

New Report by The New Teacher Project Shows Urban Students Shortchanged by Teachers Union Staffing Rules

Contractual staffing rules strip urban schools of their ability to hire and keep the best possible teachers, treat new teachers as expendable, and result in poor performers being passed from school to school

Staffing rules result in fully 40 percent of teacher vacancies filled with little or no say from schools

New York, NY, November 16, 2005 – The New Teacher Project (TNTP), a national nonprofit organization, today released a report showing how seniority staffing rules mandated by urban teachers union contracts override the staffing needs of schools and the educational needs of students. Analyzing teacher movements within five large urban school districts, TNTP found that, on average, fully 40 percent of all school vacancies were filled by incumbent teachers over whom schools had little or no choice in hiring. As a result, these mandates effectively prevent school principals from focusing on quality, school fit, or the needs of the children in each classroom when making a significant portion of their staffing decisions. The report proposes a set of specific progressive reforms aimed at improving the quality of education in city classrooms by enabling the best match of teacher to school.

The study, *Unintended Consequences: The Case for Reforming the Staffing Rules in Urban Teachers Union Contracts*, examines five major urban school districts across the country, including New York City and San Diego, with a specific focus on the impact of “voluntary transfer” and “excessed teacher” staffing rules found in their collective bargaining agreements. “Voluntary transfers” are incumbent teachers with seniority rights who want to move between schools, while “excessed teachers” are those whose positions are cut from their school, often due to enrollment or budget changes. These staffing rules often require other schools to hire these incumbent teachers even if they are not the right match for the job. As a result, urban schools are often forced to hire teachers regardless of students’ needs. These contract rules thwart any sustained attempt to significantly improve teacher quality – the single greatest school-based factor in increasing student achievement.

These rules have other unintended consequences that also affect the quality of teachers in city classrooms. For example, transfer and excess processes are often used to pass poorly performing teachers from school to school in lieu of an effective teacher termination process. Across the five cities, with more than 70,000 tenured teachers collectively, a total of only four tenured teachers were terminated for poor performance in one year. In light of the low likelihood of success in teacher termination proceedings, roughly 40 percent of surveyed principals in one district and 25 percent in another district acknowledged urging poor performers to transfer or excessing them to another school – as a way to get them out of their schools.

In addition, these rules, which are based on seniority, result in novice teachers being treated as expendable, regardless of their impact on student achievement. In one district, roughly 25 percent of principals surveyed reported having a new or novice teacher bumped from their school by a more senior teacher. With baby boomers aging out and school systems spending millions on recruitment, these rules place the positions of new teachers in constant jeopardy and prevent schools from implementing and sustaining meaningful improvements.

“You cannot hold principals accountable for student achievement and not let them pick the team to get the job done. No CEO could run a company that way. These rules no longer work in an era of high-stakes accountability,” said Michelle Rhee, Chief Executive Officer and President of The New Teacher Project. “They fail to serve students’ best interests and ultimately fail to serve teachers. Calling for a change in these rules is not about politics or not supporting unions; rather, it is about the needs of students and the desire to provide them with the best possible teachers. ”

Joel Klein, Chancellor of the New York City public school system, described these rules as one of the largest and least understood barriers to transforming urban schools and improving student achievement. “These staffing rules are inconsistent with a sensible approach to school-based reform and accountability, taking the power to improve the quality of teaching in a building out of principals’ hands. The analysis done by The New Teacher Project has been essential to our effort to achieve systemic solutions. Our latest contract shows that meaningful reform is possible, and that quality can replace seniority in determining who will teach our students.”

Recently appointed State of California Education Secretary and former Superintendent of the San Diego Unified School District Alan Bersin stated: “It is commonly assumed that improving urban teacher quality simply requires more and better professional development. The reality is that staffing rules in urban contracts restrict our ability to do what we really need to do to raise teacher quality – attract and hire promising candidates, keep great teachers, and match teachers with students’ needs – by micromanaging teacher assignment and transfer processes, and placing an absolute premium on seniority. The New Teacher Project provides an important road map for districts seeking to improve the quality of their teachers.”

