



# Unintended Consequences

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The Case for Reforming the Staffing Rules  
in Urban Teachers Union Contracts

*November 16, 2005*

**Data Pack**



# Agenda

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**Background**

Findings

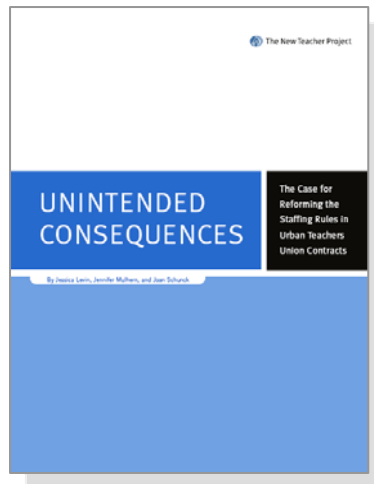
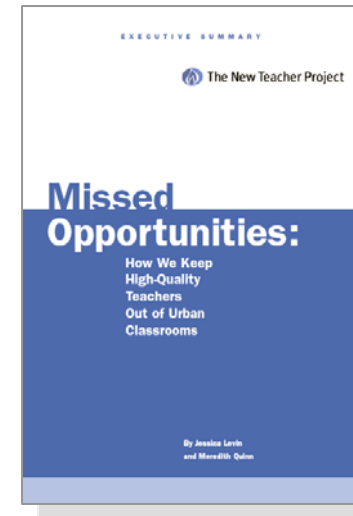
Recommendations



## Background

In 2003, TNTP published, *Missed Opportunities: How We Keep High-Quality Teachers Out of Urban Classrooms*, which focused on four major barriers to early and effective teacher hiring:

1. Contractual staffing rules;
2. Budget timelines;
3. Vacancy Notification Rules; and
4. Human Resources processes.



Our new report, *Unintended Consequences: The Case for Reforming the Staffing Rules in Urban Teachers Union Contracts* takes a deeper look at one of the primary barriers to effective staffing: contractual rules governing seniority transfers and excessing.



## What are the transfer and excess rules?

The transfer and excess rules in teachers union contracts govern the voluntary and involuntary movement of incumbent teachers.

- **“Voluntary transfers”** are incumbent teachers 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.

While these rules appear to be legalistic and divorced from the daily lives of students, their impact is profound as urban schools must often staff their classrooms with little or no attention to quality or fit.



## Research Methodology and Sources

- The data in our analysis come from five representative urban districts, which agreed to participate on the condition of anonymity:
  - These districts are located in Eastern, Mid-Atlantic, Midwestern, Southern and Western regions, (New York City and San Diego chose to self-identify as the Eastern and Western districts respectively)
  - Between 56 percent and 100 percent of students in these districts qualify for free or reduced-price lunch
  
- The data were collected through:
  - District teacher and applicant tracking systems
  - Extensive interviews with central and school-based staff
  - Analysis of the collective bargaining agreement in all districts
  - Principal surveys in the Eastern and Western districts



# Agenda

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## Key findings of *Unintended Consequences*

