

REWARD EXCELLENCE:

KEEPING & REWARDING
PENNSYLVANIA'S

BEST TEACHERS

A PENNCAN ISSUE BRIEF



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Introduction

Last summer, Pennsylvania policymakers made an important leap forward in the quest to improve our public schools. They adopted a state-of-the-art, data-driven system to recognize teachers' success in the classroom.

For years, we've used a blunt instrument to assess teachers' performance: simply giving them a "satisfactory" or "unsatisfactory" rating, with little attention paid to how much their students are really learning. This thumbs-up, thumbs-down approach resulted in 99 percent of teachers being deemed effective enough to stay in the classroom, which we know just can't be true in a state where only 38 percent of our eighth-graders are proficient readers.¹

Beginning in the 2013–2014 school year, teachers will finally be evaluated under a system that acknowledges what everyone knows: teachers perform across a variety of skill levels.

That's why our state plans to evaluate teachers according to four tiers—distinguished, proficient, needs improvement and failing—with 50 percent of the final rating accounting for multiple measures of student achievement, such as performance on state assessments, learning growth, graduation rates and progress on individualized education plans. This new approach treats teachers like professionals and rightfully places student learning at the top of our priorities when considering a teacher's success.

But this system is only the foundation. Now that we can more accurately identify great teachers, we must use this data to do everything we can to reward them and keep them in the classroom. That means making sure that when a principal is forced to lay off their staff in tough economic times, they are given the flexibility to keep the best performers even if they are not the most senior employees. Using this data wisely also means making tenure a career step that signals true professional excellence, not just time on the job.

Our children's future—and Pennsylvania's economy—depends on teachers, and we should value them accordingly.

¹ "2007–2008 SASS Tables," National Center for Education Statistics, accessed January 7, 2013, http://nces.ed.gov/surveys/sass/tables/sass0708_2009320_d1s_08.asp. See also: "Reading 2011 State Snapshot Report Pennsylvania Grade 8 Public Schools," The Nation's Report Card, accessed January 7, 2013, <http://nces.ed.gov/nationsreportcard/pdf/stt2011/2012454PA8.pdf>.

Our children deserve the best teachers, even in tough times

1

Many Pennsylvania school districts have been forced to cut costs through teacher layoffs. Before the 2011–2012 school year, Philadelphia laid off 267 teachers.² Last summer, Pittsburgh laid off 190 teachers and other professionals represented by the Pittsburgh Federation of Teachers.³

Unfortunately, Section 1125 of Pennsylvania’s Public School Code states that teachers had to be laid off in inverse order of seniority—the last teacher in the door was the first out the door, regardless of how talented they may be.⁴

But research confirms that years in the classroom don’t always amount to better instruction.⁵ Therefore, “last-in, first out” means unnecessarily removing some of our most talented teachers from the classroom.

Layoffs are always difficult, but layoffs made without regard to teachers’ success with students are even worse. Pennsylvania should use its new evaluation system to keep the best teachers in the classroom, especially for the sake of students who are struggling the most. Schools with high populations of black, Latino and low-income students tend to employ less experienced teachers. So when school districts opt for layoffs, these schools lose the most teachers, making them particularly vulnerable.⁶

In 2011, Philadelphia’s Promise Academies—some of the city’s highest-need schools—were forced to lay off teachers according to seniority. In the previous year, the district spent millions of dollars on training and higher salaries to compensate Promise Academy teachers for working a longer school day and year.⁷ Despite principals expressing high satisfaction with their staffs’ commitment to students, the Philadelphia School District laid off 174 Promise Academy teachers based on experience rather than performance.⁸

Recovering from such losses isn’t easy. In the vast majority of cases, teachers who serve in place of excellent teachers lost to layoffs won’t be as effective. At an average-performing school, for example, only one in six replacement teachers will be as good as a laid off top-performer. Meanwhile, at the most challenging schools, only one in 11 replacement teachers will match a laid off top-performer’s impact.⁹ Pennsylvania owes its children better odds, even during a fiscal crunch.