The report urges labor and management to forge new staffing rules that respect senior teachers but enable the best match of teacher to school and classroom. The report’s recommended reforms focus on five goals:

- 1) Ensure that the placements of voluntary transfers and excessed teachers are based on the mutual consent of the teacher and receiving school and eliminate forced placements
- 2) Permit the timely hiring of new teachers
- 3) Better protect novice teachers who are contributing to their current school
- 4) Create new evaluation and dismissal processes
- 5) Develop alternative teacher award mechanisms

The good news is that these reforms are within reach; in fact, New York City recently adopted a new teachers contract that eliminates seniority transfer rules and bumping rights, as well as the forcing of transferring and excessed teachers onto other schools without their consent. While these reforms alone are not enough, they are a significant step toward sustaining the school-based reforms the district has tried to put in place.

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Report Background

Unintended Consequences: The Case for Reforming the Staffing Rules in Urban Teachers Union Contracts examines the impact of the transfer and excess rules found in collective bargaining agreements in five representative urban districts. The transfer and excess rules govern the voluntary and involuntary movement of incumbent teachers and, as such, control significant aspects of teacher hiring and staffing in urban districts.

- “**Voluntary transfers**” are incumbent teachers with seniority rights who want to move between schools
- “**Excessed teachers**” are incumbent teachers who are cut from a specific school, often in response to declines in budget or student enrollment

Finding 1: Urban Schools Are Forced to Hire Large Numbers of Teachers They Do Not Want

Across the five districts, **40 percent of vacancies** were filled by a voluntary transfer or excessed teacher over whom schools had either **no choice or limited choice** in hiring. Nearly one-half of principals surveyed as part of the study reported that they attempted to hide their vacancies to avoid hiring voluntary transfers and excessed teachers. Nearly two-thirds of principals who reported having to hire these teachers said that they did not wish to have one or more of them in their school.

Finding 2: Poor Performers Are Transferred From School to School Instead of Being Fired

While the quality of voluntary transfers and excessed teachers spans the continuum, a subset of the teachers forced on schools appears to be poor performers passed from one school to another because of the lack of a viable termination process. Labor relations staff in each district reported that only one or two tenured teachers are formally terminated for poor performance each year. Out of a total of 70,000 tenured teachers in these five districts, only four were terminated for poor performance. Because of the low likelihood of successfully removing a tenured teacher, many principals opt to transfer or excess poor performers instead. Not surprisingly, roughly 40 percent of surveyed principals in one district and 25 percent in another district acknowledged encouraging a poorly performing teacher to transfer or to placing one on an excess list.

Finding 3: New Teacher Applicants, Including the Best, Are Lost to Late Hiring

While urban schools are forced to hire large numbers of teachers who may either be poor matches or simply poor performers, they lose out on the ability to select the best new teacher applicants available. Transfer and excess processes drag on into the summer, typically leaving schools only one month before the start of school in which to hire between 67 and 93 percent of their new teachers. Our previous research showed that as a result of this late timeline, urban districts lose out on the best new teacher candidates, including seasoned veterans from other districts. The late hiring also ensures that large numbers of new teachers do not begin until after the start of school, with 10 to 30 percent of new teachers hired after students have begun the school year.

Finding 4: Novice Teachers Treated as Expendable

The staffing rules place the positions of novice teachers in low regard. Novice teachers are, by default, the first to be excessed. In three districts, a subset of novice teachers also can be stripped of their positions if more senior teachers need or want their jobs. As a result, one-quarter of principals surveyed reported having a new or novice teacher bumped from their school the prior year.

