



# The Case Against Quality-Blind Teacher Layoffs

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Philanthropy Roundtable | April 2011



## The New Teacher Project

The New Teacher Project (TNTP) works to end the injustice of educational inequality by providing excellent teachers to the students who need them most and by advancing policies and practices that ensure effective teaching in every classroom.

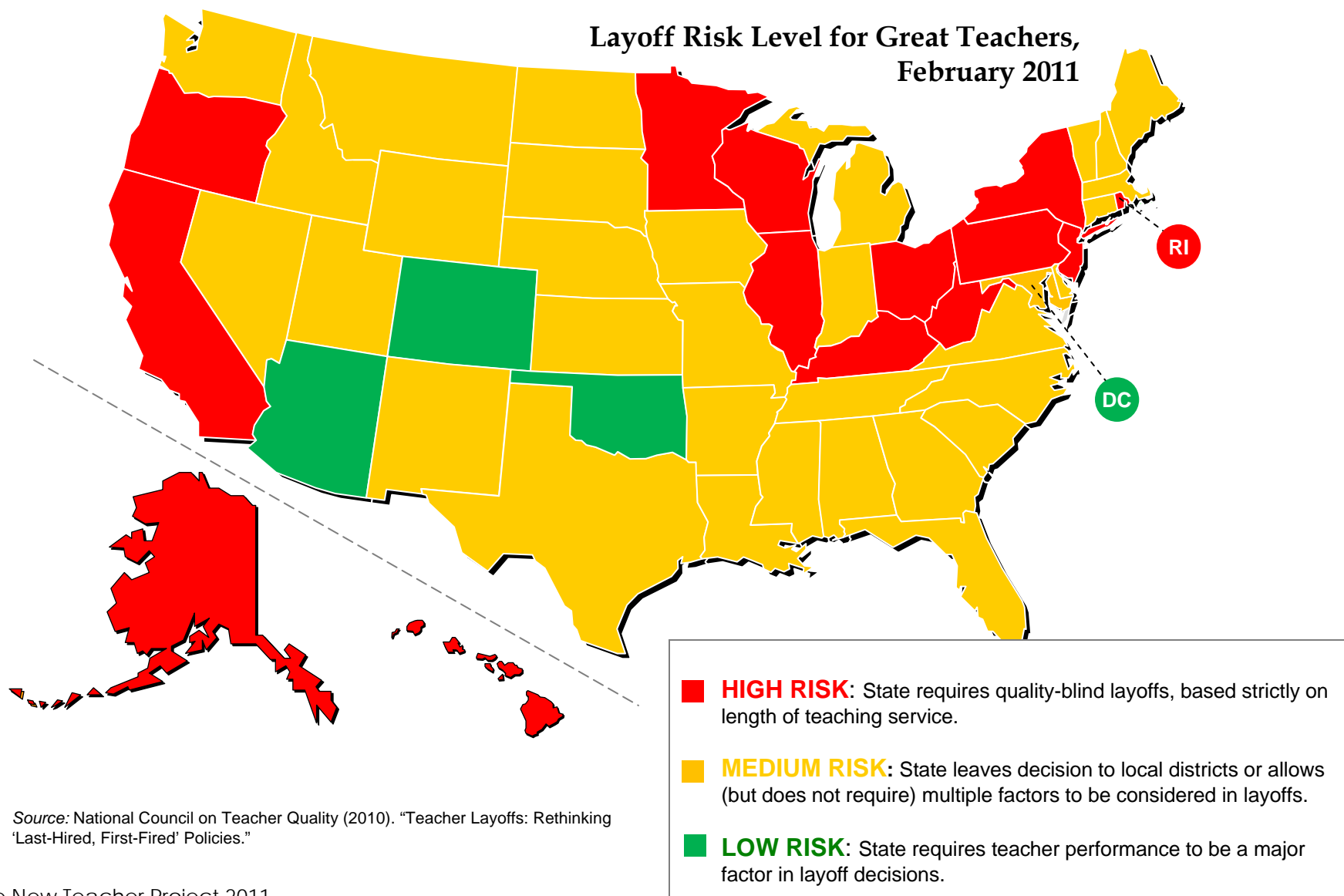
- National nonprofit, founded by teachers in 1997
- Partners with school districts, state education agencies, and charter schools
- More than 300 employees, most embedded in school district offices; the majority are former teachers
- Current clients include:

*Districts:* Baltimore, Chicago, Denver, Memphis, New Orleans, New York, Oakland, Philadelphia, Washington, DC

