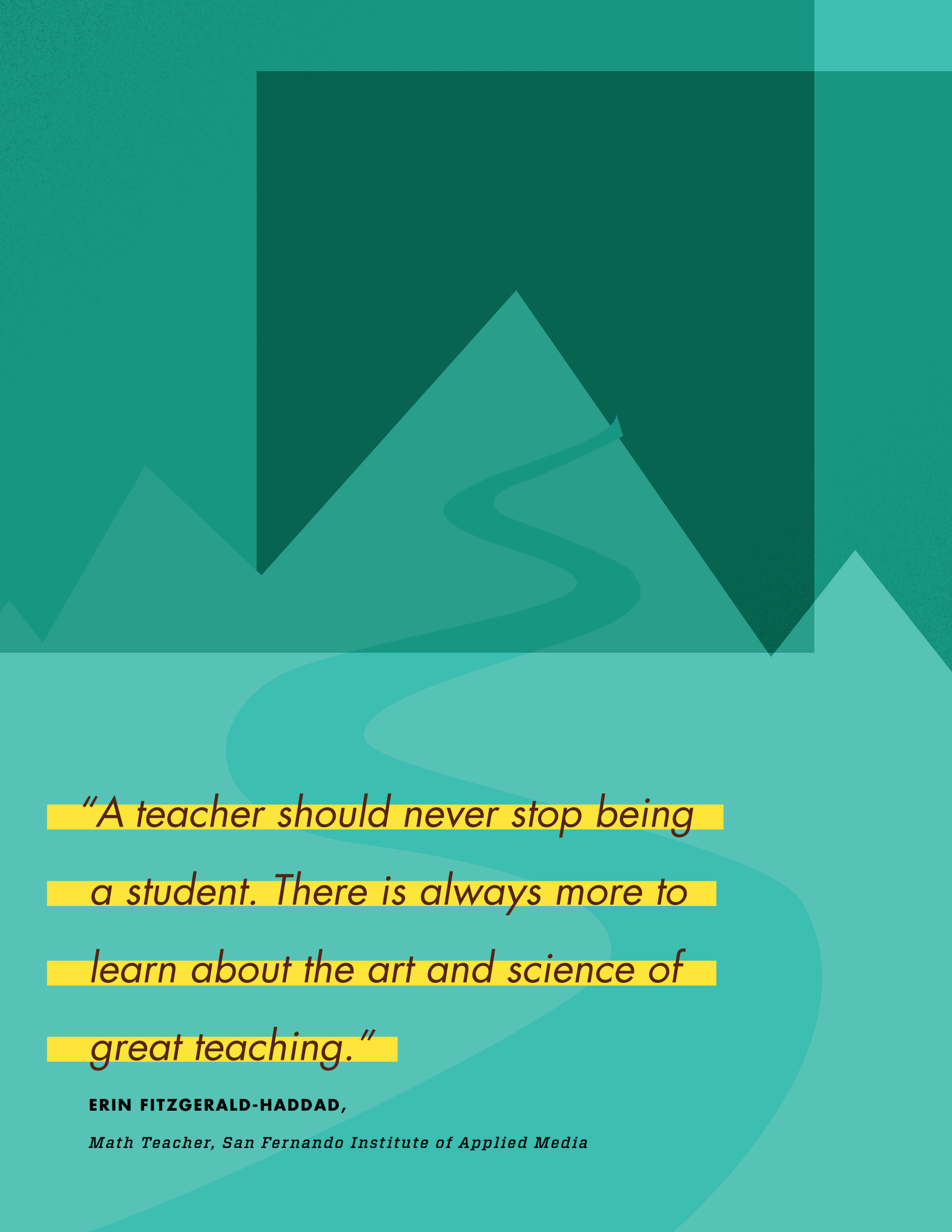


# REIMAGINING TENURE

*PROTECTING OUR STUDENTS  
AND OUR PROFESSION*

February 2015





*"A teacher should never stop being  
a student. There is always more to  
learn about the art and science of  
great teaching."*

**ERIN FITZGERALD-HADDAD,**

*Math Teacher, San Fernando Institute of Applied Media*

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# TOP THREE GOALS OF A NEW TENURE SYSTEM

## Reflective



of a commitment to develop and grow as professionals in a dynamic and challenging field—not merely a low bar to be stepped over once.



The state should make tenure a multistage process that includes indicators of professional achievement.

The state should require teachers to submit a Growth Portfolio.



Districts should have a clear timetable of teacher evaluations that correspond to the various stages of tenure acquisition and renewal.

Districts should create district- or school-based tenure review “boards.”

District should review and score Growth Portfolios based on state guidelines.

## Focused



on the impact teachers have on student growth and outcomes—not merely a label disconnected from the true goals of teaching.



The state education code should require districts to include measures of student impact in teacher evaluations.

The state should ensure district accountability for retaining tenured teachers through school report cards.

The state should require school leaders to include input from multiple voices in evaluations.



Districts should ensure administrator accountability for retaining tenured teachers through the use of administrator evaluations.

