

# The Shifting Landscape of Tenure: Tackling an Anachronism

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# Looking Backward

- First statewide tenure law adopted in New Jersey in 1909

“As far back as 1885...tenure was interpreted to mean the application of the principles of civil service to the teaching profession...[which] should be independent of personal or partisan influence and free from the malignant power of patronage.”

- NEA Committee on Tenure, 1921

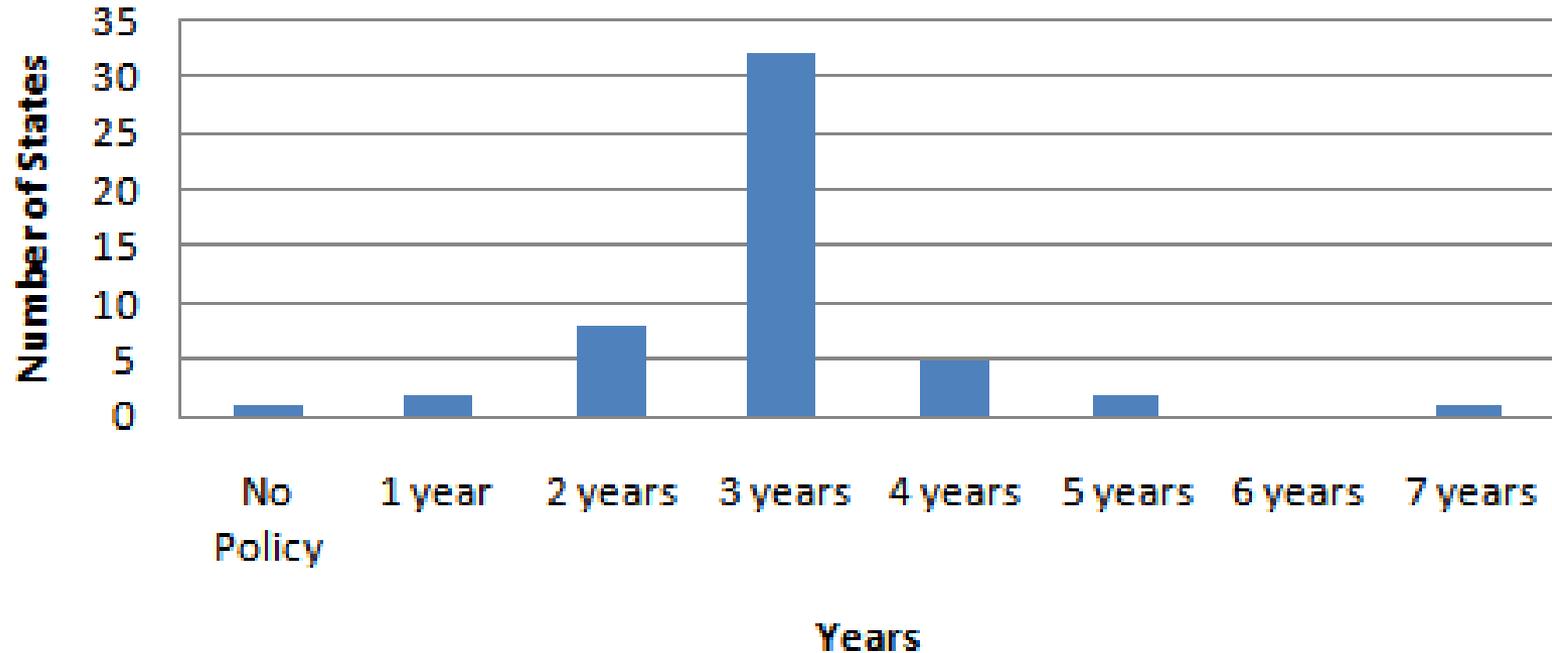
# Original Intent

“A good tenure law improves school morale, and protects the qualified teacher. It provides, at the same time, for the elimination of teachers who because of incompetence, or for other good reason, should be removed.”