*States:* Colorado, Louisiana, Illinois, Indiana, Rhode Island, Tennessee



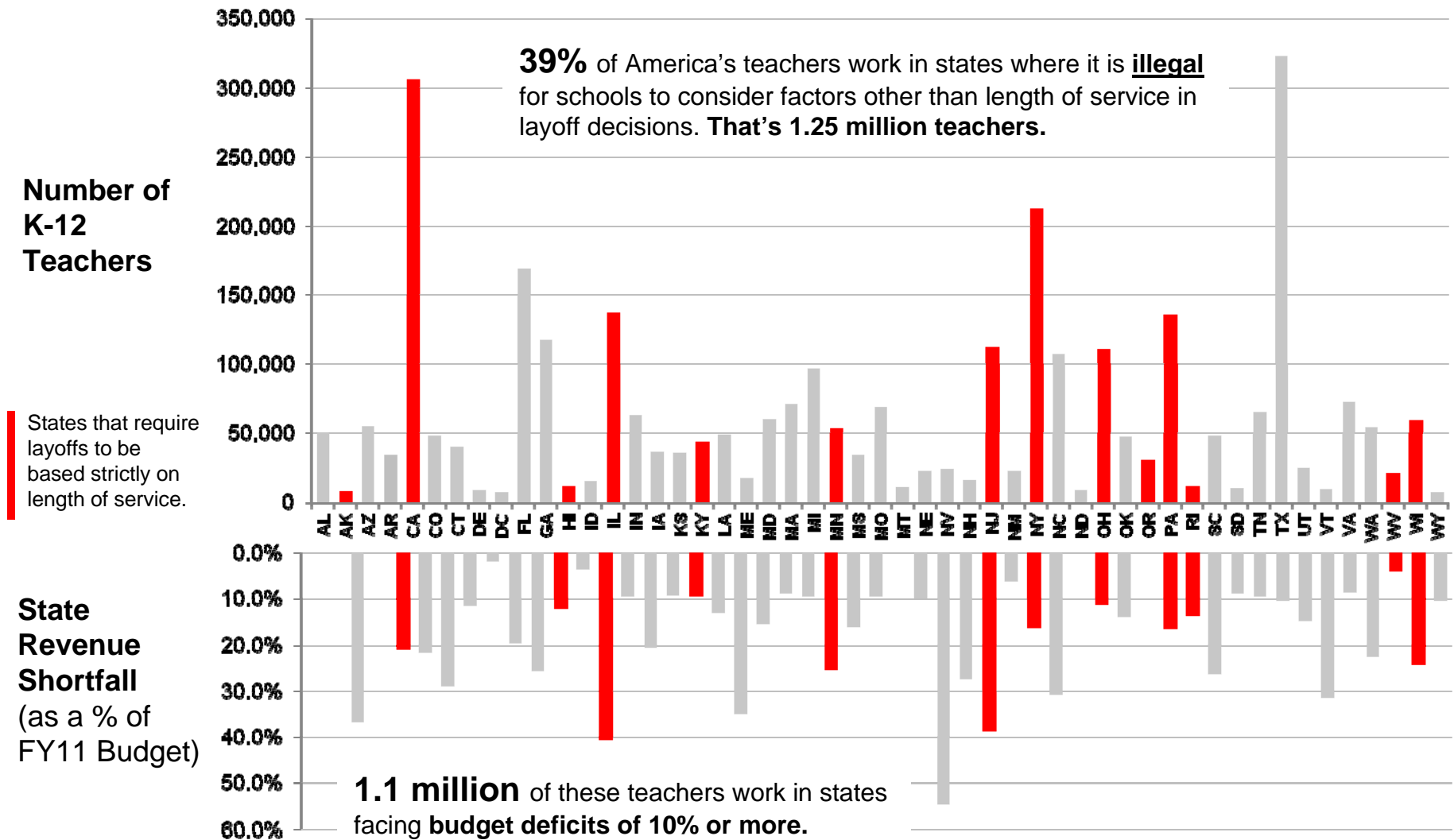
In February 2011, 14 states had laws banning schools from considering any factor but seniority in layoff decisions—putting great teachers at risk.



Source: National Council on Teacher Quality (2010). "Teacher Layoffs: Rethinking 'Last-Hired, First-Fired' Policies."