Districts should manage the process for how multiple voices are included in evaluations.

## Meaningful



milestone that captures the ambitious aspirations of our best educators, and celebrates their excellence—not merely a perfunctory act of completing paperwork.



The state should make tenure a state designation.

The state should make tenure a public designation by celebrating the achievement and creating a searchable database.



Districts should align salary scales to the tenure process.

Districts should make earning tenure a prerequisite for taking on leadership roles.

# INTRODUCTION

In June of 2014, a judge in California examined whether laws governing permanent status for teachers (known in common parlance as “tenure”), dismissal procedures, and lay-off procedures violated the constitutional right of students to a high-quality education. The judge found that these laws were, in fact, interfering with that right.

While the decision, like any legal decision, has its critics and the appeals process has already begun, the underlying assertion that quality teaching and a high-quality education are inextricably linked cannot be denied.

To that end, teachers cannot and should not wait for lawyers and lawmakers to determine the rules that will define our profession and, therefore, our impact on student outcomes. Amid a legal backdrop fraught with critics and supporters, we, teachers, seize this opportunity to reimagine what tenure can and should mean in the course of our careers.

In the fall of 2014, we embarked on a teacher-led journey to explore the history, legal implications, strengths, and limitations of the current tenure process. This memo is the culmination of our desk research, field research and polling, and insights culled from our collective experiences as teachers in diverse public schools. We grappled with both the clear changes in structures needed from our state, as well as the clear changes in policy needed from our districts.

Our aim in producing this paper is to look toward the future, on behalf of our profession and our students, and come to a new understanding of tenure as a meaningful professional milestone that reflects growth and a strong focus on student achievement. We are thrilled to share our ideas with our state legislators, colleagues, union and district leaders, and the communities we serve and to bring this vital topic and its impact on our students to the center of the public discourse on education quality and equity.

# A HISTORY OF TENURE

Partly fueled by the women's suffrage movement, New Jersey passed the first comprehensive teacher tenure law. The law protected teachers, who were overwhelmingly female, from dismissal for taking maternity leave, getting married, or wearing pants.<sup>2</sup>

1909

The job security that accompanied teacher tenure balanced the low compensation of the teaching profession and attracted new candidates into the field through the Great Depression and postwar era.<sup>4</sup>

1930s-40s

1885

The National Education Association (NEA), the nation's largest teachers union, put out a report calling for protection of public school teachers from politically motivated dismissal.<sup>1</sup>

1921

California adopts teacher tenure laws that grant teachers "permanent status" after two years.<sup>3</sup>

1971

*Serrano v Priest* established education as a fundamental constitutional right for students in California.<sup>5</sup>

In its inception, tenure served an important role as a basic job protection. As the landscape has changed, tenure must also evolve to be a pathway for attracting, developing and retaining the educators we need in our schools.

No Child Left Behind (NCLB) passes, forcing states to measure student achievement once a year in grades 3-8 and once in high school. The law also required states to disaggregate this data, exposing the large racial and socioeconomic achievement gaps that exist in California and across the country. This raised important questions about the measurability and distribution of effective teaching.<sup>6</sup>

**2001**

Plaintiffs in *Reed v Los Angeles Unified* successfully argued that when last-in-first-out layoff policies result in disproportionately high turnover rates in particular schools, the right of students in those schools to a high-quality education is being violated. In essence, when contractual interests of teachers and constitutional rights of students come into conflict, the constitutional right of students should trump.<sup>8</sup>

**2012**

**2008-2012**

During the Great Recession, California saw significant reductions in its teaching force, and most teachers with fewer than five years of experience not in high-need fields (math, science, or special education) were laid off.<sup>7</sup> This brought public attention to the fact that state layoff procedures did not factor in teacher quality or school need.

**2014**

Plaintiffs in *Vergara v California* successfully argued that the statutes governing teacher dismissal process, layoff policies, and tenure decisions violate the constitutional rights of students and must therefore be reformed. The decision did not dictate how these policies should be reformed.<sup>9</sup>

# THE USE OF TENURE IN HIGHER EDUCATION

“Tenure” is perhaps most widely known as a feature of higher education, but there are some key differences between tenure’s role in academia and its role in K-12 education.

## WHAT’S THE SAME

In both higher education and K-12...

- Tenure protects academic freedom.
- Tenure provides job protection.

## WHAT’S DIFFERENT

In higher education...<sup>10</sup>

- Institutions have autonomy to decide how they want to determine tenure and what elements they want to weight heavily or lightly to meet local need. In general, institutions consider service to students, research and publications, and contributions to the campus community.
- Tenure comes with higher pay, a new title, and more flexibility and autonomy in class selection.
- Tenure takes, on average, seven or more years to achieve.
- Tenure comes up for review on a regular basis.

## THE BIG TAKEAWAYS

Becoming a “tenured professor” is a major career milestone in higher education. Tenure raises the prestige of the profession, in large part due to its selectivity and grounding in measures of quality rather than years of service.