- NEA Committee on Tenure, 1948

# Time Frame for Awarding Tenure

**How many years until a teacher earns tenure?**



# A Vision of a Sensible System

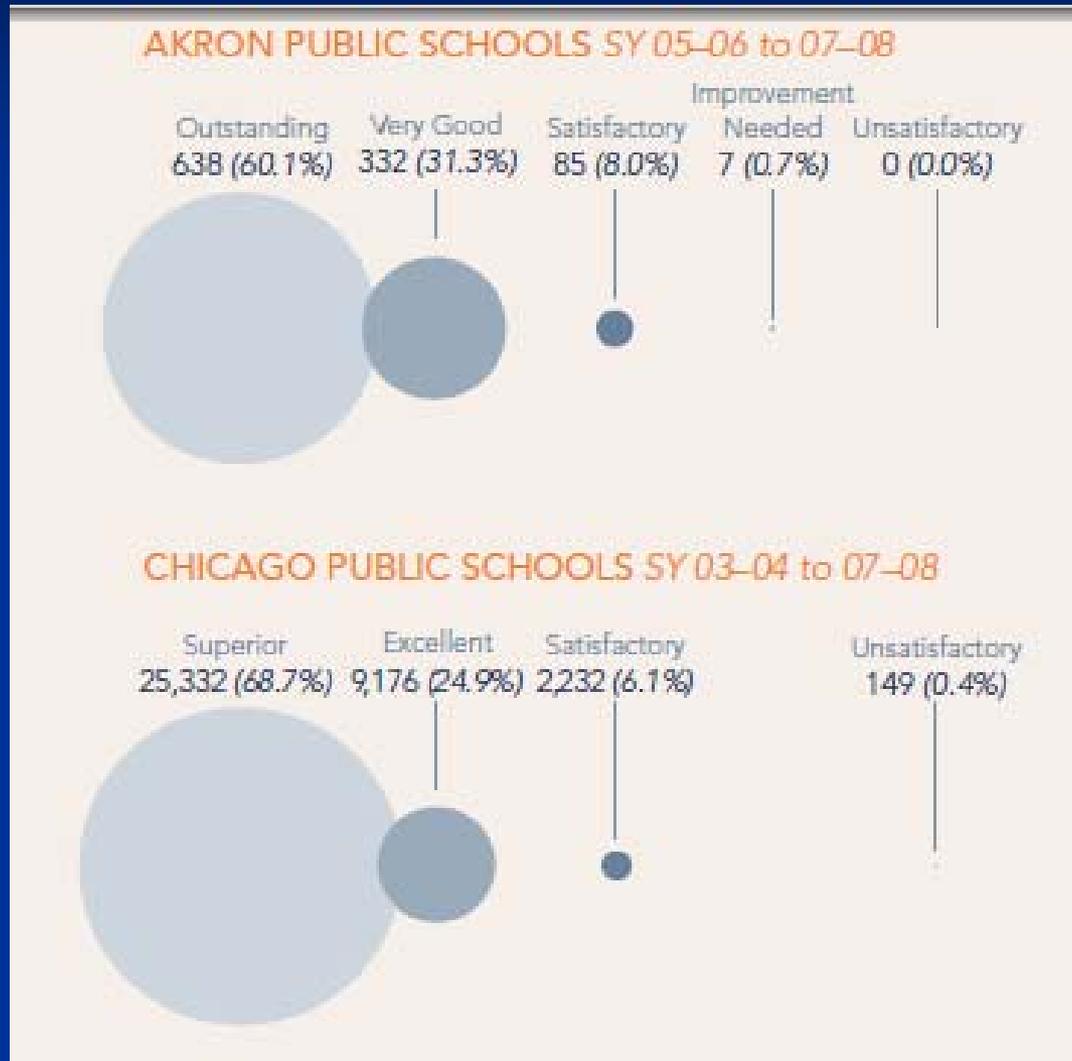
- Four criteria for a well-structured tenure system:
  1. Tenure not automatic
  2. Set process that uses evidence
  3. Make effectiveness the main criterion
  4. Minimum years of service

