to in the teacher contract and, in some cases, restrictions imposed by the state. The factors are:

1. The strong pull of centralized hiring and assignment.
2. The failure of school districts to properly evaluate their teachers.
3. The role seniority plays in teacher excessing.
4. The role seniority plays in teacher placement.
5. The limitations imposed by states on districts seeking to nullify contractual obligations.

1. The strong pull of centralized hiring and assignment

Most American school districts centrally hire and assign teachers to schools. There is one location in the central office where applications are received and processed and where candidates are interviewed, hired and placed. Because the school district, and not individual schools, enters into legal contracts with teachers, it makes sense that the district controls the hiring and transfer process. This way it does not find itself with more teachers than it needs or can afford.

Nevertheless, this centralized approach has one major drawback that overrides any benefits: It gives principals little or no say in hiring, which is not good for student achievement. As the nationwide sampling of districts in the table below demonstrates, it is hard to hold principals accountable for results when they have no control over the quality of their school staffs.

Figure 1. Moving towards mutual consent

DISTRICT	WHAT IS THE ROLE OF PRINCIPALS IN HIRING TEACHERS WHO ARE TRANSFERRING VOLUNTARILY?	WHAT IS THE ROLE OF PRINCIPALS IN HIRING EXCESSED TEACHERS?	CAN HR ASSIGN A TEACHER TO A SCHOOL WITHOUT THE PRINCIPAL'S CONSENT?
CLARK, NV	Principals have the opportunity to "approve" transfers before June 30, though whether teachers are interviewed is not discussed. After June 30, HR assigns teachers to vacancies.	Principals have no role in determining the placement of excessed teachers. Excessed teachers select new positions based on their qualifications and seniority.	Yes. HR can force place any teacher.
FORT BEND, TX	Principals may select transfer candidates.	Principals have no role in determining the placement of excessed teachers. HR determines assignments of excess teachers.	Yes. HR can force place any teacher.
JEFFERSON, CO	Principals interview and select transfer candidates.	Principals interview and select excessed teachers.	No. All hiring decisions are made according to the mutual consent of teachers and principals. Teachers who do not find a position by mutual consent may accept a temporary assignment for one year.
JORDAN, UT	Principals interview and select transfer candidates.	Principals have a limited role in determining the placement of excessed teachers. Before June 1, principals may interview and select candidates. After that date, HR assigns excessed teachers.	Yes. HR can force place any teacher.
LOS ANGELES, CA	Principals interview and select transfer candidates.	Principals have a limited role in determining the placement of excessed teachers. Although principals may choose a teacher who ranks the school as a preference, principals may also receive a teacher assigned by HR to fill a vacancy.	Yes. HR can force place, but state law permits principals in low-performing schools to refuse candidates.
MEMPHIS, TN	Principals have until May 15 to hire candidates. They must interview the five most senior candidates who apply. After May 15 HR assigns teachers to available positions.	Principals have no role in determining the placement of excessed teachers. HR gives teachers a choice of three vacancies. If teachers refuse assignments then HR places teachers.	Yes. HR can force place any teacher.
MOBILE, AL	Principals interview and select transfer candidates.	Principals have no role in determining the placement of excessed teachers. HR offers excessed teachers new positions based on their qualifications and available openings.	Yes. HR can force place excessed teachers.
PINELLAS, FL	Principals have no role in hiring voluntary transfers. HR makes assignments based on teacher qualifications, seniority and teacher preference.	Principals have no role in determining the placement of excessed teachers. HR offers excessed teachers new positions based on their qualifications and available openings.	Yes. HR can force place any teacher.
TUCSON, AZ	Until July 1, principals interview and select transfer candidates. After that date, teachers rank preferences and are assigned by HR according to their seniority.	Until July 1, principals interview and select transfer candidates. After that date, teachers rank preferences and are assigned by HR according to their seniority.	Yes. Between July 1 and the beginning of school, HR may force place unassigned teachers in vacancies according to their preferences and seniority.
WASHINGTON, DC	Principals interview and select transfer candidates.	Principals interview and select excessed teachers.	No. All hiring decisions are made according to the mutual consent of teachers and principals. Teachers who do not find a position by mutual consent may accept a buyout, early retirement or a temporary assignment for one year.