# THE CURRENT LAW

The current California tenure law has three main points:



A teacher must be employed by his or her district for two consecutive years to gain permanent status. This means that, at the beginning of the third year, the full suite of “due process” protections kicks in for every employee, regardless of nuances in performance.



The district must notify the employee of reelection by March 15, so in essence, permanent status decisions must be made by March of the second year of teaching. In reality, the timeline is even shorter, as administrators have to begin filing paperwork by January or February to meet the March deadline.



The permanent status is automatic. If an administrator believes a teacher is not quite ready to be given permanent status, his or her only option is to dismiss the teacher.

We polled teachers, administrators, school-based staff, parents, and students to learn what they felt were the biggest issues to be addressed in reimagining tenure. We found the following trends.



## TEACHERS' PERSPECTIVES ON REIMAGINING TENURE

*E4E polled over 300 classroom teachers, 40 percent with 10 years of experience or less and 60 percent with more than 10 years of experience, and 100 percent from district schools.*

- Tenure decisions come too early in a teacher’s career to be meaningful. Over 80 percent of teachers said granting tenure after only two years was a “very” or “somewhat” important reason to reform tenure.
- Tenure doesn’t come with any increase in pay or leadership opportunities. Over 70 percent of teachers cited this as a “very” or “somewhat” important reason to reform tenure laws.
- Tenure decisions are too automatic to be meaningful. Over two-thirds said the fact that teachers never need reapply for tenure was a “very” or “somewhat” important reason to reform tenure laws.
- Tenure doesn’t reflect classroom expertise. Over 80 percent of teachers cited the lack of consideration of classroom effectiveness as a “very” or “somewhat” important reason to reform tenure, and over 70 percent cited lack of colleague input on tenure decisions.

# TENURE VS PERMANENT STATUS

The Current California Permanent Status Law: California Education Code 44929.21. (b) Every employee of a school district of any type or class having an average daily attendance of 250 or more who, after having been employed by the district for two complete consecutive school years in a position or positions requiring certification qualifications, is reelected for the next succeeding school year to a position requiring certification qualifications shall, at the commencement of the succeeding school year, be classified as and become a permanent employee of the district. The governing board shall notify the employee, on or before March 15 of the employee's second complete consecutive school year of employment by the district in a position or positions requiring certification qualifications, of the decision to reelect or not reelect the employee for the next succeeding school year to the position. In the event that the governing board does not give notice pursuant to this section on or before March 15, the employee shall be deemed reelected for the next succeeding school year.

It is actually a misstatement to say that California K-12 teachers have “tenure.” In reality, the education code speaks of “permanent status.” However, our hope and goal is to give California teachers true tenure, which should be a meaningful and prestigious career milestone.

PERMANENT STATUS	TENURE, AS WE PROPOSE
Comes automatically after two years	Is earned over the course of 3-5 years
Never needs to be renewed	Must be renewed on a regular basis
Provides extensive due process protections	Provides reasonable due process protections
Does not necessitate any change in leadership opportunities or salary	Comes with new opportunities for leadership and career growth and clear investment from the district
Often goes unnoticed by parents, community, and the teachers themselves	Is recognized and celebrated by family, friends, and the school and community



## SCHOOL PERSPECTIVES ON REIMAGINING TENURE

E4E polled over 80 administrators and other school-based staff (e.g. counselors or deans). Sixty-six percent of those polled were principals or assistant principals.

- Tenure decisions come too early and automatically in a teacher’s career to be made thoughtfully. Ninety-six percent of administrators and other school-based staff said granting tenure after only two years was a “very” or “somewhat” important reason to reform tenure, and 85 percent said the fact that teachers never need to reapply for tenure was “very” or “somewhat” important.
- Tenure is too high stakes of a decision for administrators to make so early. Ninety-five percent of administrators and other school-based staff cited the cost and length of due process procedures as a “very” or “somewhat” important reason to reform tenure.
- Tenure is not closely tied to classroom effectiveness. Ninety-seven percent of administrators and other school-based staff said the lack of consideration of classroom effectiveness was a “very” or “somewhat” important reason to reform tenure.



## PARENTS AND STUDENTS’ PERSPECTIVES ON REIMAGINING TENURE

E4E polled over 80 parents and almost 200 high school and middle school students.

- Parents and students are in the dark about tenure. Over 60 percent of students and parents rated themselves as “somewhat unfamiliar” or “unfamiliar” with the concept of teacher tenure. On average, around 25 percent of parents and students selected “don’t know” on each question, compared to less than 5 percent of teachers and administrators.
- However, they do know that tenure is not closely tied to classroom effectiveness. Eighty-eight percent of parents and 70 percent of students said lack of consideration of classroom effectiveness is an important reason to reform tenure, and only 3 percent of parents and 18 percent of students selected “don’t know.”
- Students believe teachers need more than two years to demonstrate impact. Among students, 70 percent cited the timeline of only two years as a key reason to reform tenure.



**96%**

of administrators and other school-based staff said tenure decisions come too early in a teacher’s career to be made thoughtfully.