2 “Teacher layoffs: Did the sky fall or not?”, National Council on Teacher Quality, accessed October 25, 2012, <http://www.nctq.org/p/tqb/viewStory.jsp?id=29028>.

3 “Workplace Reduction Results in Fewer Than Expected Furloughs,” Pittsburgh Public Schools, accessed November 16, 2012, <http://pghboe.net/news/index.php/2012/07/25/workforce-reduction-results-in-fewer-than-expected-furloughs/>.

4 “Public School Code of 1949,” Pennsylvania General Assembly, accessed January 7, 2013, <http://www.legis.state.pa.us/WU01/LI/LI/US/PDF/1949/0/0014.PDF>.

5 “The Irreplaceables,” The New Teacher Project, accessed October 25, 2012, http://tntp.org/assets/documents/TNTP_Irreplaceables_2012.pdf.

6 Cristina Sepe and Marguerite Roza, *The Disproportionate Impact of Seniority-Based Layoffs on Poor, Minority Students* (Center for Reinventing Public Education, 2010), accessed October 25, 2012, <http://www.crpe.org/publications/disproportionate-impact-seniority-based-layoffs-poor-minority-students>.

7 Benjamin Herold, “Announcing 18 more Renaissance Schools, district questioned on cost, community input,” *The Notebook*, January 5, 2011, accessed December 27, 2012, <http://thenotebook.org/blog/113251/announcing-18-more-renaissance-schools-district-faces-questions-about-cost-community-imp>.

8 “School Leadership and Staffing in Philadelphia’s Renaissance Schools: Startup and Early Implementation,” *Research for Action*, accessed December 27, 2012, <http://www.researchforaction.org/wp-content/uploads/2011/05/RFA-Renaissance-Schools-Study-Staffing-Brief.pdf>.

See also: Erika Owens, “District, PFT settle Promise Academies layoff issue,” *The Notebook*, August 16, 2011, accessed February 15, 2013, <http://thenotebook.org/blog/113950/decision-reached-pft-district-layoffs-arbitration>.

9 “The Irreplaceables,” The New Teacher Project, accessed October 25, 2012, http://tntp.org/assets/documents/TNTP_Irreplaceables_2012.pdf.

Making layoff decisions based only on seniority also means that more teachers lose their job than necessary. That’s because new teachers earn less money than their more experienced colleagues. In Philadelphia, for example, a second-year teacher who has a master’s degree makes \$48,945 annually, while an eleventh-year teacher who has a master’s degree makes \$76,462 annually.¹⁰ Therefore, if only new teachers are being removed, districts must lay off a greater number of them to make ends meet.¹¹ More teachers could keep their jobs if Pennsylvania took a seniority-neutral, quality-based approach to layoffs. Since teacher effectiveness varies across experience level, districts would be able to remove ineffective teachers up and down the pay scale. This approach will spare more jobs while ensuring that our children keep their best teachers.

Ending “last in, first out” layoffs isn’t a partisan issue. Republican and Democratic leaders throughout the country agree that we need to keep our best teachers in the classroom through tough economic times. For example, in Indiana, Republican Governor Mitch Daniels signed legislation requiring teacher performance to be the top criterion in layoff decisions, with “ties” broken according to experience, degrees, evaluations, leadership roles and students’ academic needs.¹² Meanwhile, in Colorado, Democratic Governor John Hickenlooper also moved to enact quality-based layoff decisions using a similar model.¹³

And here in Pennsylvania, voters overwhelmingly favor rewarding teachers for their performance in the classroom—nearly 80 percent of voters across the state agree that teachers whose students are performing at a high level should be rewarded for their successes, not for how long they’ve worked in the system.

With wide agreement across the political spectrum and broad support from voters, there’s no reason why Pennsylvania’s legislature can’t work to ensure that our children have the best teachers, whatever the circumstances.¹⁴

10 “New Teacher Salary,” The School District of Philadelphia, accessed December 12, 2012, <http://webgui.phila.k12.pa.us/offices/e/ee/information-center/offices/e/ee/resources/information-center/salary-schedule2>.