Source: <http://www.nctq.org/tr3/reports/custom.jsp?id=29205>

The districts included in this table represent only a sample of the districts in NCTQ's 101-district TR³ database.

2. The failure of school districts to properly evaluate their teachers

Without a good evaluation system to document teacher performance, there is a legitimate question as to the fairness of using performance as a factor when cutting positions.

Detailed evaluations should play a key role in staffing decisions. When positions are cut, evaluations can help principals decide whom to lay off. And when a teacher applies for a position, accurate evaluations outline candidate strengths and weaknesses, helping the principal determine if the applicant is a good fit for the school.

Certainly principals can also call around to find out the reputations of applicants, but such an approach may be unreliable on its own. It is not unheard of for principals to use the excess process to pass off their ineffective teachers (a practice known as the “dance of the lemons”). Consequently a teacher’s former principal may not be as forthcoming on the actual performance of a teacher as the hiring principal may seek.

While states and districts are improving their evaluation policies, largely in light of Race to the Top, teachers in too many districts still are not regularly, or sufficiently, evaluated. Half of the 101 districts in TR³ require annual evaluations of all teachers (up from one third a year ago). But even in districts and states that require annual evaluations, districts often lack the systems to hold principals accountable for evaluating teachers, including the ability to record evaluations electronically, so that the central office can stay up-to-date on individual teacher progress.

Furthermore, most current evaluation systems do not accurately assess a teacher’s strengths and weaknesses, nor do they assess a teacher’s impact on student learning. Only 21 states require that student learning be considered in a teacher’s evaluation rating, but this is an increase of five states from one year ago. Too often evaluation instruments simply state whether a teacher’s performance is “satisfactory” or “unsatisfactory,” failing to distinguish excellent teachers from average teachers or, even worse, average teachers from poor teachers. But this, too, is changing.

3. The role seniority plays in teacher excessing

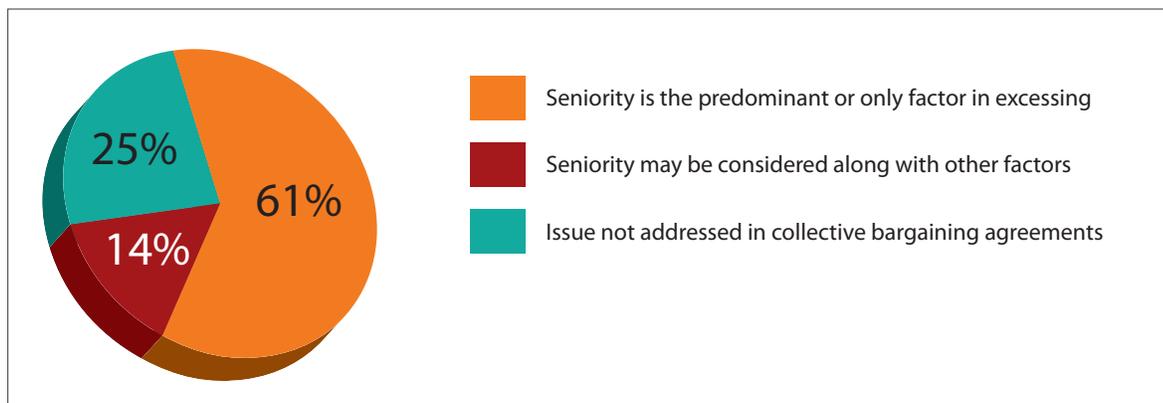
More than three quarters of the districts (78) in the TR³ database list seniority as a factor in excessing decisions (see Figure 2). While seniority may be the determining factor, 46 of those districts list other factors that may be considered as well.