**Tenure comes too early in a teacher’s career.**



**82%**

of teachers said tenure decisions come too early in a teacher’s career to be meaningful.



**70%**

of students believe teachers need more than two years to demonstrate impact.

*“Permanent status right now rewards being a breathing body after two years, not a growing, thriving professional who is helping students succeed. Tenure can help us reward the latter.”*

**Adam Paskowitz**, Physics, Banning Academies of Creative and Innovative Sciences

## ISSUES FROM A LEGAL PERSPECTIVE

- Current permanent status laws violate students’ constitutional right to an education, and the laws particularly impact students in low-income communities and students of color, who are considered part of a “protected class.” Those students are more likely to have...
  - Less effective teachers, as measured by student growth
  - Inexperienced teachers
  - Unqualified teachers<sup>11</sup>

In addition to the lack of support, poor working conditions, and other incentives that keep high-quality

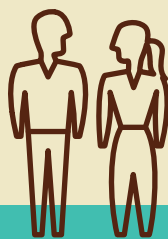
teachers out of high-need schools,<sup>12</sup> we also know that dismissal rules do play some role. It is difficult for administrators to actually remove ineffective teachers, so they are more likely to engage in the “dance of the lemons” and move them to less “desirable” schools.<sup>13</sup>

- Under the legal test the judge used, called “strict scrutiny,” the state would need to prove that no other law could achieve the important goal of protecting teacher contractual interests. The judge ruled that the state could create a law that would protect teachers while also keeping sacred students’ constitutional rights.



**97%**

of administrators and other school-based staff think tenure is not closely tied to classroom effectiveness.



**Tenure is not tied to classroom effectiveness.**



**82%**

of teachers said tenure doesn't reflect classroom expertise.



**88%**

of parents and

**70%**

of students said they think that tenure is not closely tied to classroom effectiveness.

## METHODOLOGY

The legal debate on tenure as raised by the *Vergara* case created momentum among educators to better define the prestige and protections within their profession. In the summer and fall of 2014, Educators 4 Excellence—Los Angeles conducted a poll of over 500 teachers asking what were the top issues facing their classrooms and careers. Sixty-four percent of teachers selected tenure as the single most important issue for teachers to tackle.

Over the course of four weeks, the E4E—Los Angeles Teacher Action Team met regularly to review the research from across the country on teacher tenure policies and practices. Some of our team members served a special role as “Policy Evaluators” and entered the conversations with the hats of critics and skeptics. This dialogue ensured we kept our recommendations true to our goals and to our political realities. We also polled 337 of our colleagues, 198 of our middle school and high school students, 84 parents, and 86 administrators and other school-based staff. We used these insights to fuel our discussion and to balance our classroom perspective with the needs of other critical education stakeholders—the students and parents we serve.

We weighed each recommendation against our ultimate goals of a new teacher tenure system, described on page 4. These goals anchored our discussion and drove us to select the recommendations we felt most clearly accomplished these lofty aims.



## STATE LEGISLATION AND DISTRICT POLICY



### STATE RESPONSIBILITIES

- Ensuring a minimum level of quality across districts and schools
- Collecting clear and usable data
- Holding districts accountable to consistent standards
- Creating templates, tools, and resources for district use




### DISTRICT RESPONSIBILITIES

- Implementation of state policies
- Using data to adapt plans and protocols
- Adapting state templates and tools to individual school and district needs

# RECOMMENDATIONS FOR IMPROVING TENURE

The state and district policy recommendations outlined below draw upon best practices from around the nation, from other professions, and from our own experience as educators.

## MAKING TENURE REFLECTIVE OF TEACHER GROWTH

 The state should make tenure a multistage process that includes indicators of professional achievement.

The tenure process should be more than a two-year rubber stamp. By making the tenure process longer and more reflective of an individual teacher's trajectory, we can both honor a teacher's professional needs and give administrators the opportunity to make more informed staffing decisions.

Existing commitments made to teachers should remain so that any teacher with a signed contract would retain the benefits of Permanent Status already guaranteed to them. The path to tenure for new teachers should come in three flexible stages.

**STAGE 1:** Teachers receive intensive mentoring and support in their first year. Evaluations are not counted toward tenure decisions, though they should still be used to inform professional development and employment decisions.

**STAGE 2:** Teachers continue to receive intensive support and individualized growth plans.<sup>14</sup> Teachers obtain a "clear" credential (a credential that has met all induction requirements and is no longer "preliminary") and at least two consecutive "effective" (or higher) evaluations before year five of their teaching career to correspond with research showing years two through five as prime for teacher growth.<sup>15</sup> Administrators would use evaluations

together with the Growth Portfolio as evidence for granting or denying tenure or for granting a one-year extension. Extensions should be limited to extenuating circumstances such as extreme illness, administrator turnover or maternity leave. A single teacher should receive no more than two 1-year extensions.