# By That Standard...

## How States are Faring on Tenure

-  0 Best Practice States
-  0 States Meet Goal
-  0 States Nearly Meet Goal
-  0 States Partly Meet Goal
-  11 States Meet a Small Part of Goal  
Connecticut, Illinois, Indiana, Iowa,  
Kentucky, Michigan, Minnesota, Missouri,  
New Mexico, North Carolina, Ohio
-  40 States Do Not Meet Goal  
Alabama, Alaska, Arizona, Arkansas, California,  
Colorado, Delaware, District of Columbia,  
Florida, Georgia, Hawaii, Idaho, Kansas,  
Louisiana, Maine, Maryland, Massachusetts,  
Mississippi, Montana, Nebraska, Nevada,  
New Hampshire, New Jersey,  
New York, North Dakota, Oklahoma,  
Oregon, Pennsylvania, Rhode Island,  
South Carolina, South Dakota, Tennessee,  
Texas, Utah, Vermont, Virginia, Washington,  
West Virginia, Wisconsin, Wyoming

# Welcome to Lake Woebegone

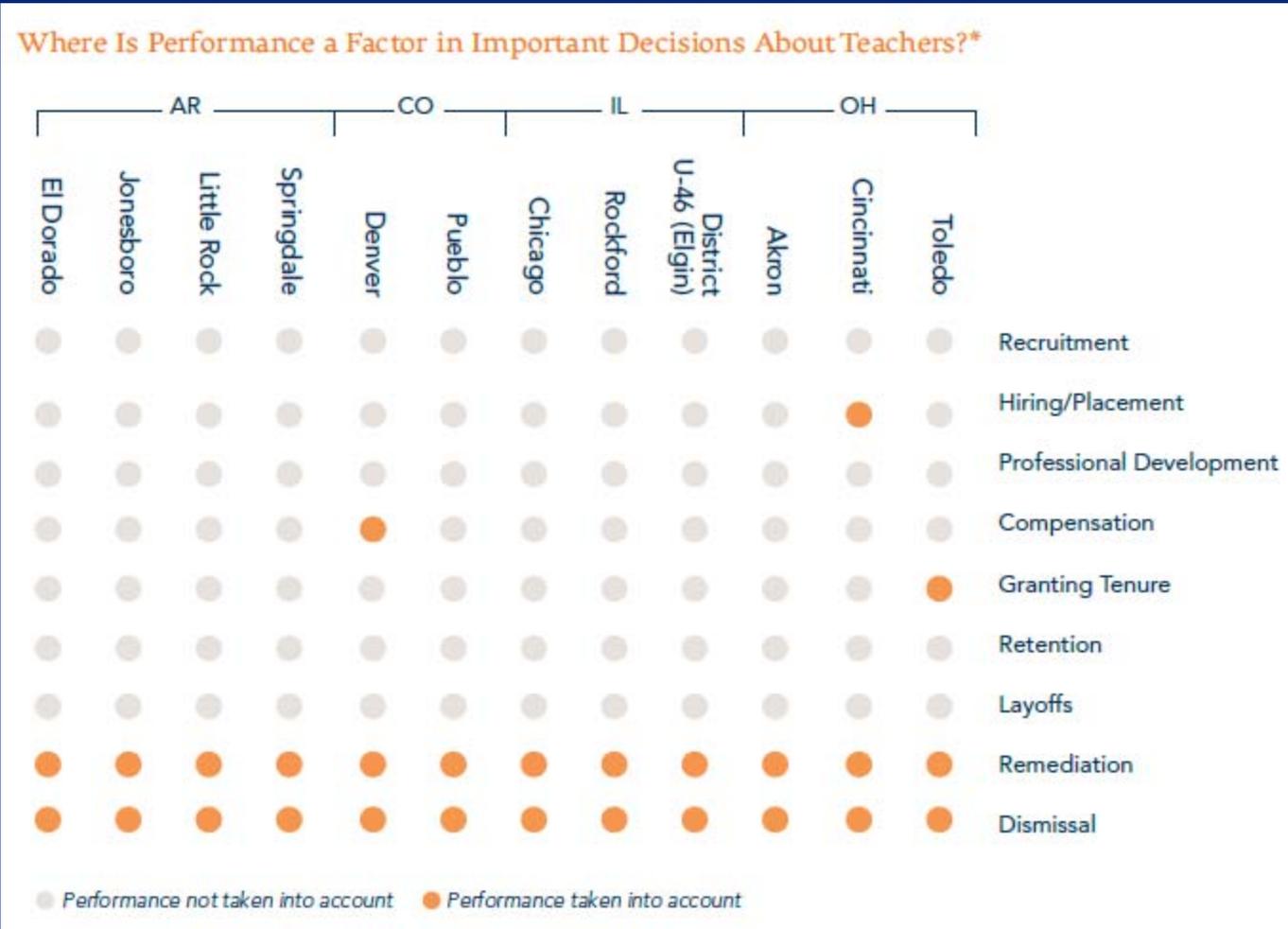


(Source: Weisberg et al., "The Widget Effect,"  
The New Teacher Project, 2009)

# Lake Woebegone Has Company

- In districts with binary evaluation, 99% of teachers receive a “satisfactory” rating
- In districts with more evaluation options, 94% receive the top two ratings and less than 1% are rated unsatisfactory

# Tenure Not Linked to Performance



(Source: Weisberg et al., "The Widget Effect," The New Teacher Project, 2009)

# Few Teachers Are Dismissed

- NCES reports that, on average, districts dismiss 1.4% of tenured teachers each year, for any reason at all...
- Of the 80,000 public school teachers in New York City, each year, only 10 to 15 tenured teachers depart for reasons related to incompetence
- Between 1986 and 2004, just two of Illinois' 100,000 tenured teachers are fired per year for poor performance

# Costs of Dismissal

- Michigan: 17 districts paid \$763,251 in salaries to dismiss 29 teachers; legal fees often \$75,000 per case
- Los Angeles: officials spent \$3.5 million to fire *seven* teachers; legal battles averaged five years and \$500,000 each
- New York City: an estimated 1,100 teachers in “rubber rooms” costs the city more than \$100 million per year