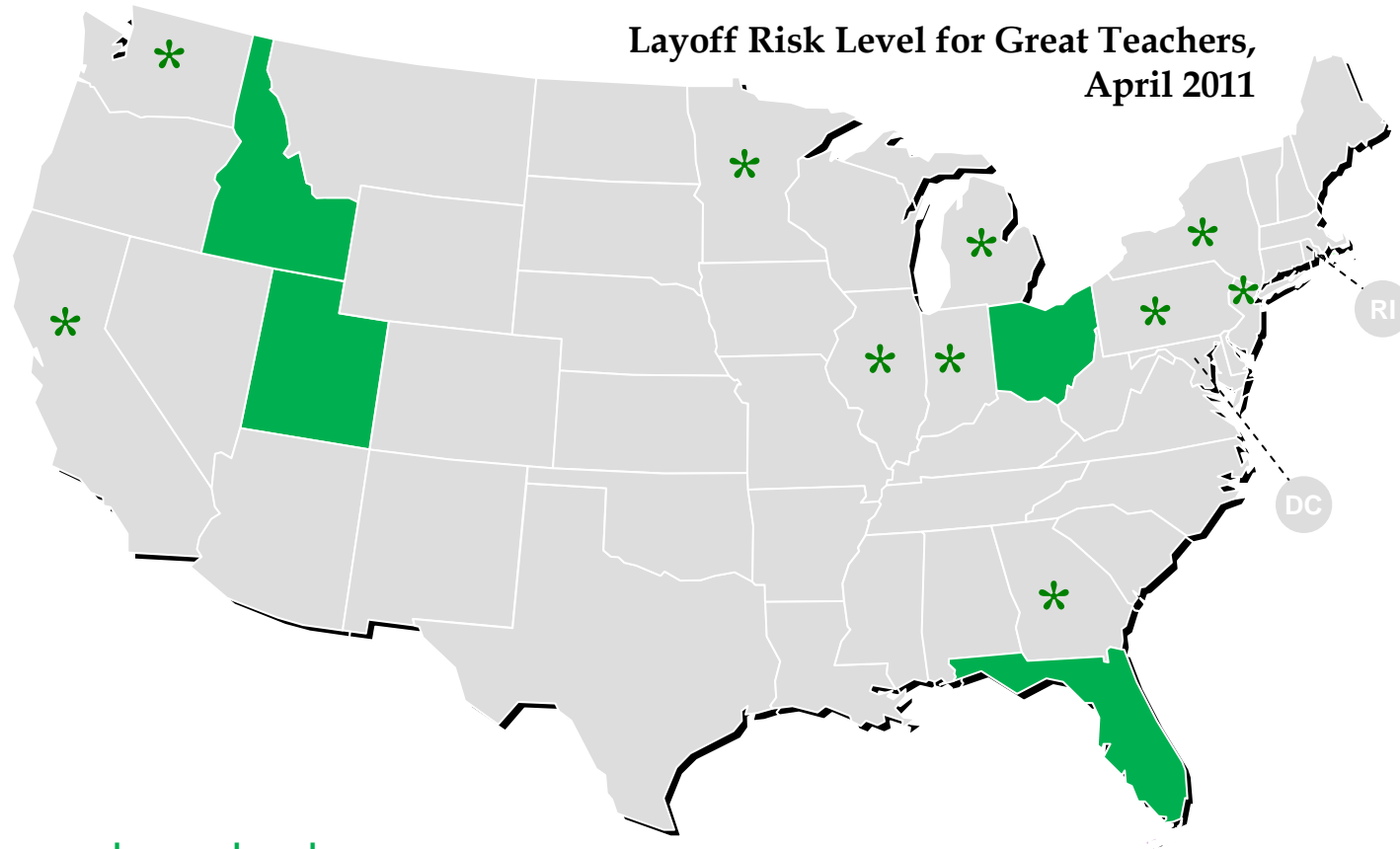
The states that had quality-blind layoff laws employ 4 in 10 teachers – and almost all of them face severe budget shortfalls this year.



Sources: (1) National Center for Education Statistics. "Table 66: Teachers, enrollment, and pupil/teacher ratios in public elementary and secondary schools, by state or jurisdiction: Selected years, fall 2000 through fall 2007." (2) McNichol, Elizabeth; Oliff, Phil; and Johnsons, Nicholas. "States Continue to Feel Recession's Impact." Center on Budget and Policy Priorities, Feb 2011.



By April, 4 states had passed and another 10 had proposed legislation ending quality-blind layoffs, potentially benefiting 1 in 2 U.S. teachers.