**STAGE 3:** Tenure status should be periodically revisited through a district-created, state-approved process.

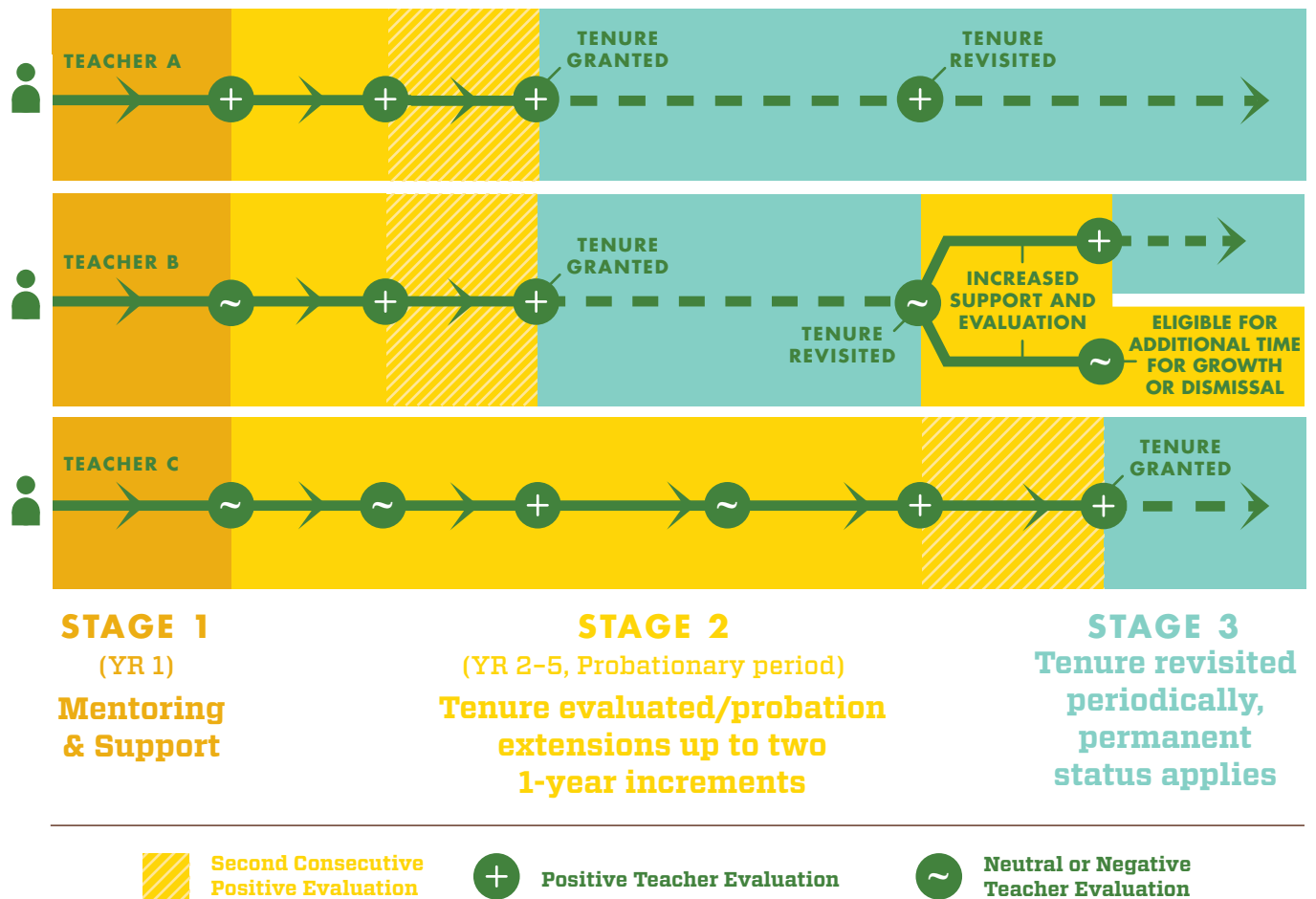
- **State:** The state should set a consistent review cycle for teachers between five and ten years, which will allow teachers time to develop professionally while also not overburdening districts and administrators in a single year. The state should also create a clear rubric for judging and approving tenure review plans in order to ensure equity and minimum standards.
- **Districts:** The district should create a tenure review plan that meets the minimum requirements set by the state and lays out a transparent process for teachers to demonstrate growth in order to renew tenure.
- **Teachers:** If a teacher does not pass the tenure review process, s/he would return to stage two with both the increased support and the requirements around effective evaluations that stage entails. The teacher would also return to "probationary status," meaning administrators would have discretion to allow more time for growth or move toward dismissal as seems fit.

**Districts should create district- or school-based tenure review “boards” with multiple voices and perspectives to monitor the tenure acquisition and renewal process.**

Tenure decisions impact a teacher’s career trajectory, a school’s hiring plans, and a district’s retention strategy. Therefore, strong oversight of the process is needed. A tenure review board can provide accountability and support for administrators in making such a weighty decision. While the state should provide planning templates and resources, districts should ultimately write their own tenure review plans. The tenure review plan submitted for state approval should note whether the board will be district- or school-based and why; include the makeup of the board; and identify the diverse and relevant voices represented among board members, as well as how they will be selected.