11 Cristina Sepe and Marguerite Roza, *The Disproportionate Impact of Seniority-Based Layoffs on Poor, Minority Students* (Center for Reinventing Public Education, 2010), accessed October 25, 2012, <http://www.crpe.org/publications/disproportionate-impact-seniority-based-layoffs-poor-minority-students>.

12 “2011 State Teacher Policy Yearbook: Indiana,” National Council on Teacher Quality, accessed October 25, 2012, http://www.nctq.org/stpy11/reports/stpy11_indiana_report.pdf.

13 “2011 State Teacher Policy Yearbook: Colorado,” National Council on Teacher Quality, accessed October 25, 2012, http://www.nctq.org/stpy11/reports/stpy11_colorado_report.pdf.

14 “Pennsylvania Statewide Poll Executive Summary,” PennCAN: The Pennsylvania Campaign for Achievement Now, accessed March 26, 2013, <http://www.penncan.org/research/pennsylvania-statewide-poll-executive-summary>.

Treat Pennsylvania's teachers like professionals

2

Our best teachers make an impact that lasts a student's lifetime, from increasing the odds of attending college to saving more for retirement.¹⁵ But when schools fail to reward professional excellence, talented teachers take their careers elsewhere. The New Teacher Project recently identified eight strategies for retaining teachers whose performance places them in the top fifth of their profession. Two of the strategies were remarkably straightforward: publicly recognize top teachers' accomplishments and tell them they are high performers.¹⁶ That sounds simple enough, but it's something our state bungles every day.

The responsibility to foster a rewarding workplace culture largely falls on school leaders, but the state also has the power to honor great teaching. In particular, Harrisburg has the capacity to build a statewide tenure system that values professional accomplishment while balancing teacher rights to due process with student rights to a great education. Now that Pennsylvania has a robust teacher evaluation system, the foundation for improving tenure and dismissal rules is solidly in place.

Pennsylvania's outdated tenure and dismissal rules

To meet the needs of students and teachers, Pennsylvania's tenure law needs to be retooled. It was originally conceived in 1937, when teachers across the country were losing their jobs because of their religion, gender, political views and skin color. By the 1960s, however, federal and state civil rights laws began protecting Americans against workplace discrimination.¹⁷

Despite these legal advances against wrongful termination, today's teacher tenure and dismissal rules provide job protections that practically guarantee lifetime employment with little regard to job performance. In the 2006–2007 school year, for example, the average Pennsylvania district dismissed less than 1 percent of tenured teachers for bad performance.¹⁸ Yet 43 percent of teachers say there is a tenured colleague at their school whose ineffectiveness merits dismissal.¹⁹ This is hardly surprising given that by eighth grade, more than 60 percent of Pennsylvania's students aren't proficient in math and reading.²⁰ Without meaningful performance standards and recognition, student achievement and the teaching profession's reputation suffer.

15 Raj Chetty, John N. Friedman, and Jonah E. Rockoff, "The Long-Term Impacts of Teachers: Teacher Value-Added and Student Outcomes in Adulthood," National Bureau of Economic Research (2011), accessed January 14, 2013, http://obs.rc.fas.harvard.edu/chetty/value_added.pdf.

16 "The Irreplaceables," The New Teacher Project, accessed November 16, 2012, <http://ntp.org/ideas-and-innovations/view/the-irreplaceables-understanding-the-real-retention-crisis>.

17 Saba Bireda, *Devil in the Details* (Center for American Progress, 2010), accessed November 16, 2012, <http://www.americanprogress.org/issues/education/report/2010/06/03/7886/devil-in-the-details/>.

18 "Schools and Staffing Survey 2007–2008: Table 8," National Center for Education Statistics, accessed November 16, 2012, http://nces.ed.gov/surveys/sass/tables/sass0708_2009320_d1s_08.asp.

19 Daniel Weisberg et al., *The Widget Effect: Our National Failure to Acknowledge and Act on Differences in Teacher Effectiveness* (The New Teacher Project, 2009), accessed November 16, 2012, <http://widgeteffect.org/downloads/TheWidgetEffect.pdf>.