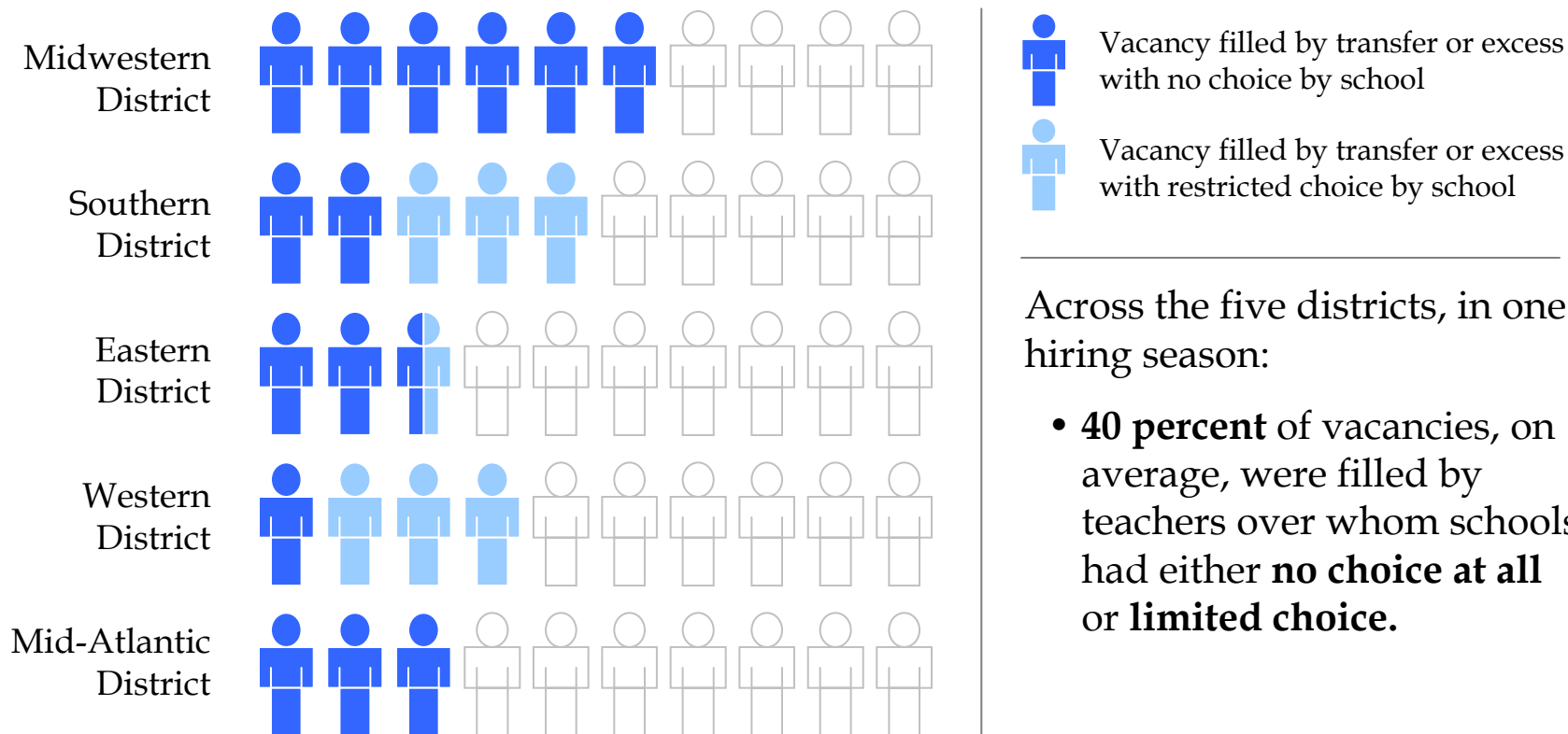
Transfer and excess rules override the staffing needs of schools and the educational needs of students in at least four major ways:

- 1** **Schools are forced to hire large numbers of teachers they do not want** and who may not be a good fit for the job and their school
- 2** **Poor performers are passed around from school to school** in lieu of a viable teacher termination process
- 3** **New teacher applicants, including the best, are lost** to late hiring
- 4** **Novice teachers are treated as expendable** regardless of their contribution to their school



## Schools are forced to hire large numbers of teachers they do not want and who may not be a good fit for the job and their school.

Approximate number of vacancies (out of every 10) filled with incumbent teachers with no choice or restricted choice by the school.