At one end of the spectrum are districts that make excessing decisions based entirely on seniority (after targeting the area of certification), the assumption being that more experienced teachers offer greater value than inexperienced teachers. At the other end of the spectrum are a growing number of districts that consider, in addition to seniority, a teacher’s performance in the classroom, a school’s needs, or both.

Seniority rights are generally set forth in the teacher contract or, in the case of right-to-work states, by local school board policy. On the issue of teacher assignment, states basically take a hands-off approach. While states often weigh in on other areas of a teacher’s work life (for example, evaluation and tenure), they’re mostly silent on teacher hiring, transfer and assignment, leaving those policies for districts (often in negotiation with the union) to decide.

States, of course, could issue a directive to change the role of seniority in teacher assignment decisions, but most have not weighed in on such matters. A notable exception is Rhode Island's state superintendent, Deborah Gist. In October 2009, Gist directed district superintendents to stop transferring teachers into new jobs on the basis of seniority, mandating instead that vacancies be filled using teacher performance and student need as the criteria. This directive trumps locally bargained contracts and inserts the state into an area long viewed as one that districts and their local unions must work out at the negotiating table.

Figure 2. How districts determine which teachers will be excessed



Only six districts explicitly allow performance to be a factor in excessing decisions (in addition to seniority): Duval, Florida; Washington, DC; Los Angeles, CA; Denver, CO; Fargo, ND, and Aldine, TX.

Source: <http://www.nctq.org/tr3/reports/custom.jsp?id=30048>

Actually, most school districts in the 101-district TR³ database find a pure seniority-based system to be impractical or even untenable: 47 of the 76 districts that use seniority to determine excessing also allow for other factors when deciding which positions to cut. Los Angeles, for example, has a seniority-based excessing policy, but the union contract states that exceptions can be made if a teacher has a unique skill or if the transfer would disrupt the racial balance in the school.

In some districts, certain positions are protected from excessing. For example, many district contracts state that teachers who sponsor extracurricular activities or who coach sports teams cannot be excessed.

Figure 3. The many exceptions to districts' seniority rules

	Moves that would upset the racial balance at a school	Department heads	Teachers with extracurricular positions	Union reps	Bilingual/ESL teachers	Special education teachers	Teachers over 59 years old	Gifted and Talented, International Baccalaureate, Advanced Placement K-3 teachers	Resource teachers, counselors, librarians, reading teachers	Teachers with "special training" or "unique skills"
DISTRICT										
BROWARD, FL			X	X					X	
CHARLOTTE-MECKLENBERG, NC										X
CLARK, NV					X					
CLEVELAND, OH	X	X	X							
DADE, FL			X	X			X			X
DALLAS, TX	X	X	X							
DAVIS, UT										X
DETROIT, MI					X					
DUVAL, FL			X	X	X					X
FAIRFAX, VA		X			X		X			
FRESNO, CA	X		X		X		X			
GWINNETT, NC			X							
HAWAII									X	
JEFFERSON, KY			X							
JORDAN, UT			X							
LONG BEACH, CA	X						X			
LOS ANGELES, CA	X				X					
NEW YORK, NY					X	X		X		
PALM BEACH, FL			X							
PHILADELPHIA, PA	X									
SAN DIEGO, CA					X	X		X		
ST. LOUIS, MO			X							

It is not uncommon for districts to make exceptions to seniority-based excessing policies to minimize the impact of staffing disruptions on key school programs. Source: <http://www.nctq.org/tr3/reports/custom.jsp?id=29208>

Figure 4. Performance versus Seniority: The challenge of deciding which teachers get excessed or laid off

