# What's Missing from the Debate on Seniority?

A POLICY BRIEF


Center for Education Organizing

Annenberg Institute for School Reform

AT BROWN UNIVERSITY

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# What's Missing from the Debate on Seniority?

As states across the country face unprecedented budget shortfalls, communities as well as policymakers are trying to stave off the potentially devastating impacts of budget cuts on schools and other basic services. Many public school systems are facing significant shortfalls, forcing "reductions in force" or RIFs, of teachers and other school staff. The numbers are significant. In California, over 19,000 teachers received notice of possible layoff. In Milwaukee, over 350 teachers have lost their jobs. In both Chicago and Philadelphia, layoffs have numbered close to 1,000.

Teacher layoffs are painful in any district, under any circumstances. But the way that layoffs are conducted – how decisions are made and what their impact is from school to school – can be critical to controlling the damage they bring. This year, with so many teaching positions on the line, a strong national effort has been mounted to eliminate seniority rules (also known as "last in–first out" or LIFO rules) that govern teacher layoffs. Supporters argue that teacher *quality*, not years of experience, should be the primary lens through which to determine which teachers are dismissed and which are protected from layoffs. Several states (Florida, Ohio, Idaho) have passed new laws prohibiting seniority and instead requiring that RIFs target those teachers who have performed poorly on district evaluations. Other states are considering similar proposals.

In the face of continuing inequities in our school systems and the potential for those inequities to be exacerbated by budget cuts, the debate over seniority rights is resonating in many communities. This debate spotlights some important equity-oriented issues, but it is unclear whether and how debating seniority rights will help communities address these issues adequately. This brief seeks to unpack the debate over seniority rights and offer community groups a better understanding of some of the underlying issues being raised.

## Seniority: A Historical Perspective

The current debate over seniority rights often fails to understand these rights and their historical roots. Placing seniority rights in historical context can help communities build a better understanding of the issues as a whole. Seniority rights are one of the hard-fought protections that emerged through state and local civil service reforms in the early decades of the last century. Like other public workers, teachers came together and organized for the rights to bargain collectively and to have a voice in issues of fairness and due process in the workplace.

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The rationale behind seniority is two-fold. First, it offers an objective protocol for firing workers when budget cuts necessitate layoffs. Seniority rules were established during a time when teachers could be fired for almost any reason (like getting pregnant) or for no reason whatsoever (like getting on the wrong side of their principal). Workplace reforms established due process for settling disputes between teachers and principals, and also ensured that budget cuts wouldn't create a backdoor opportunity for principals to get rid of teachers without a fair hearing (Barkan 2011).

Second, LIFO is based on the assumption that if staff cuts are necessary, it is in a district's interest to hold on to experienced teachers who have invested in the system and in whom the system has invested, over recent hires.

In most states, decisions about how layoffs will be conducted are left to local school districts. A few states *require* seniority to be a significant factor in that process, and a few states require that performance measures be given greater weight than seniority. But in most states, state law is silent on layoff procedures and layoff rules are negotiated locally, between the district administration and its workforce – including teachers, paraprofessionals, and others. Where teachers are unionized, layoff rules are generally part of the collective bargaining agreement.[1]

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In most states and districts, even under strict seniority rules, the process for determining who gets laid off is more complicated than just lining up the list of teachers based on years of service and starting to cut from the bottom. When budget cuts are necessary, districts generally make *programmatic* decisions first, determining which subject areas or programs should be protected and which might need to be eliminated or cut back in order to meet the budget shortfall. For example, a superintendent or school board might decide to protect teachers in core subject areas like math and English and to target cuts on art, music, or sports. Or, a district might cut programs like all-day kindergarten or after-school as a way of addressing the shortfall. These decisions are always difficult and may be the subject of significant debate.

Once the general scope of the cuts has been decided, seniority is used to determine which teachers, *within the targeted program areas*, will be let go. If, for example, 20 percent of a district's art and music teachers must be dismissed, then those art and music teachers with the fewest years of experience would be the first laid off, followed by those with greater experience, until the budget goals are met.

## Balancing Teacher Rights, Fairness, and School Needs

The debate over the role of seniority in teacher layoffs spotlights four primary issues:

- Seniority rules force districts to fire new teachers, even if they are highly skilled, while less effective teachers are protected by virtue of their years of service.
- District procedures for evaluating teachers and dismissing ineffective teachers don't work or are too cumbersome. Principals should be able to use RIFs as a more efficient way to get rid of under-performing teachers.
- Poor-performing schools often have disproportionate numbers of less-experienced teachers. Therefore, seniority-based layoffs impact already-struggling schools the hardest.
- Because more experienced teachers are generally higher on the salary scale than newer teachers, districts would actually be able to meet budget goals with fewer layoffs if they had more leeway to fire teachers across the board, based on quality, not seniority.