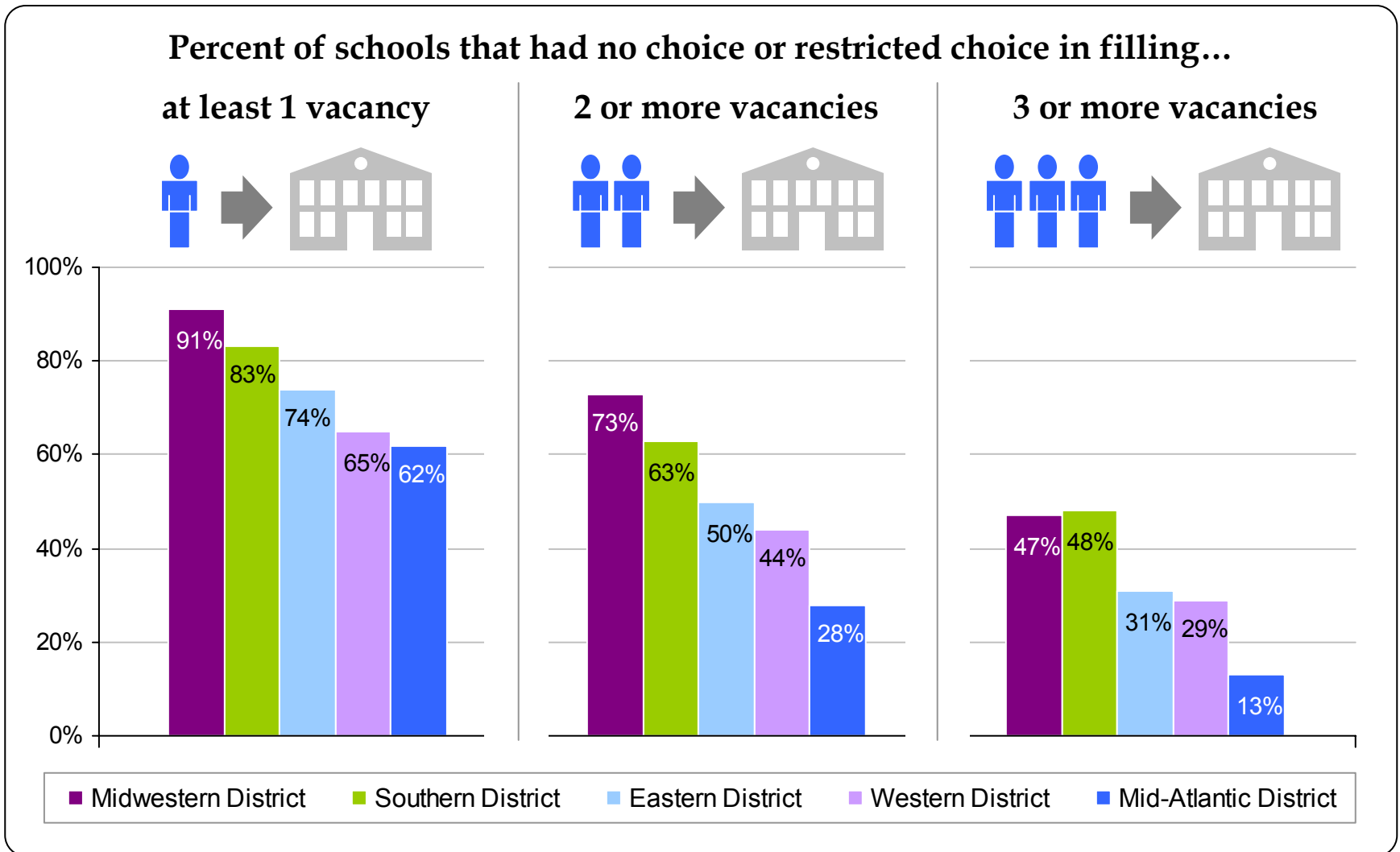
Across the five districts, in one hiring season:

- **40 percent** of vacancies, on average, were filled by teachers over whom schools had either **no choice at all** or **limited choice**.

Source: District teacher tracking systems.



Every year, the majority of schools in each district are forced to hire at least one teacher (if not more) with no choice or restricted choice.

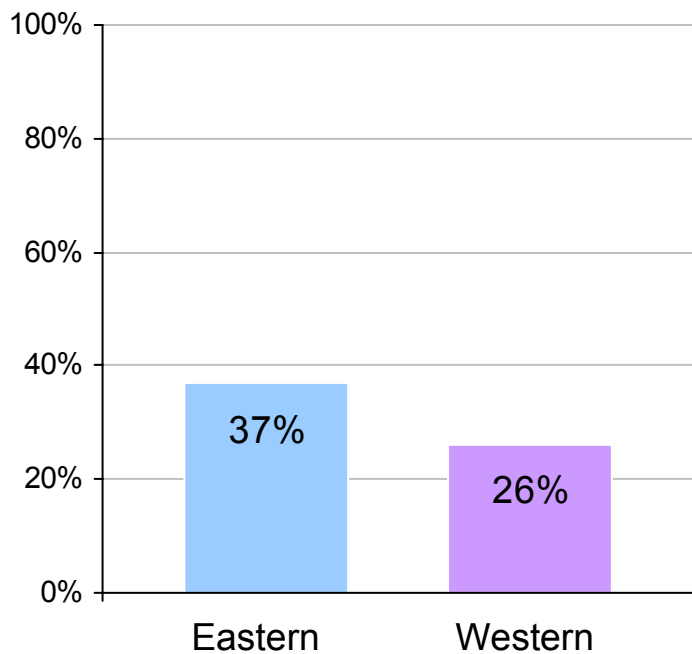


Source: District teacher tracking systems.



## Compounding the problem is that a subset of teachers forced on schools are poor performers, passed along from other schools

**Percent of principals who admitted to encouraging a poorly performing teacher to transfer or placing them on an excess list.**



“Nine out of 10 times, the person that is coming is not succeeding in their school... everyone wants to *keep* their good teachers.”

*--Eastern District 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.”