APPROACH	PROS	CONS	WHAT NEEDS TO BE IN PLACE FOR THIS TO WORK EFFECTIVELY?
SENIORITY	<p>There is no question that a seniority-based system is transparent and objective. Accordingly, it has strong support from unions.</p> <p>This system, when it functions as it is supposed to, makes it easier to place teachers who get thrown into the excess pool. Principals understand that teachers who are in the pool aren't necessarily bad teachers but just unlucky.</p>	<p>Newer teachers are always the first to go, no matter how effective they are.</p> <p>Because this system leaves principals with little discretion, principals "work it," finding all sorts of ways to get around letting go of teachers they want to keep. It is rarely as fairly applied as it might appear to be. Principals believe that most of the teachers in the pool are sub-par.</p> <p>When applied to layoffs, this system has a disproportionate impact on poor/minority schools, which often have higher numbers of newer teachers, creating very unstable staffs.</p>	<p>The district would have to disallow most exceptions and target which teachers would need to go.</p> <p>The system would also have to provide a more efficient process for principals to dismiss low performers, so that excessing is not considered the only viable way to remove a weak teacher.</p>
PERFORMANCE	<p>Principals are able to keep their most effective teachers on staff, presumably benefitting students.</p> <p>A more equitable system of teacher layoffs, as schools with already high turnover rates are not adversely affected.</p>	<p>Principals know for certain that any teacher in the "excess" pool is sub-par and may be less willing to take them on without being forced to by the HR department. sAbsent forced placements, the district is forced to pay full salaries to teachers who can't find a classroom.</p>	<p>Districts have to stop force placing teachers and need to identify a legal avenue to nullify the contract of a teacher who does not secure a new placement after a specified period of time.</p>

4. The role seniority plays in teacher placement

Not only does seniority shape which teacher must go when there is excessing, but it also affects which teacher a principal has to hire when filling a vacancy.

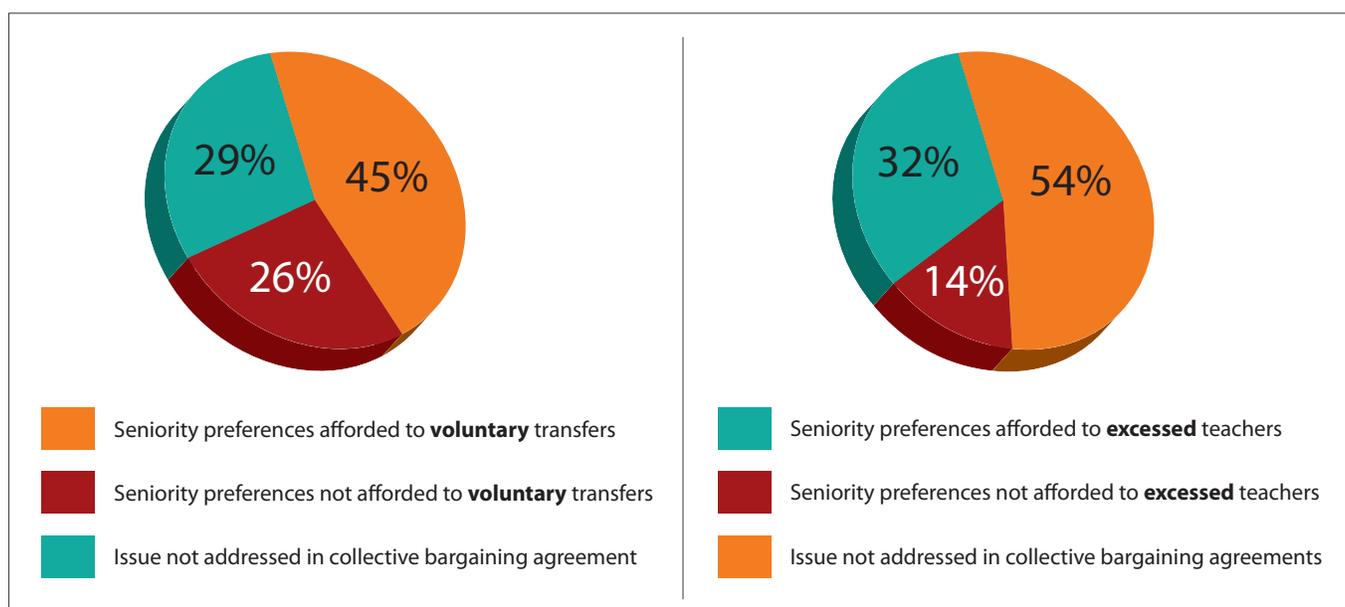
As an example of the strictest interpretation of this rule, imagine that Ms. Roberts, a high school biology teacher with five years of experience, is excessed from Appleton district's Thomas Jefferson High School after a drop in enrollment at her school. In trying to find Ms. Roberts a new placement, Appleton's HR office identifies all of the district's biology vacancies and allows Ms. Roberts to rank, in order of preference, those schools in which she would like to work. But because Appleton needs to place other biology teachers with more years of experience, Ms. Roberts can't be placed in any of her top schools. In fact, the principals at these schools never interview her, as they are required to consider, and eventually hire, teachers with greater seniority.