Because districts will draft the initial plans, much flexibility is already built into the planning process. Ultimately, however, the state must ensure that boards are accountable, transparent, and useful. The planning templates and resources provided to districts should ensure tenure review boards are accountable to the hiring body of the district (whether individual schools, the school board, or the superintendent), have the necessary authority to meaningfully oversee the process, and ensure that the makeup and governance of the board matches local context. The approval process the state uses to review district plans should match the criteria laid out in those templates. Through these plans, districts can create tenure review boards that balance knowledge of the community with the objectivity needed for tenure decisions and create boards that truly represent diverse voices through content, grade level, parent, or school staff representatives.


**Fig. 3 Our Proposed Path to Tenure**






Through the review process, the board would ensure teachers in stages one and two are receiving the individualized professional development needed to advance to stage three and ensure requirements for granting tenure are met. In the post-review process, the board would ensure that professional growth remains a priority for both the teacher and the administrator through the Growth Portfolio. The district should make clear in their plan how and when the board will intervene if the process is not being implemented.

Disputes on tenure decisions should follow current protocol within the district for teacher evaluations, whether through union arbitration or appeals to the school board.

 **The state should require teachers to submit a Growth Portfolio that is aligned with induction program requirements and with state-developed guidelines, rubrics, and standards for tenure acquisition and renewal.**

 **Districts should review and score portfolios based on state guidelines.**

Teachers going through induction programs like California’s Beginning Teacher Support and Assessment program (BTSA) are already completing portfolios to demonstrate their growth and mastery over the course of their first few years in the classroom. The portfolios are a requirement for teachers to “clear” their credential, meaning they completed their coursework and no longer have only “preliminary” credentials.


Since having a “clear,” non-preliminary credential should be a requirement for attaining tenure, induction program portfolios should be integrated into the tenure process. This will both streamline work for new teachers and their administrators and lend additional rigor and consistency to the portfolios.

The portfolios should serve as a starting point for local tenure review boards to build out locally targeted school requirements. For example, some districts might want to include stronger requirements around English Language Development or Culturally Responsive Pedagogy, depending on the needs of their student population and workforce development.

Districts can then use the induction program portfolio as a template for creating ongoing Growth Portfolios

for tenure renewal. This will ensure that the standards communicated to teachers for professional growth are aligned and consistent throughout a teacher’s career.

For those teachers who currently have Permanent Status—in other words, had a previously existing contract—but wish to obtain tenure, districts could use a modified Growth Portfolio that includes one current evaluation. Teachers who wish to convert to Tenure can do so through a process that recognizes previous effectiveness on their evaluations, leadership roles they may have held, and other contributions to their school and community made prior to the creation of a new tenure process.

 **Districts should have a clear timetable for teacher evaluations that correspond to the various stages of tenure acquisition and renewal.**

Too often, evaluation schedules are obscure and subject to the capacity and needs of administrators rather than the needs of teachers and students. In LAUSD, teachers can have up to five years between evaluations,<sup>16</sup> which means a student can go through her entire high school career with a teacher who has never received feedback on his/her practice.

Ideally, high-quality, multiple-measure evaluations would happen annually, as they do in other professions. But given that, currently, only administrators are permitted to conduct evaluations, and new teachers are quickly becoming the majority of teachers in the profession,<sup>17</sup> a clear and consistent schedule is a rational middle next step that will allow teachers to get the feedback they need while being realistic about the time and workload for administrators.<sup>18</sup>

The timetable should be aligned with the stages of tenure acquisition and renewal. Teachers in stages one and two should be evaluated at least once per year with multiple observations, to support his/her growth as needed to reach stage three. Teachers in stage three should be on a schedule that is clearly communicated to both teachers and administrators, with feedback that comes regularly enough to both allow them to grow as professionals and complete the tenure renewal process. The 2012 E4E-Los Angeles Teacher Policy Team suggested a similar timeline, with teachers being observed every other year starting in year four.<sup>19</sup>

*“Any decisions impacting our schools should keep students’ rights at the forefront. They’re why we come to work each day and why our profession even exists.”*

*Laurie Walters, First Grade, NOW Academy*

## MAKING TENURE STUDENT-FOCUSED



The state education code should require districts to include measures of student impact in teacher evaluations, which are then used to inform tenure decisions.

The current state education code mandates that teacher evaluations include “the progress of pupils toward the standards.”<sup>20</sup> In many districts, this has translated into simply evaluating teachers on whether or not they take previous student proficiency rates into account when planning their lessons rather than a teacher’s impact on student growth over the course of the year.

In Los Angeles Unified, a group of parents sued the district in 2012 for failing to include adequate measures of student growth in teacher evaluations. The judge found that final evaluation decisions do not need to explicitly include measures of student achievement, but there should be a “nexus,”<sup>21</sup> or some connection between a teacher’s evaluation results and his/her students’ achievement results, even if that connection is not direct.