*--Western District Principal*

Source: Principal survey



**Schools use these processes to remove poor performers because tenured teachers are almost never terminated for performance.**

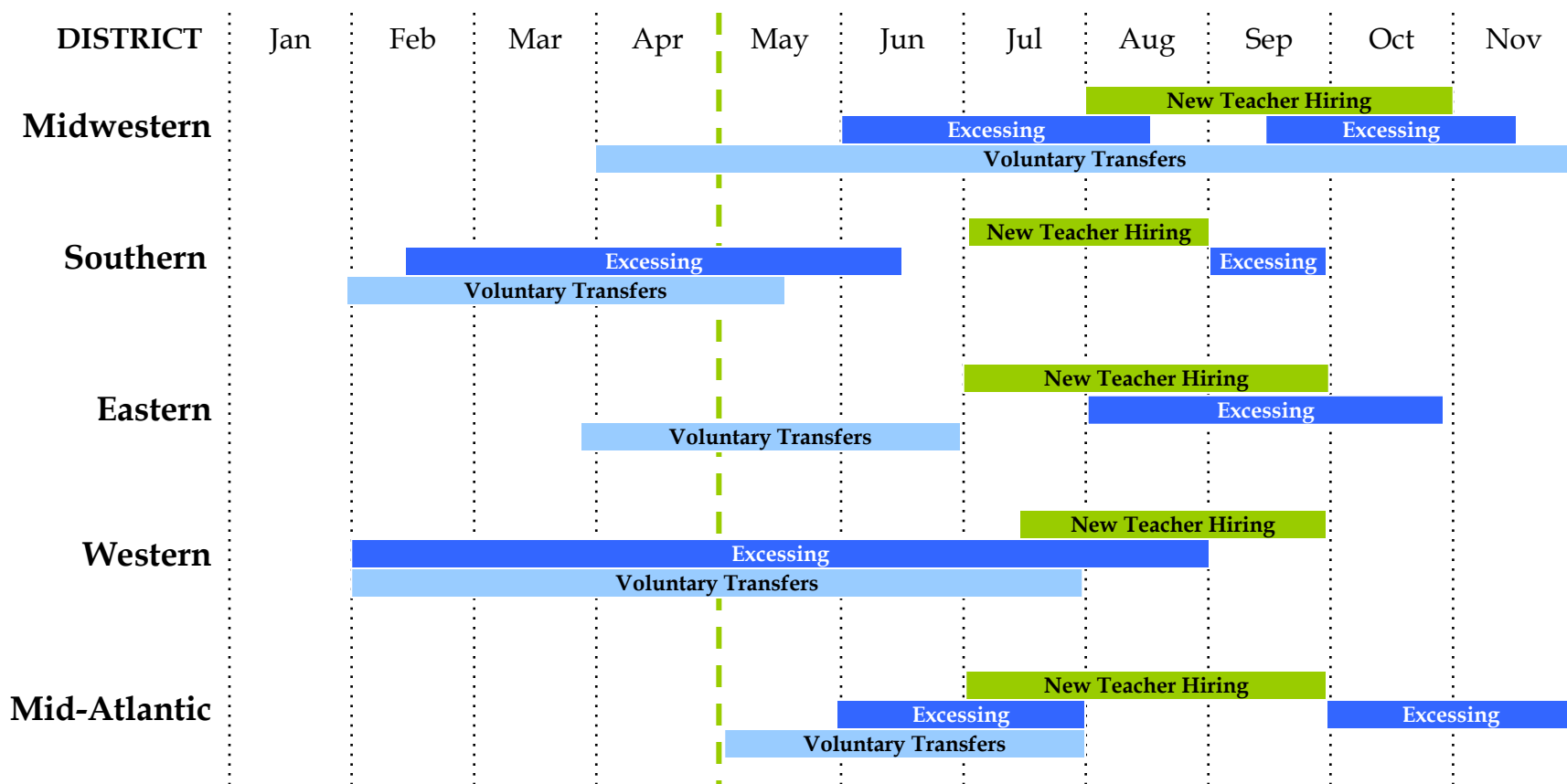
District	# of tenured teachers	Year	Terminations for performance	Terminations for other causes
Southern	6,000	2004	1	5
Eastern	55,000	2002-03	1	17
Midwestern	2,000	2003	0	2
Western	7,600	2003	0	3
Mid-Atlantic	4,000	2003-04	2	12

“What rational person would invest 15 percent of her time for two years just to get the teacher back in your building? It is taken as a given that when it comes to incompetent tenured teachers, the best you can do is to tell them to go to another school.”