This process is executed purely on a mathematical basis, with the most senior teachers getting the choicest assignments. Such decisions do not factor in a teacher’s skills or suitability for a particular school, nor, in this case, do they allow principals to select the biology teachers they truly want.

Of course, among the districts in the TR³ sample, there are many twists and turns in the role that seniority plays in excessing. For example, some districts may guarantee the most senior teachers who apply for a position an interview. Other districts allow teachers to outright pick their positions, with the most senior teachers choosing first.

The teacher contract in **Hartford, Connecticut**, for example, stipulates that the three most senior teachers who apply for a position are guaranteed an interview, and principals *must* hire from among those applicants. In **Hillsborough County, Florida**, teachers with the most seniority pick their positions based on a list of vacancies that the district provides. Other districts factor in seniority as a tie-breaker if there are two teachers equally qualified for a position.

Figure 5. Illustration of the role of seniority in teacher placement



Source: <http://www.nctq.org/tr3/reports/custom.jsp?id=30403>

Source: <http://www.nctq.org/tr3/reports/custom.jsp?id=30400>

5. The limitations imposed by states on districts seeking to nullify contractual obligations

The most significant hurdle to greater principal autonomy is money. While it’s true that most districts give principals and teachers opportunities to arrive at mutually agreeable placements, each year there are teachers who have lost assignments and can’t find positions elsewhere in the district. The central office often assigns these teachers to remaining vacancies, forcing principals to accept them regardless of whether they are wanted or are good fits for the schools. Districts feel they have no choice but to make forced placements, as they are obligated not only by the union contract, but also by state law to pay a teacher a full salary, even if no principal freely elects to offer that teacher an assignment.

New York City illustrates this problem perfectly. In 2005, the new teachers' contract gave principals the right to refuse a teacher who was not a good fit, but it did not address the problem of teachers unable to find placements elsewhere in the district. Inevitably, thousands of teachers found themselves without new assignments, costing the city \$74 million in 2008 alone to pay for teachers who were not teaching. Years later, after two contract negotiations, the city is still seeking ways to remedy this problem. The language of states' dismissal laws is largely to blame for this problem. State law usually limits the reasons for teacher dismissal to incompetence, immorality or willful neglect of duty. Not having a teaching assignment is generally not an acceptable reason.

In right-to-work states there appears to be some opportunity to dismiss teachers in the excess pool at the end of their contract term. For example, in Texas most veteran teachers (generally considered tenured) are on term contracts, rather than on continuing contracts. Term contracts are renewed every three to five years. After they expire there is little obligation for a district to keep an employee on staff. Districts will find it easier to reevaluate an employee's status at the end of each contract period, rather than having to go through a formal evaluation and dismissal process to prove incompetence.

SOLUTIONS

What NCTQ recommends below may seem like straightforward policy changes, but enacting them would constitute two major cultural shifts in school districts. One shift values performance over experience, the other values principal autonomy over district efficiency.

1. End forced placements

Principals should have the final say over all teacher assignments in their buildings. Hiring authority is essential to well-run businesses, and, in the case of schools, giving principals the authority to accept, turn down or look for alternative candidates is key to building cohesive school faculties that will, ultimately, be effective teams.