Impact on Schools and Students

Taken together, these four effects significantly impede the efforts of urban schools to staff their classrooms effectively, build strong instructional teams, and sustain meaningful schoolwide improvements. Further, in an era of high-stakes accountability, in which principals are increasingly serving under performance contracts, these rules strip them of their primary tool to raise student achievement – effective teachers. “It is unfair to hold principals accountable for student achievement when they do not have the ability to choose teachers,” said one principal. “I work hard at professional development and building collaborative teams at each grade level and often must accept someone for a position who I know will not contribute to the work of the grade-level team and will, in many cases, be a detriment to children.”

While the effects undermine schools, urban students lose the most as the staffing rules place hundreds and sometimes even thousands of teachers in urban classrooms each year with little regard for the appropriateness of the match, the quality of the teacher, or the overall impact on schools. “The process,” explained another principal, “is not about the best-qualified candidate but rather satisfying union rules.”

Recommendations

1. **Reform Transfer and Excess Timelines**

Require priority consideration for voluntary transfers and excessed teachers but move up the timeline for when this review happens. Allow schools to consider internal and external hires equally after April 15.

2. **Reform Transfer and Excess Placement**

Eliminate the forcing of voluntary transfers and excessed teachers onto schools who do not believe they are a good fit for the job. For those excessed teachers who no school wants to hire, explore options such as the creation of a reserve pool for a specified time period.

3. **Eliminate Provisions that Systematically Disadvantage Novice Teachers**

Remove bumping requirements and better protect the jobs of essential, high-performing novice teachers.

4. **Create New Evaluation and Dismissal Processes**

Put in place requirements that provide ample protection to teachers but not to incompetence.

5. **Develop Alternative Teacher Award Mechanisms**

Identify awards for senior teachers for experience and service in lieu of placement restrictions.

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STUDY BACKGROUND AND METHODOLOGY

In its 2003 report, *Missed Opportunities: How We Keep High-Quality Teachers Out of Urban Classrooms*, The New Teacher Project documented how the failure of urban school districts to hire new teachers before the mid- to late summer resulted in the loss of significant numbers of new teacher applicants, particularly the best ones, to neighboring districts that hired earlier. The report identified three widespread policy barriers to early hiring: 1) vacancy notification policies; 2) staffing rules in teachers union contracts; and 3) late budget timetables.

Following the release of *Missed Opportunities*, The New Teacher Project collaborated with several districts to develop solutions to the problems the report addressed. In the context of this work, The New Teacher Project focused its research and policy activities on better understanding each of the three policy barriers individually, and identified the voluntary transfer and excess staffing rules as the starting point.

The New Teacher Project came to its conclusions after studying five representative urban districts, which agreed to participate on the condition of anonymity given the sensitive nature of the subject (the school districts are identified in the report as Eastern, Mid-Atlantic, Midwestern, Southern and Western districts). Subsequent to the completion of the study, two of the school districts, New York City and San Diego, agreed to be publicly recognized. Within all five districts, the authors spent considerable time on-site, completed comprehensive reviews of the teacher staffing rules, and extensively analyzed data for internal teacher movements and new teacher hires. The data analysis was complemented with principal surveys in the Eastern and Western districts, and interviews of school and central staff in all districts. The study was co-authored by Jessica Levin, a former policy advisor at the U.S. Department of Education under President Clinton; Jennifer Mulhern; and Joan Schunck.

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About The New Teacher Project

The New Teacher Project (TNTP) is a nonprofit organization dedicated to partnering with educational entities to enhance their capacity to recruit, select, train, and support new teachers effectively. With the conviction that the recruitment and retention of effective teachers must be an integral aspect of any school reform movement, The New Teacher Project is dedicated to ensuring that all of our schools are staffed with “highly qualified” teachers.

TNTP was formed in 1997 to address the growing issues of teacher shortages and teacher quality throughout the country. The New Teacher Project has a diverse staff of over 100 people, including former educators, education policy experts, and strategy consultants from top-tier private sector firms. We have worked with school districts, state departments of education, and colleges and universities to significantly improve the quality of their teaching forces.

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