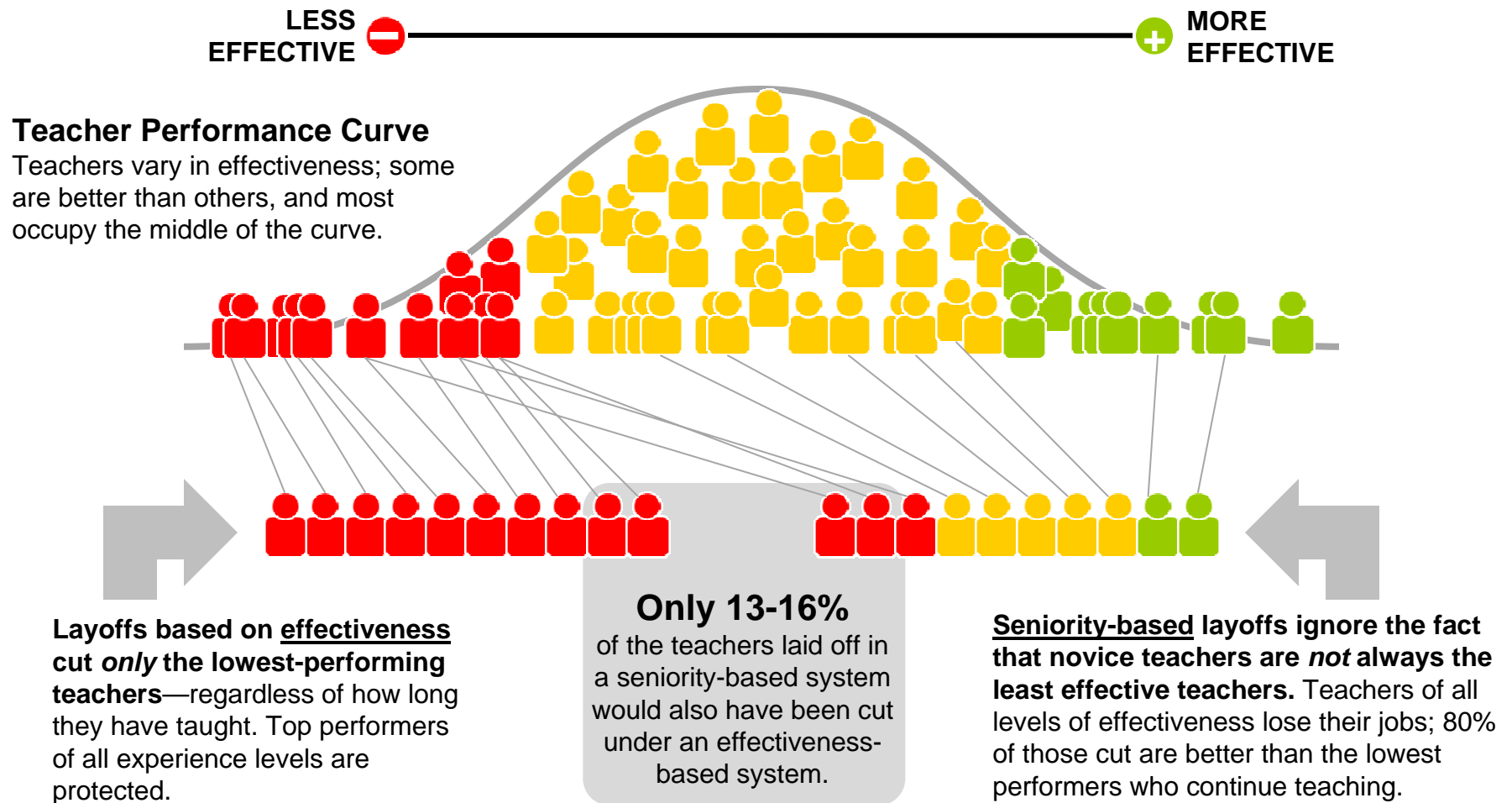
“If layoffs are based only on seniority, that doesn’t help kids. And particularly doesn’t help the students who need the most help.”

Secretary Duncan, April 2011

- LOW RISK:** Legislation passed that requires teacher performance to be a major factor in layoff decisions
- Pending legislation or policy changes may alter risk level



According to two recent studies, more than 80 percent of seniority-based layoffs would result in better teachers leaving classrooms and worse teachers staying.



Sources: (1) Boyd, Donald; Lankford, Hamilton; Loeb, Susanna; and Wyckoff, James (2010). "Teacher Layoffs: An Empirical Illustration of Seniority v. Measures of Effectiveness." The Urban Institute, National Center for the Analysis of Longitudinal Data in Education Research (CALDER). (2) Goldhaber, Dan and Theobold, Roddy (2010). "Assessing the Determinants and Implications of Teacher Layoffs." Center for Education Data & Research, University of Washington-Bothell.



## Seniority-based layoffs drag down student achievement, because students lose more effective teachers while less effective teachers stay.

### Why?

Students taught by an ineffective teacher make 2.5-3.5 fewer months' worth of academic progress in a year than they would with an average teacher.

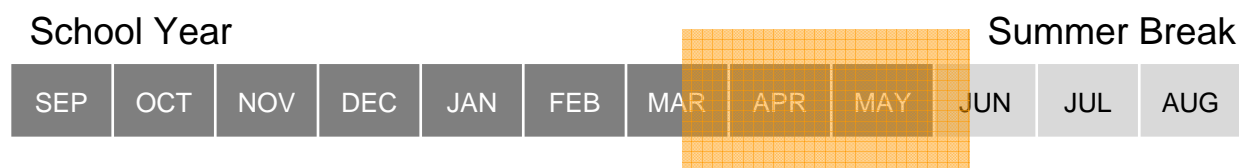
Layoffs that consider performance would dismiss the most ineffective teachers. So, next year, students in classrooms affected by layoffs would have a better chance of being assigned an effective teacher— and a better chance of learning more.