Vague guidance can be made stronger by making the connection between evaluations and student achievement direct and explicit. The state could propose a specific weight for student data or state that final evaluation decisions must take into account student impact measures.<sup>22</sup> To do so would force districts to create truly multi-measure evaluations, using the observation protocols already working successfully around the state.<sup>23</sup>



The state should ensure district accountability for retaining tenured teachers through the use of school report cards.



Districts should ensure administrator accountability for retaining tenured teachers through the use of administrator evaluations.

Research shows that highly effective teachers often cite lack of administrator support and appreciation as a key reason for leaving their school or profession.<sup>24</sup> In the past, it has been difficult to hold administrators and districts accountable for retaining effective teachers in particular because the evaluation system has a binary rating—“meets expectations” or “does not meet.” In 2009-10 in LAUSD, 97.6 percent of teachers were rated as “meets expectations.”<sup>25</sup> Holding administrators accountable for retaining “effective” teachers would essentially mean holding them accountable for retaining all teachers, regardless of effectiveness.

Ultimately, we need a multi-tier evaluation system that honors the growth trajectory of great teachers. But as our state leaders and our union leaders work toward this more complex rating system, a robust tenure designation can serve as an excellent proxy. The tenure decision would indicate multiple years of effectiveness, which would include measures of student impact, as well as input from multiple voices and a commitment to ongoing improvement through the Growth Portfolio requirement.



**The state should require school leaders to include input from multiple voices in evaluations that inform tenure decisions.**



**Districts should manage the process for how those voices are included in teacher evaluations.**

Under current education law, only those with administrative credentials are permitted to conduct teacher evaluations. Our local union, United Teachers Los Angeles, has released recommendations on teacher evaluation that include a greater role for colleagues,<sup>26</sup> and we agree that peer input is important.<sup>27</sup> In fact, research shows that having multiple evaluators increases the reliability of evaluation outcomes and can decrease the amount of time required in each evaluation.<sup>28</sup>

Until the greater flexibility for evaluators is in place, administrators should be required to include evaluation input from other relevant voices. Districts should determine locally what form and weight this input

would have, but the state should set a minimum bar by requiring evaluation forms to include evidence of multiple perspectives. The evidence cited could include surveys from students and parents or additional observations from instructional specialists, assistant principals, or university mentors. Allowing for multiple contributors recognizes the hiring and evaluation power that must rest with the school leader while also recognizing the limited expertise of a single person. For example, an administrator might have a hard time evaluating a Spanish class or a special education class if she does not have related background experience. By bringing in additional voices, teachers would receive higher-quality feedback, while also lightening the load on the administrator.

*“As teachers, we celebrate with our students at every milestone they achieve. We need to celebrate with each other, too.”*

*Phyllis Hoffman, Second Grade, Harry Bridges K-8 Span School*



## MAKING TENURE A MEANINGFUL MILESTONE



**The state should make tenure a statewide designation.**

Currently, a teacher who earns permanent status in one district loses that designation if s/he moves to another district. While this regulation is intended to help retain teachers within a district, it inadvertently communicates that California has no clear and consistent standard for granting tenure. Inconsistent tenure determinations also fail to communicate the high standards to which we believe all teachers should aspire. By creating state-approved plans for granting and reviewing tenure, tenure determinations can appropriately transfer across district lines. Tenure would become more analogous to the bar exam lawyers take, which enables them to practice law across an entire state.

For students, state-designated tenure would mean that districts could make more informed hiring plans and decisions by offering incentives for tenured teachers to teach in particular schools or subject areas.<sup>29</sup>



**The state should make tenure a public designation by celebrating the achievement and creating a searchable database.**

Many teachers are unfamiliar with their own permanent status designation. In fact, 15 percent of the current teachers with less than 10 years of experience we surveyed rated themselves as “unfamiliar” or “somewhat unfamiliar” with the concept of teacher tenure. In higher education, tenure is an accomplishment celebrated with friends and family and often acknowledged with a title change.<sup>30</sup>

By making tenure a public designation, teachers will be able to celebrate this exciting career milestone. Similar to credentialing information, parents and students will be able

to see in a database whether or not their teacher is tenured, in the review process, or currently in stage one or two. This would also address the lack of awareness noted by parents and students in the polling conducted for this paper.<sup>31</sup>



**Districts should align salary scales to the tenure process.**

In higher education, earning tenure is often accompanied by a change in salary. While ultimately we believe our step-and-lane salary system must be reexamined,<sup>32</sup> here we simply argue that it should align to the tenure acquisition and renewal process. For example, districts might grant extra salary points for completing components of the tenure process or create a larger “step” in the scale for when teachers move from stage two to three.



**Districts should make earning tenure a prerequisite for taking on leadership roles.**

Research consistently shows that distributed leadership roles, with clear responsibilities and accountabilities, improve student achievement.<sup>33</sup> Making tenure a prerequisite for taking on leadership roles will ensure those roles are being filled with effective teachers, which means more students will have access to their expertise, further reinforcing tenure as an important and valued designation. In addition, making tenure a prerequisite for leadership roles protects early career teachers from taking on excessive out-of-classroom roles in those early high-growth years. This may help prevent early career burnout and allow new teachers to put their time and energy into honing their craft.