Where it's been done.

There are a growing number of districts that have ended forced placements made by the central office, giving principals and schools full control over hiring. New York City was the first of the large urban districts to implement a "mutual consent" approach to staffing in 2005. Since then, a handful of other districts have moved in this direction, including Chicago, Washington, D.C., and Baltimore.

Alternative and modifications.

Right of refusal. Although transfer and hiring policies are almost always the domain of local districts, the California legislature passed a state law in 2006 that gives principals at low-performing schools the right to refuse the assignments of teachers to their schools. The law is designed to end the "dance of the lemons" and its particularly detrimental effect on already struggling schools.

Excess teacher trading. Some districts have forced principals to take responsibility for the harm they've caused by passing off poor-performing teachers to their colleagues' schools. For example, the Fairfax County, Virginia, and Montgomery County, Maryland, school districts hold meetings during which principals

select from among excessed teachers and openly discuss with principals' supervisors which arrangements would benefit the most schools. Teacher evaluation records and personnel files are made available to help inform the conversation. Although imperfect, this practice ensures that excessed teachers are shared equally among schools, thereby minimizing the burden usually placed on high-needs schools (those serving mostly disadvantaged populations), which have more turnover and vacancies.

2. Remedy contractual obligations that hurt the quality of school staffing

The bottom line is that districts cannot guarantee any teacher a job for life if students' interests are paramount. Excessed teachers who remain unassigned at the start of a school year should be given no more than one year to find a new position. After that year is up, a teacher should be placed on unpaid leave, if not terminated entirely. While the onus should be on the teacher to find a new position, this should not be used as a back door means to dismiss teachers. The district should provide structured opportunities for teachers to find new positions, e.g., hiring fairs, online rosters of openings and counseling opportunities.

Nearly all states define the reasons a teacher's contract can be terminated, usually limiting the reasons to incompetence, neglect of duty and immorality. Failure to find a new position is not an admissible reason to dismiss a teacher in those states. Every state, with the exception of Washington, D.C., would need to amend their dismissal laws to make failure to secure an assignment after one year an acceptable reason to void a contract.

Where it's been done.

Excessed teachers in Chicago are given 10 months at full salary to secure a new position. Afterwards, those who have not been hired by a principal are dismissed. A similar policy is included in the new teacher contract in Washington, D.C., Excessed teachers who have been given, at the very least, a "minimally effective" evaluation rating have up to a year to find a new position. Those evaluated as "ineffective," however, are given just two months to find a new position in the district.

Alternative and modifications.

Unpaid leave. Colorado's new education reform legislation gives excessed teachers two years to secure a new assignment. Those who do not find a new assignment are not dismissed, but placed on unpaid leave. This compromise means that excessed teachers who are without an assignment cannot remain on the payroll indefinitely. While these teachers are not formally dismissed, this compromise solution may be more tenable for states to undertake.

Temporary assignments. Placing unassigned teachers in temporary positions or as co-teachers is one solution used by the Baltimore City school district. But the feasibility of this option largely depends on a district's budget. If the budget is tight, the option is not affordable.

In a district with school-based budgeting, a principal should not have to dip into her school's budget to pay for teachers assigned temporarily to her school. Because they are made by the district, temporary placements should be covered by the district budget. The district, in turn, should ensure that it has sufficient funds to carry these teacher salaries for up to one year. Districts also need to agree to support principals in evaluating these teachers and not force principals to hire these teachers the following school year.

3. Make better use of the evaluation process to build a credible record of a teacher's performance, factoring it into teacher hiring, assignment and excessing decisions

The success of any human capital policy is predicated on the notion that teachers are evaluated. Those who cannot meet performance expectations receive support and, if unable to improve, are eventually dismissed. In many respects principals have long used the excess process to remove a weak teacher from a school, a simpler solution than pursuing the evaluation and dismissal protocols. The problem with this approach is obvious: Weak teachers remain in the system, moving from school to school unless and until a principal is willing to invest the time needed to dismiss a teacher.