If layoffs do not consider performance, many ineffective teachers will likely remain in place, and better teachers will be lost.

### How much learning is lost when less effective teachers are saved at the expense of more effective teachers?

**2.5 - 3.5 months  
of learning lost**

per year for students in impacted classrooms, on average.



**This amounts to ending the school year in March—** a major loss, especially for students who already lag months or years behind their peers.

*“While the simplicity and transparency of a seniority-based system certainly has advantages, it is hard to argue that it is a system in the best interest of student achievement.” (Goldhaber, 2010)*

Source: Boyd et al., 2010; Goldhaber et al., 2010



## Seniority-based layoffs also mean more teacher job losses.

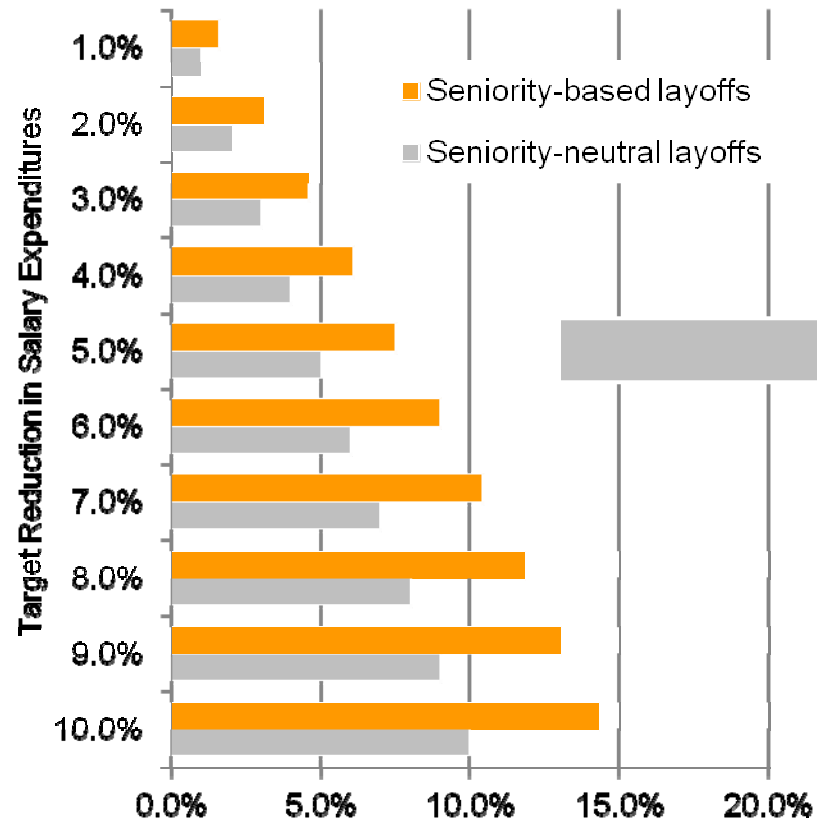
### Why?

Virtually all school districts pay teachers based primarily on years of experience. The newest teachers earn the lowest salaries.

Layoffs made on the basis of seniority mean that only the newest, lowest-paid teachers can be cut—even if they are performing better than some of their higher-paid colleagues.

That means that more teachers must lose their jobs in order for the district to meet its budget reduction target than if layoffs included a mix of new and experienced teachers.

**Percent of Workforce that Must Be Cut to Meet Budget Target**



**We can use these figures to estimate the national impact of seniority-based layoffs.**  
For example:

**79,184**

**more teachers would lose their jobs** if budget cuts forced districts nationwide to reduce salary expenditures by 5% through seniority-based layoffs rather than seniority-neutral layoffs.

Source: Roza, Marguerite (2009). "Seniority-Based Layoffs Will Exacerbate Job Loss in Public Education." Center on Reinventing Public Education, University of Washington.