## CAVEATS AND CONSIDERATIONS

- State policies can push local districts, administrators, and teachers to make tenure decisions differently, but no policy can force the decision to be made well. Local stakeholders will need to invest time and resources in training and tools for teachers, administrators, parents, and students to engage in a more rigorous and meaningful tenure process.
- The recommendations laid out here are a great starting point for moving from “permanent status” to “tenure.” But to make this move worthwhile for teachers, our state must do more to ensure we are investing in professional development for teachers. Investments in professional development plans and ongoing support are vital underpinnings of the tenure process described in this paper.
- It is difficult to measure teacher impact on students under any circumstances, but it is especially difficult to do so without consistent access to data. The state should prioritize providing teachers and administrators with clear, accessible data on teacher impact on student growth.
- In keeping with other key education reforms of the past, such as the elimination of lifetime credentials or the creation of a new evaluation system, teachers with signed contracts should be grandfathered in with permanent status. Teachers with permanent status should also have the option to apply for the higher tenure designation.
- These recommendations notably do not touch on the due process protections provided by permanent status. Our polling makes it clear that teachers, administrators, parents, and students see the current due process procedures as problematic. Across the board, over 75 percent agreed that the due process procedures are a “very” or “somewhat” important reason to reform tenure laws. We look forward to collaborating with our union, state legislators, and school leaders on reforming due process laws in the future.

*“Reimagining tenure gives us the opportunity to elevate our profession and create policies that reflect the true nature of teaching: constant growth, ongoing reflection, and an unwavering focus on our students.”*

**RON TAW**

*Math Instructional Coach, Los Angeles Academy Middle School*

# CONCLUSION

Education in California is facing a critical historical moment. With an impending wave of retirements, and a new generation of teachers emerging, there is no better time to reexamine every tool we have for attracting, developing, and retaining great talent in our schools. Tenure is not the only such tool, but it can and should be an important one. So as educators, we hope that legislators, district leaders, and union leaders will address the concerns and aspirations of teachers, parents, and students in designing a new blueprint for the future of teacher tenure.

# APPENDIX: STATE ACTION CREATES DISTRICT OPPORTUNITY

Tenure is by no means a silver bullet for attracting, developing, and retaining top educators. But a new tenure system does present exciting new possibilities for aligning teacher achievement with student achievement and creating a meaningful career milestone for the teaching profession.

**DISTRICTS CAN INTEGRATE TENURE INTO A MORE COMPREHENSIVE CAREER PATHWAY FOR TEACHERS.** The 2013 E4E-Los Angeles Teacher Policy Team on Career Pathways laid out a plan for creating a career pathway that encourages new teachers to hone their craft, allows midcareer teachers to explore their leadership interests while staying in the classroom, and enables veteran teachers to share their expertise with others. A more robust tenure system should inform the movement along such a pathway

**DISTRICTS CAN REIMAGINE TEACHER COMPENSATION IN COMPLEMENT TO A MORE COMPREHENSIVE TENURE PROCESS.** The 2014 E4E-Los Angeles Teacher Policy Team on Differentiated Compensation gave several ideas for how teacher compensation can be used as a lever to attract, develop, and retain highly effective teachers. Increasing dollars for teacher salaries requires public buy-in and teacher buy-in. By using a more comprehensive and performance-aligned designation like tenure as a vehicle for creating a multifaceted system for teacher compensation, we can both give the public faith that dollars are going toward the development and retention of talented teachers.

**DISTRICTS CAN TACKLE THE EQUITABLE DISTRIBUTION OF EFFECTIVE TEACHERS WITH A MORE RELIABLE MEASURE.** The 2013 E4E-Los Angeles Teacher Policy Team on Attracting and Retaining Teachers in Hard-to-Staff Schools gave many recommendations for how districts could better address the equitable distribution of effective teachers. In their paper, they specifically called out the current system of permanent status as an obstacle, as administrators are often forced to place teachers off of a transfer request list rather than based on the needs of their local school. The new tenure system could instead be a tool, allowing districts to quickly see the distribution of tenured teachers across schools, and perhaps offer incentives for tenured teachers to teach at specific schools.

**DISTRICTS WILL HAVE MORE INCENTIVE TO STRENGTHEN THEIR EVALUATION SYSTEMS.** The 2012 E4E-Los Angeles Teacher Policy Team on Teacher Evaluation recommended that L.A. Unified invest in a multi-measured, rigorous evaluation system that brings in many voices and perspectives to determine effectiveness. With tenure decisions riding on this evaluation system, districts would have even more reason to revisit what is working well and what can be strengthened with better data, better evaluations, and better protocols and systems for supporting teachers' professional growth through ongoing feedback.



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# THE 2015 EDUCATORS 4 EXCELLENCE-LOS ANGELES TEACHER ACTION TEAM ON TENURE

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