In order for principals to stop using excessing as a way to pass off weak teachers, evaluation and dismissal procedures need to function altogether differently. Contract negotiations are not likely to offer much relief on this front. While teacher contracts may flesh out the details of teacher assignment and transfer rights, states are in the driver's seat when it comes to evaluation and dismissal rules. Improving transfer policies goes hand in hand with improving evaluation policies.

In most school districts, firing a teacher for incompetence requires that the teacher be given multiple opportunities to improve, even if it means that, year after year, students are assigned to a teacher with substandard performance ratings. Furthermore, the process is prone to procedural errors, meaning that teachers win appeals not on the basis of being found competent but because the principal has failed to observe all of the dismissal requirements.

Where it's been done.

In the past year, a number of states have significantly revised their evaluation requirements for teachers. Twenty states now require annual evaluations of all teachers (five more than a year ago), and 25 states now require that some measure of student performance factor into teacher evaluations (nine more than a year ago).

Figure 6. States that require annual evaluation of all teachers

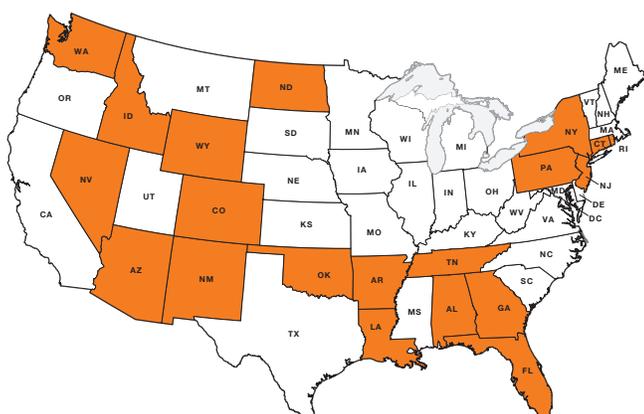
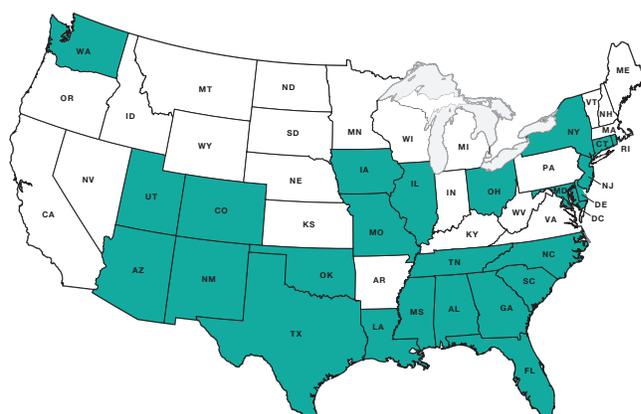


Figure 7. States that factor some measure of student performance to teacher evaluations



With regard to districts, the new contract in **Washington, DC**, stands out for explicitly accounting for a school's needs and a teacher's past performance when making excessing decisions. Instead of the central

office making excessing decisions, a team of teachers at each affected school decides which positions will be cut, based on the following criteria:

- Previous year's final evaluation (50%)
- Unique skills and qualifications (20%)
- Other contributions to the local education program (20%)
- Length of service (10%)

Alternative and modifications.

Require principals to guarantee the quality of the teachers they rate. The Palm Beach County, Florida district challenges principals who try to move poor-performing teachers from their schools. Although seniority is used to identify teachers for excessing, those with an unsatisfactory evaluation are prohibited from transferring to a new school. In addition, the teachers' contract states that if an excessed teacher exhibits performance problems during the first year of a new assignment, he or she can be returned to the principal who previously rated the teacher as "satisfactory." This provision discourages principals not only from passing off their least desirable teachers, but also from giving them artificially high evaluations.