## Seniority-based layoffs hurt schools serving poor students the most.

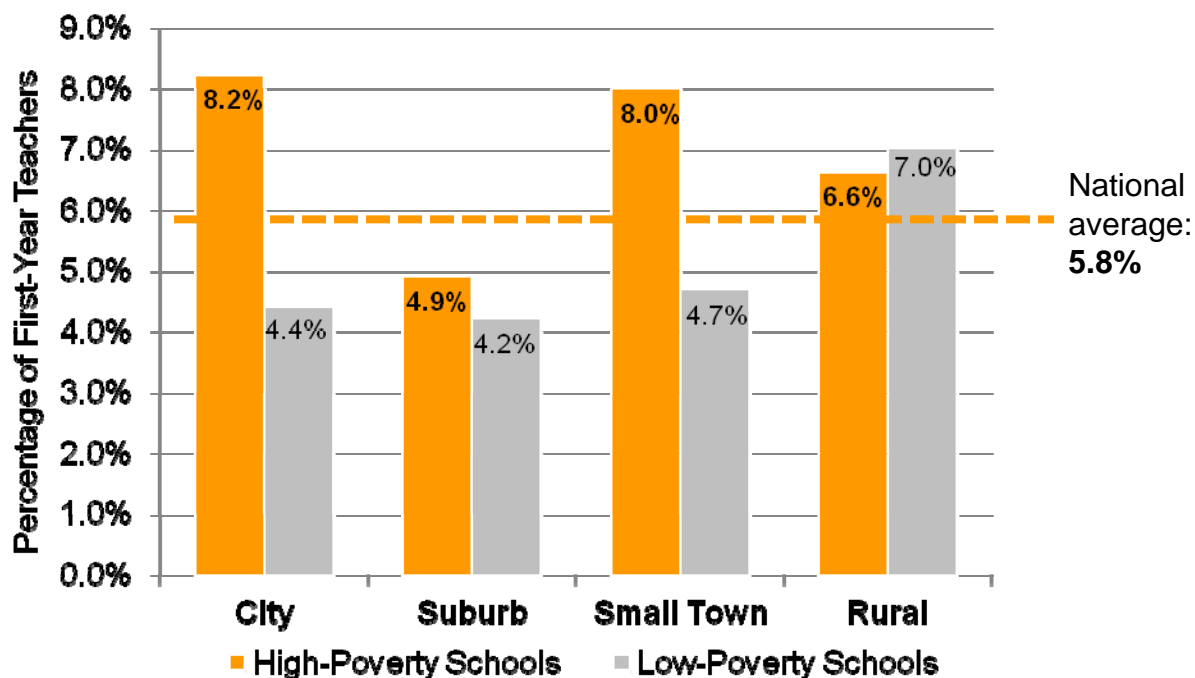
### Why?

Schools serving high-poverty communities tend to have the highest rates of teacher turnover and the largest concentrations of novice teachers.

When layoffs must be decided by seniority, the schools that bear the brunt of the cuts are those with the most new teachers. In some schools, entire academic departments may be wiped out.

In Los Angeles, layoffs that devastated three area middle schools in poor communities prompted an ACLU-led lawsuit. In January 2011, a superior court judge approved a settlement shielding 45 of the district's lowest performing schools from future layoffs.

### High-Poverty Schools Are More Likely to Have First-Year Teachers



**25%** When layoffs are based solely on seniority, the poorest schools see **25% more layoffs** than the wealthiest schools.

Sources: (1) Almy, Sarah, and Theokas, Christina (2010). "Not Prepared for Class: High-Poverty Schools Continue to Have Fewer In-Field Teachers." The Education Trust. (2) Sepe, Christina and Roza, Marguerite (2010). "The Disproportionate Impact of Seniority-Based Layoffs on Poor, Minority Students." Center on Reinventing Public Education.



The real-world impact of quality-blind layoffs can be seen in Los Angeles, where about 2,700 teachers have been laid off since 2008.

## Los Angeles Times

**“Because seniority is largely unrelated to performance, the district has laid off hundreds of its most promising math and English teachers.** About 190 ranked in the top fifth in raising scores and more than 400 ranked in the top 40%.”

**“Schools in some of the city’s poorest areas were disproportionately hurt by the layoffs.** Nearly one in 10 teachers in South Los Angeles schools was laid off, nearly twice the rate in other areas. Sixteen schools lost at least a fourth of their teachers, all but one of them in South or Central Los Angeles.”

**“Far fewer teachers would be laid off if the district were to base the cuts on performance rather than seniority.** The least experienced teachers also are the lowest-paid, so more must be laid off to meet budgetary targets. An estimated 25% more teachers would have kept their jobs if L.A. Unified had based its cuts on teachers' records in improving test scores.”