20 "Mathematics 2011 State Snapshot Report Pennsylvania Grade 8 Public Schools," The Nation's Report Card, accessed February 15, 2013, <http://nces.ed.gov/nationsreportcard/pdf/stt2011/2012451PA8.pdf>. See also: "Reading 2011 State Snapshot Report Pennsylvania Grade 8 Public Schools," The Nation's Report Card, accessed February 15, 2013, <http://nces.ed.gov/nationsreportcard/pdf/stt2011/2012454PA8.pdf>.

There are three areas in which Pennsylvania's tenure and dismissal rules fall short:

- *Tenure is granted too quickly.* Pennsylvania grants tenure to teachers after three years of satisfactory service as determined by their evaluation results. That's too little time for a teacher to build a reliable record of professional accomplishment in helping students learn.
- *Dismissing ineffective tenured teachers is too burdensome.* As presently written, due process rights make it unnecessarily difficult to remove tenured teachers for bad performance. First, principals must write a detailed account explaining the reasons for dismissal. Then a district's board of school directors reviews the charges. If two-thirds of the board votes for dismissal, the teacher is terminated but may appeal the decision to the secretary of education. If the secretary of education upholds the dismissal, the teacher may make another appeal through the state courts. These kinds of appeal processes are so laborious and expensive that 86 percent of principals across the country say they have opted against dismissing ineffective teachers.²¹
- *The process for dismissing tenured teachers is poorly defined.* Pennsylvania's tenure law outlines an unclear process for dismissal. In particular, the law states that districts may dismiss tenured teachers who receive two "failing" evaluations in a row, but doesn't clarify whether the dismissal process must be initiated under those circumstances. Consequently, districts are allowed to keep consistently ineffective teachers in our children's classrooms.

For the sake of our students and teachers, Pennsylvania must bring its tenure and dismissal law up to date. When ineffective teachers are able to hide behind tenure and dismissal rules, our children fall behind in learning the skills they'll need to succeed in college. That's an unacceptable outcome when 57 percent of our state's jobs will require an education beyond high school by the year 2018.²²

Making sure there's a great teacher in every classroom is the best way to prepare our kids for the medium- and high-skilled jobs of the future. And it's also the most certain way to boost the teaching profession's prestige. Teachers deserve the same respect afforded to doctors and lawyers, but that cultural regard will only come through higher standards and recognition for classroom excellence.

21 Daniel Weisberg et al., *The Widget Effect: Our National Failure to Acknowledge and Act on Differences in Teacher Effectiveness* (The New Teacher Project, 2009), accessed November 16, 2012, <http://widgeteffect.org/downloads/TheWidgetEffect.pdf>.

22 Anthony P. Carnevale, Nicole Smith, and Jeff Strohl, *Help Wanted: Projections of Jobs and Education Requirements Through 2018* (Georgetown University Center on Education and the Workforce), accessed August 31, 2012, <http://www9.georgetown.edu/grad/gppi/hpi/cew/pdfs/State-LevelAnalysis-web.pdf>.

The blueprint for rewarding great teachers

Since 2010, state legislatures across the country have increased rigor and accountability in teacher tenure laws. Other states, like Florida and Idaho, have eliminated teacher tenure all together.²³

As is often the case, the most sensible solutions lie in between those two choices. There are ways for states to provide ample opportunity for teachers to demonstrate classroom excellence, reward professional accomplishment and preserve efficient due process rights. Here's how:

- *Connect teacher tenure to student achievement.* Great tenure laws begin with connecting teacher tenure to student achievement. At least 50 percent of a teacher's annual evaluation should be dependent on measures of student learning. In turn, tenure should be dependent upon consistently earning "effective" or higher in end-of-year evaluations. Fortunately, Pennsylvania has joined Michigan, Oklahoma, Colorado and other states in taking this important step.
- *Give teachers at least five years to earn tenure.* School districts should have at least five years of a teacher's performance data on hand before making a tenure decision. This not only gives teachers plenty of time to grow professionally, but also supplies enough data to reliably predict how teachers will perform in the future.²⁴ Louisiana requires teachers to be rated "highly effective" in five out of six years to earn tenure.²⁵ In Michigan, tenure is primarily awarded to teachers who receive an "effective" or "highly effective" rating in the three most recent annual evaluations of a five-year probationary period. Tennessee instituted similar tenure requirements as well.²⁶
- *Provide clear consequences for ineffective teaching.* The best tenure laws put forth clear consequences for consistently ineffective teachers. For example, Michigan's law initiates dismissal hearings for any tenured teacher who receives three consecutive "ineffective" ratings.²⁷ Likewise, Oklahoma requires school districts to initiate the dismissal process when a teacher is rated as "ineffective" two years in a row or "needs improvement" three years in a row.²⁸
- *Allow teachers to dispute dismissal decisions.* Dismissed teachers should have the right to contest whether the process was implemented fairly. Michigan's tenure law permits school districts to remove tenured teachers for any reason that isn't "arbitrary and capricious." This approach grants a hearing to dismissed teachers, but the focus is strictly on whether the decision was executed fairly.²⁹