THE NEXT CHAPTER: ESEA AND THE COMPARABILITY FACTOR

Giving principals the authority to decide who works in their buildings is a critical step toward improving public schools. Principal autonomy has been a central tenet of the school reform movement. So it is with some irony that a significant faction of that movement is pushing hard for a federal statute that would reduce the amount of autonomy principals have—that is, the "comparability" provision in the proposed ESEA reauthorization.

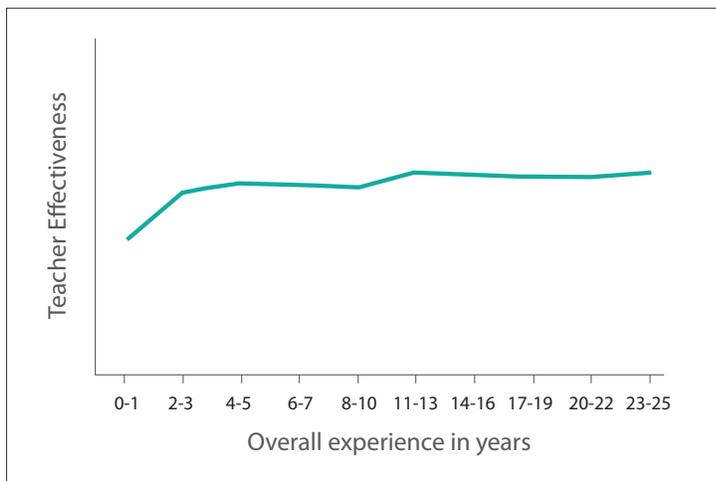
Forty-five years ago, the federal government began contributing significant amounts of money to local schools known as Title I funding. Since that time, there has been an effort to ensure that districts do not supplant that funding by giving less of their own money to the neediest Title I recipients. Most districts have respected this rule, but some work around it by taking advantage of a teacher-salary loophole that many federal officials have sought to close.

Here's how it works: A district calculates teacher salaries in terms of average cost, failing to document that it may be spending more money on its wealthier schools, where teachers who qualify for higher salaries (those with more seniority) tend to gravitate. Meanwhile, schools serving poorer children tend to have more inexperienced teachers, and, therefore, less money is being sent to those schools.

The goal of comparability is to ensure that all schools within a district get the same amount of state and local funding, including the calculation of actual, not average, salaries. It is certainly a noble goal—that all students have access to high-quality teachers. But in the push for comparability, the way in which "high quality" is defined creates problems.

For the most part, the basis for evaluating the equitable distribution of teachers is based on how much teachers cost. Because of the way teacher salaries are structured, the most expensive teachers are those with the most experience. The problem is that more experienced teachers are not necessarily more effective. In other words, some schools may be getting more money for teachers earning higher salaries, but that does not mean that those schools are getting more value.

Figure 8. Impact of teacher experience on student achievement



Source: Dan Goldhaber and Michael Hansen, “Assessing the Potential of Using Value-Added Estimates of Teacher Job Performance for Making Tenure,” 2009.

Under the new federal comparability rule, districts would be obligated to adjust the flow of money to ensure that all schools receive the same amount of funds. Because districts have almost no discretionary funding, and almost all funding is tied up in salaries and benefits, they will have little choice but to make hiring and transfer decisions that are not necessarily in a school’s best interest—in order to achieve what appears to be equitable funding.

Almost certainly, the proposed comparability provision will remove some staffing decisions from principals, with no obvious rationale except to satisfy a federal requirement.

Comparability proponents respond that they will make such staffing decisions illegal, but such a provision would be unenforceable. It would be impossible to prove that a district was moving staff to meet the federal requirement because of the normal ebb and flow of staffing changes that occur within the course of every school year.

Mandating comparability will simply treat the symptoms and not the disease. The disease, in this case, are policies and practices that make it difficult for principals to hire the person who is the best fit in their buildings, e.g., seniority privileges that result in teachers with the most experience transferring to schools with the least need.

Giving principals the authority to interview and hire teachers is the best way to ensure an equitable distribution of staff, hold schools accountable for results and, most importantly, create a working environment that fosters student achievement.



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