# Tennessee's RTT Proposal

- Starting in 2011, “First to the Top” Act requires new student evaluation system to be one factor on teacher promotion, retention, compensation, and tenure
- Allows districts more flexibility in using student data to determine tenure
- Plans to publish data on LEA and school tenure-granting rates at state level

# Florida's Senate Bill 6

- Passed Florida House; Vetoed by Governor Crist
- One-year contracts for five years; must be “effective” to continue
- Older teachers have to demonstrate “effective performance” or face removal
- 5% of each district budget set aside for performance pay increases and to develop tests for all grades and subjects
- Teacher performance gauged on the basis of valued-added test scores

# Colorado's Senate Bill 10-191

- Introduced April 12 by Senator Mike Johnston; passed state senate April 30
- Annual teacher and principal evaluations
- Tenure only earned after three consecutive years of effectiveness
- Teacher evaluations can be considered in determining layoffs

# Louisiana's House Bill 1033

- Introduced April 12
- Requires annual evaluations for teachers starting in Fall 2011
- “Evidence in growth in student achievement” a criterion for evaluation
- 2009: Gov. Jindal allotted \$580,000 to develop a system that links teacher effectiveness with student achievement

# Washington, DC, Proposed Contract

- Tentative agreement reached April 6 between Michelle Rhee and Washington Teachers' Union
- Increases teacher salaries
- Voluntary performance pay program funded largely by private foundations
- Teachers retained on basis of performance, not seniority, in event of budget cuts or school closures

# Machinery Can Outlive Its Purpose



# Tenure in the 21<sup>st</sup> Century

- When first pursued in the 20<sup>th</sup> century, tenure was a solution to a real problem
- Today, however...
  - Extensive federal and state protections exist
  - A changing labor market has boosted the cost of tenure
  - And new tools and practices permit protections and a consistent focus on performance

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