23 Sara Mead, "Recent State Action on Teacher Effectiveness: What's in State Laws and Regulations?", Bellwether Education Partners (2012), accessed November 28, 2012, <http://bellwethereducation.org/wp-content/uploads/2012/08/RSA-Teacher-Effectiveness.pdf>.

24 "2011 State Teacher Policy Yearbook," National Council on Teacher Quality, accessed November 16, 2012, http://www.nctq.org/stpy11/reports/stpy11_national_report.pdf.

25 Sara Mead, "Recent State Action on Teacher Effectiveness: What's in State Laws and Regulations?", Bellwether Education Partners (2012), accessed November 28, 2012, <http://bellwethereducation.org/wp-content/uploads/2012/08/RSA-Teacher-Effectiveness.pdf>.

26 Sara Mead, "Recent State Action on Teacher Effectiveness: What's in State Laws and Regulations?".

27 "H.B. 4625, 4626, 4627, & 4628: Revised Summary as Enacted," Senate Fiscal Agency, accessed January 2, 2013, <http://www.legislature.mi.gov/documents/2011-2012/billanalysis/Senate/pdf/2011-SFA-4625-N.pdf>.

28 "2011 State Teacher Policy Yearbook: Oklahoma," National Council on Teacher Quality, accessed January 2, 2013, http://www.nctq.org/stpy11/reports/stpy11_oklahoma_report.pdf.

29 "H.B. 4625, 4626, 4627, & 4628: Revised Summary as Enacted," Senate Fiscal Agency. See also: Saba Bireda, Devil in the Details (Center for American Progress, 2010), accessed November 16, 2012, <http://www.americanprogress.org/issues/education/report/2010/06/03/7886/devil-in-the-details/>.

- *Keep dismissal hearings efficient.* Teachers deserve due process rights, but administrators' time and school districts' resources must also be respected. Oklahoma balances these prerogatives by limiting dismissed teachers to one appeal.

Advancing the teaching profession and student achievement shouldn't be politically controversial. Republican Governor Rick Snyder signed Michigan's improved tenure system into law. Colorado's Democrats and its teachers union led the shift in their state's tenure law.³⁰ And in nearby New Jersey, conservative Governor Chris Christie signed a legislative overhaul of teacher tenure that was backed by a coalition of Democrats, Republicans and the state's teachers union. Surely Pennsylvania's Republicans, Democrats and teachers unions can find agreement on this issue as well.

After all, rewarding excellent teaching and removing consistently ineffective teachers ultimately means we're focused on what matters most: pushing students toward better opportunities. Unfortunately, many of Pennsylvania's schools are failing on both counts. And as a result, our most talented teachers are leaving the profession in droves. Only 53 percent of them stay in the classroom past their fifth year.³¹ To stem this trend, Pennsylvania needs to make tenure a meaningful career milestone and exit low-performers who limit student achievement and disrupt school cultures.³²

Policy recommendations for Pennsylvania

Our state's new teacher evaluation system places us in an ideal position to improve our tenure law. Up until recently, our state evaluated teachers according to a simple thumbs-up, thumbs-down approach that resulted in deeming nearly every teacher satisfactory despite student achievement results to the contrary. But our new evaluation system allows for multiple teacher performance ratings, all of which are centered on student achievement. With this foundation in place, Pennsylvania can build a tenure law that matches other states' emphasis on deliberate decision-making, automatic consequences for ineffectiveness and insistence on legal clarity. There are five building blocks our state can use to create a teacher tenure law according to that blueprint:

- *Award tenure after five years of demonstrated classroom effectiveness.* Three years is too little time for teachers to prove themselves in the classroom. NCTQ recommends that states wait five years before awarding tenure.³³ This amount of time allows teachers to build a classroom

³⁰ Sara Mead, "Recent State Action on Teacher Effectiveness: What's in State Laws and Regulations?", Bellwether Education Partners (2012), accessed November 28, 2012, <http://bellwethereducation.org/wp-content/uploads/2012/08/RSA-Teacher-Effectiveness.pdf>.

³¹ "The Irreplaceables," The New Teacher Project, accessed November 16, 2012, <http://tntp.org/ideas-and-innovations/view/the-irreplaceables-understanding-the-real-retention-crisis>.

³² Ibid

³³ "2011 State Teacher Policy Yearbook," National Council on Teacher Quality, accessed November 16, 2012, http://www.nctq.org/stpy11/reports/stpy11_national_report.pdf.

record that provides statistically reliable measures of student growth. Before awarding tenure, Pennsylvania should require teachers to accumulate five years of student achievement data and receive evaluations as “distinguished” or “proficient” in each of their last three years.

- *Make tenure decisions through a deliberative review process.* Pennsylvania school districts should conduct formal hearings to review whether qualitative and quantitative evidence of student achievement merits awarding tenure. Taking this step would help the decision-making process reflect the importance it has for our children’s education and the teaching profession’s future.
- *Dismiss tenured teachers who are consistently ineffective.* Pennsylvania’s tenure law already allows principals to remove tenured teachers who receive two consecutive annual ratings as “failing.” Let’s go one step further by requiring the dismissal process to be initiated after a tenured teacher receives two “failing” ratings in a row. At that point, teachers accused of ineffectiveness would have an opportunity to appeal dismissal at a school district hearing.
- *Allow dismissal for any reason that isn’t “arbitrary and capricious.”* Pennsylvania’s tenure rules currently allow dismissal for “incompetence” and other reasons, but it’s difficult for administrators to prove their case during the hearing process.³⁴ Instead, administrators should be able to remove ineffective teachers for any reason that isn’t “arbitrary and capricious.” This would place an emphasis on whether administrators implemented the evaluation and dismissal process fairly rather than focusing on what constitutes “incompetence” or other vague legal terms.
- *Expedite the appeal process.* The appeals process shouldn’t be so burdensome that it deters principals from removing tenured teachers who are consistently ineffective. As opposed to allowing two appeals, tenured teachers should be limited to one appeal to the school district. This will cut down the length of the appeals process, save districts’ money and keep dismissal decisions out of administrative court where judges have limited expertise in what makes a great teacher.

³⁴ Saba Bireda, *Devil in the Details* (Center for American Progress, 2010), accessed November 16, 2012, <http://www.americanprogress.org/issues/education/report/2010/06/03/7886/devil-in-the-details/>.

Conclusion

Pennsylvania's new teacher evaluation system provides an excellent foundation for building great schools, where student achievement soars and the teaching profession receives the respect it deserves. But finishing the job requires our state to use the evaluation system's teacher performance ratings to guide staffing decisions like necessary layoffs and tenure. Tying these high-stakes decisions to performance will not only improve student learning, but also the teaching profession's reputation. The stakes are too high and our achievement gaps are too large to leave Pennsylvania's antiquated teacher layoff and tenure rules alone.

About PennCAN

PennCAN: The Pennsylvania Campaign for Achievement Now launched in spring 2012 as an education reform advocacy organization building a movement of Pennsylvanians with the political will to enact smart public policies so that every Pennsylvania child has access to a great public school. We are a branch of 50CAN: The 50-State Campaign for Achievement Now, a growing national network of state-based education reform advocacy groups with campaigns in Rhode Island, Minnesota, New York and Maryland based on the groundbreaking model developed by ConnCAN in Connecticut.

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