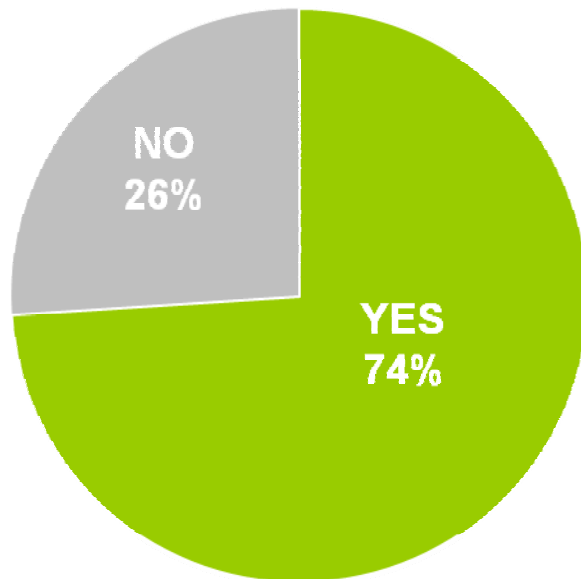
Source: Felch, Jason; Song, Jason; and Smith, Doug (2010). “When layoffs come to L.A. schools, performance doesn’t count.” Los Angeles Times, December 2010.



## Teachers themselves say multiple factors—not just seniority—should be considered in layoff decisions.

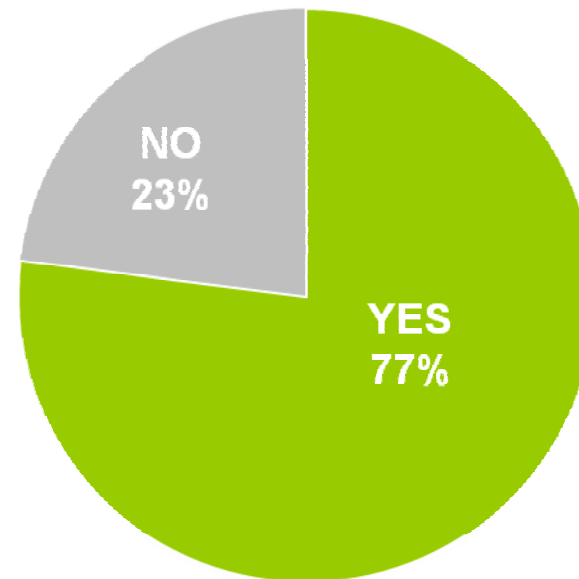
### ***DISTRICT A (large, urban district)***

"In [District A], length of service teaching (seniority) in the district determines who should be laid off during a Reduction in Force (RIF). **Should additional factors be considered?**"



### ***DISTRICT B (large, urban district)***

In [District B], length of service teaching (seniority) in the district determines who must lose their teaching position when budget cuts are necessary. **Should additional factors be considered?**"



Source: The New Teacher Project, 2010. "A Smarter Teacher Layoff System." In spring 2009, TNTP conducted surveys of teachers in two large, urban school districts in the Midwest. TNTP surveyed 1,697 teachers in District A and 7,602 in District B—response rates of 75 percent and 34 percent, respectively. Both districts use quality-blind layoff policies, basing layoff decisions within each license area strictly on seniority—years of teaching experience in the district.



## School districts can start making smarter layoff decisions now.

### The bottom line:

Layoffs are always an option of last resort. But when they cannot be avoided, school districts and states should do everything possible to protect the highest-need students and most effective teachers.

Teacher seniority should be a factor in layoffs – just not the only one. **A teacher’s actual performance in the classroom should always matter most.**

TNTP’s 2010 policy brief, “**A Smarter Teacher Layoff System**” describes how districts can use a scorecard that considers five factors to determine layoff order:

1. Performance evaluation rating
2. Attendance
3. Classroom management rating
4. Experience
5. Extra school responsibilities

MEASURE	POINT ALLOCATION					WEIGHT	
<b>Classroom Management Rating</b>	Highly Effective	Effective	Approaching Effective	Ineffective	Total Points	Max Points	20%
Current School Year	27	18	9	0			
Previous School Year	18	12	6	0			
Previous School Year	15	10	5	0			
				Total Points		60	
<b>Attendance</b>	Perfect	1-5 Days Absent	6-10 Days Absent	> 10 Days	Total Points	Max Points	20%
Current School Year	27	18	9	0			
Previous School Year	18	12	6	0			
Previous School Year	15	10	5	0			
				Total Points		60	
<b>Performance Rating</b>	Highly Effective	Effective	Approaching Effective	Ineffective	Total Points	Max Points	40%
Current School Year	54	36	18	0			
Previous School Year	36	24	12	0			
Previous School Year	30	20	10	0			
				Total Points		120	
<b>Length of Service to the District</b>	1 pt for every year served- Max Points 30				Total Points	Max Points	10%
Years Served							
					Total Years	30	
<b>Extra School Responsibilities</b>	Many	Several	None		Total Points	Max Points	10%
Current School Year	14	7	0				
Previous School Year	9	5	0				
Previous School Year	7	3	0				
				Total Points		30	
					BASE TOTAL		
<b>Estimated Performance Coefficients</b>	For teachers with 1 year of data or less, multiply base total by:				1.5		
	For teachers with 2 years of data, multiply base total by:				1.15		
					<b>TOTAL SCORE</b>	<b>300</b>	
						<b>Max Points</b>	



## Alternative Approaches

### COLORADO

**Senate Bill 191** requires districts to consider teacher effectiveness before seniority in making layoff decisions.

### ARIZONA

**House Bill 2011** prohibits school districts from using tenure or seniority as a factor in determining which teachers can be laid off.