These are all important issues. It's critical that community organizations understand the broader factors that lead to disparities in teaching quality between schools, how district evaluation procedures work (or don't work), and how both policy and practice can address these concerns. It is important to have an honest debate over the impact of seniority on these complex problems. And it is important to consider how districts balance the need for quality instruction and equity in our schools with the need for fairness and due process for teachers. Let's unpack these issues a little bit.

[1] For a breakdown on state laws, see National Council on Teacher Quality 2010.

## Experience as a Proxy for Quality

There are many important reasons why school districts work hard to build an experienced professional teacher workforce in their schools. In reality, some teachers hit their stride very quickly, showing great promise even in their first year or two of teaching, and of course some teachers become burned out over the years and eventually may no longer be effective in the classroom. But research shows that the vast majority of teachers get better with experience – particularly in their first three to five years in the classroom (Darling-Hammond 2000). There is much about teaching – creating high-quality lesson plans, being able to manage a classroom of diverse learners, understanding the district's curriculum and standards – that requires time and practice. This is true in most professions. What hospital would staff their operating rooms solely with residents or first-year doctors? Experience matters.

Attrition rates in the teaching profession are another factor that argues for keeping veteran teachers. As many as half of all teachers leave the field within five years (Ingersoll 2001). So seniority is also a relatively accurate indication that a teacher intends to stay in the profession. Most school districts invest heavily in their professional staff through ongoing professional development, offering financial support for advanced degrees or certification and leadership roles for senior teachers. These strategies are all part of building a professional workforce.

## The Failure of Evaluation Systems to Weed Out Ineffective Teachers

The second issue that has been evoked in the campaign to eliminate seniority is that districts seem incapable of efficiently weeding out "bad" teachers through existing teacher evaluation structures, and that principals should be able to use budget cuts as an opportunity to cull these teachers from the ranks, where existing means haven't worked.

Evaluating the "quality" of individual teachers is a complex task, however. In fact, while many are working to establish one, there isn't a commonly accepted definition of "quality teaching," let alone a standardized way to measure it. Some teachers may be extremely effective with some students, but less so with others. Some teachers literally change the lives of individual students in ways that aren't measured in test scores. Some teachers develop bonds with students and their families that keep the students in school when they would otherwise drop out. How should "teacher quality" be measured? What matters? Which of the many roles that teachers play should be valued?

While every district has a small minority of teachers who are burned out, or just plain unable to connect with children or deliver course content, most teachers in any school system are committed professionals, interested in doing the best they can for their students. A district's challenge is to come up with a system that identifies teachers' needs and offers support to struggling teachers first, to help them continuously build their skills. But the system must also fairly and efficiently move teachers out of the classroom if ongoing support fails to improve their practice. By these standards, many current teacher evaluation procedures are badly designed, poorly implemented, or both.

How should "teacher quality" be measured? What matters? Which of the many roles that teachers play should be valued?

There are models of teacher evaluation systems that do seem to both support teachers and acknowledge that some teachers are just not effective and need to be moved out of the classroom (Winerip 2011). Many community, and even student organizations have played instrumental roles in helping

districts define and implement new teacher evaluation programs. With these types of systems in place, ensuring teaching quality can and should be an ongoing effort in the district.

There are many concerns about the elimination of seniority as a way to improve teaching quality in our schools. Does the possibility of getting rid of "bad" teachers during layoffs lessen the impetus for districts and teachers to agree on an ongoing process of improving teaching practice in the district? Given that current evaluation systems are widely recognized as being imperfect, should layoff decisions be based on evaluation scores, as proponents of ending LIFO are suggesting?

### Disproportionate Distribution of the Most-Experienced Teachers

In many urban districts, low-performing schools are disproportionately staffed with less-experienced, less-skilled teachers (Peske & Haycock 2006). And teacher transfer rules – which are often also guided by seniority – are part of the problem.

Low-performing schools typically suffer from *ongoing* higher rates of teacher turnover. This instability in the workforce is often due to school climate factors such as a lack of collaborative leadership, insufficient access to technology and other instructional resources, and lack of time for planning and professional development (NCTAF & NCTAF Partners 2002). The social and educational resource inequities in high-needs schools are systemic and longstanding and have a devastating effect not just on the students in the building, but also on the teachers who work there.

Revisiting and revising seniority rules may be one piece of the approach – but alone, it will not solve the problem.

Communities must insist that school districts address the conditions that make it hard to teach in high-needs schools. In addition, districts and teacher unions should be challenged to design a districtwide staffing system that ensures a balance of experienced and novice teachers in *every* building. It is unacceptable for our highest-needs students to be disproportionately taught by inexperienced teachers, period. The underlying issues that lead to this inequitable distribution of teachers must be addressed. Revisiting and revising seniority rules may be one piece of the approach – but alone, it will not solve the problem.

### Fewer Cuts Would Be Needed If More Senior Teachers Were Dismissed

Most analyses of the cost savings of a layoff process based on quality versus seniority look at salary costs alone. Some savings in salary could be realized if layoffs were distributed evenly between new teachers (with lower salaries) and veteran teachers (with higher salaries). What is left out of this calculation are the costs of teacher induction and the intensive training that new teachers undergo during their first several years on the job. Because hiring and training teachers is an expensive process, most districts spend significant amounts of money to get and keep teachers and to avoid high turnover in their teaching staffs.