### OKLAHOMA

**Senate Bill 2033** requires that teacher and school leader ratings from the state's evaluation system be the primary factor in determining who is cut when a reduction-in-force is necessary.

### WASHINGTON, DC

**2010 teachers union contract** specifies that teacher evaluation ratings from the district's IMPACT system will be the primary factor in layoffs.

## PENDING LEGISLATION

### GEORGIA

**House Bill 257** would require layoffs to be based primarily on teacher performance. Seniority could be a secondary factor.

### ILLINOIS

**The Performance Counts Act** would require teacher performance ratings or evaluations to be considered before experience in layoff decisions.

### INDIANA

**House Bill 1337** recommends that when layoffs are necessary, they shall be determined on the basis of performance and not solely on seniority.

### NEW YORK

**Senate Bill 3501** would prohibit layoffs based solely on seniority and suggests several factors relating to classroom effectiveness as alternative criteria.

### WASHINGTON

**Senate Bill 5399** would require layoffs to be based on teacher evaluations. Seniority would serve as a tie-breaker between equally evaluated teachers.



## Common Myths and Facts about Seniority-Based Layoffs

### MYTH

Layoffs should be based on seniority, because **experienced teachers are always better than new teachers.**

Seniority-based layoff rules are **necessary to protect teachers against discrimination** on the basis of age, ethnicity, gender or other factors.

Ending seniority-based layoffs would mean leaving layoff decisions to the **whims of individual administrators.**

Without seniority-based layoff policies, **experienced teachers would be the first to lose their jobs** because they are more costly.

School districts can **just cut bureaucracy** and avoid layoffs altogether.

### FACT

**Using seniority as the sole proxy for effectiveness is almost always wrong.** While teachers generally improve over their first several years in the classroom, excellent and ineffective teachers are distributed widely across experience levels. Recent research suggests that less than 20 percent of the least effective teachers in most districts are novices.

**Federal and state employment laws provide blanket protection for teachers** against these intolerable forms of discrimination, regardless of the particular layoff policy that is in place in their school district.

**Policymakers can replace quality-blind rules with clear, precise new rules based on factors relating to classroom effectiveness**, such as evaluation ratings or teacher attendance data. Multiple measures of performance and a consistent scoring system could be used to ensure administrators cannot manipulate these rules to suit personal preferences.

**Quality-based policies would end stereotyping of teachers at all experience levels** and would judge each teacher as an individual professional. The *least effective* teachers—as determined by a set of clear, specific criteria—would be laid off first. In general, veteran teachers would be laid off less often because they tend to perform better, but high-performing novices would no longer be blindly dismissed.

**Most district costs are tied up in salaries for teachers and other staff.** Central office expenditures make up a small fraction of the overall budget. To realize meaningful savings, districts must address personnel costs, whether through freezing salaries or cutting staff.



## Recommendations

**Quality-blind layoffs hurt great teachers and poor children. They need to end this year.**

- Policymakers in states that do not require school districts to prioritize measures of teacher performance in layoff decisions should introduce legislation that does so.
- School districts in states that allow layoff protocols to be set at the local level should revisit their policies and ensure that a teacher's performance carries the greatest weight.

**Top Priority: States with Quality-Blind Layoff Laws**

<b>Alaska</b>	<b>New Jersey*</b>
<b>California*</b>	<b>New York*</b>
<b>Hawaii</b>	<b>Oregon</b>
<b>Illinois*</b>	<b>Pennsylvania</b>
<b>Kentucky</b>	<b>Rhode Island</b>
<b>Minnesota*</b>	<b>West Virginia</b>

**It should not be illegal for schools to try to keep great teachers during tough economic times.**

\*Legislation is pending.

**"Layoffs should be based on a number of factors but the most important thing we can do is keep the best teachers in schools where they are needed most."**

Secretary Duncan, March 2011



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## Teachers matter.

In the fight to eliminate educational inequality, teachers matter most. The New Teacher Project works with school districts and states nationwide to ensure that poor and minority students get outstanding teachers.

[FIND OUT MORE »](#)



### The Case Against Quality-Blind Layoffs

As budget deficits loom, 40% of the nation's teachers work in one of 14 states where it's *illegal* for schools to consider job performance in layoff decisions. These outdated policies have disastrous consequences for students and teachers -- and must change now. [More»](#)

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*The New York Times*

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