## We Need a More Comprehensive Approach

Ensuring effective teaching; the equitable distribution of skilled teachers; evaluating teaching quality; and the fairest method of imposing layoffs when they are necessary are critical conversations for school systems, communities, and teacher unions. In the current political climate, where teachers and their unions are under attack for reasons that are both real and imagined, parents and communities can play a significant role by demanding an informed debate on the underlying issues facing their schools. The assertion that these critical issues can be adequately addressed by giving principals more power over layoffs leaves too many questions unanswered and needs unmet. Instead, communities should consider:

### Addressing staffing policies and school climate issues that result in an inequitable distribution of the district's most highly skilled teachers

Research suggests that five critical factors combine to create effective schools (Bryk et al. 2010). They include strong school leadership, community-school ties and parent involvement, professional capacity among the teaching staff, frequent and high-quality professional development, and a student-centered learning climate. When schools combine these attributes, teachers want to teach there and students learn. Real school improvement will come through comprehensive efforts by districts, teachers, and community groups to build the capacity of schools to better serve their students and support their staffs.

### Becoming informed about teacher evaluation systems that fairly identify, support, and, if necessary, dismiss struggling teachers

The task of accurately measuring the value a teacher brings to her students and her school is complex. Seniority rights have been one way to ensure that veteran teachers – often those who play a stronger role in building and district politics – are protected from arbitrary or retaliatory firings. Districts and unions should work together to create evaluation procedures that effectively identify and offer additional training to struggling teachers, and efficiently remove those whose instructional practices don't improve with support. Community groups can play a big role in encouraging this conversation, by becoming familiar with a variety of strategies for evaluating teachers and helping to press the district to implement policies that have proven track records and are collectively supported by teachers and administrators.

### Strengthening local decision-making

When hard times hit jobs and school programs, responses must fit local circumstances and be developed with the input and buy-in of those most affected. Local communities, teachers, parents, and school districts have the right to a voice in how to respond to budget cuts and layoffs. Most state laws currently allow local districts to negotiate the details of their layoff procedures. Embedding these details in state law weakens the buy-in that districts and teachers may have in the process and precludes a community role in responding to budget crises. Communities must organize to ensure that local decision-making structures are inclusive of and responsive and accountable to the needs of those most affected.

Policies and practices need to encourage, develop, and support high-quality teaching in all classrooms and provide teachers with the job security and job supports that they need to better serve students.

At the same time, local districts, communities, and union leadership must take a hard look at some of the big challenges that are faced by high-needs schools, and what district processes might be inadvertently and negatively impacting low-performing schools. Complex problems rarely have simple solutions. Policies and practices need to encourage, develop, and support high-quality teaching in all classrooms and provide teachers with the job security and job supports that they need to better serve students. Teachers, districts, and communities can work together to develop and implement those policies.

## References


Barkan, J. 2011. "Firing Line: The Grand Coalition Against Teachers," *Dissent* (June 29), <http://dissentmagazine.org/online.php?id=504>.

Bryk, A. S., P. B. Sebring, E. Allensworth, S. Luppescu, and J. Q. Easton. 2010. *Organizing Schools for Improvement: Lessons for Chicago.* Chicago: University of Chicago, Consortium on Chicago School Research.

Darling-Hammond, L. 2000. "Teacher Quality and Student Achievement: A Review of State Policy Evidence," *Education Policy Analysis Archives* 8, no. 1. Available at: <www.politicalscience.uncc.edu/godwink/PPOL8687/week11.htm> under "Darling-Hammond Review essay on teacher quality and outcomes"

Ingersoll, R. 2001. "Teacher Turnover and Teacher Shortages," *American Educational Research Journal* 38 (Fall):499–534.

National Commission for Teaching and America's Future and NCTAF Partners. 2002. *Unraveling the Teacher Shortage Problem: Teacher Retention Is the Key.* Symposium report (August 20–22). Washington, DC: NCTAF. Available as a PDF at: <www.ncsu.edu/mentorjunction/text_files/teacher_retentionsymposium.pdf>

National Council on Teacher Quality. 2010. *Teacher Layoffs: Rethinking "Last Hired-First Fired" Policies.* Washington, DC: National Council on Teacher Quality (February), Available as a PDF at: <www.nctq.org/p/docs/nctq_ dc_layoffs.pdf>

Peske, H. G., and K. Haycock. 2006. *Teaching Inequality: How Poor and Minority Students Are Shortchanged on Teaching Quality.* Washington, DC: Education Trust. Available as a PDF at: <www.edtrust.org/sites/edtrust.org/files/publications/files/TQReportJune2006.pdf>

Winerip, M. 2011. "Helping Teachers Help Themselves," *New York Times* (June 5).


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