*-- Legal Counsel*



## While schools are forced to hire teachers they do not want, they lose new teacher applicants, including the best, because of delayed hiring.



*Note:* New teacher hiring intervals represent the time in which the vast majority of new teachers receive school-level placements. The timing of any open offer made to applicants without a school-level commitment is not represented here.

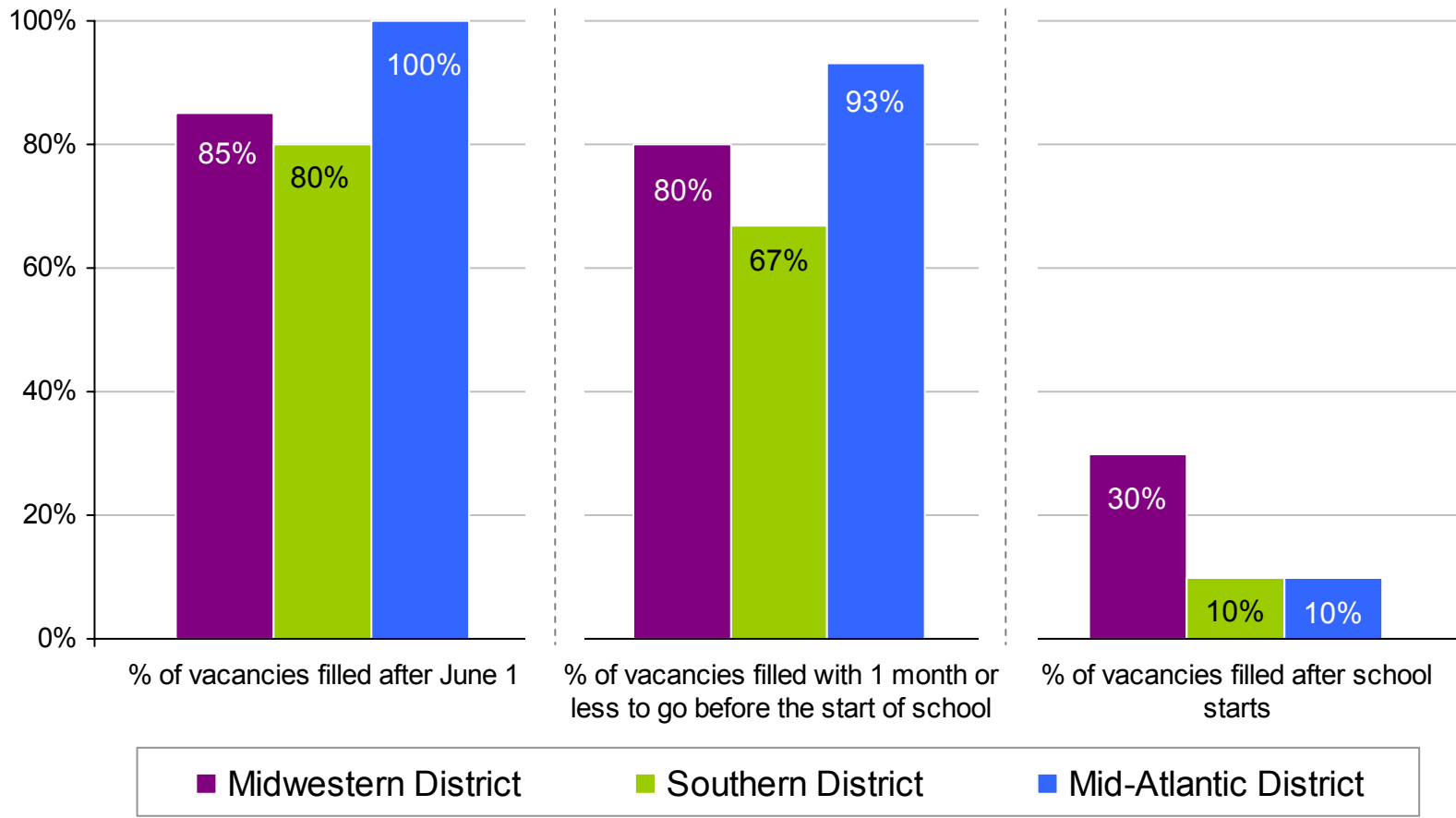
Ideally, the vast majority of new teacher hiring should be completed by the **beginning of May**.

Source: Collective bargaining agreements, district hiring databases, and interviews with district staff.



**As a result, the vast majority of new teacher hiring occurs within one month or less before the start of school.**

**Percent of vacancies filled after June 1, with one month or less to go before the start of school, and after school starts, by district**

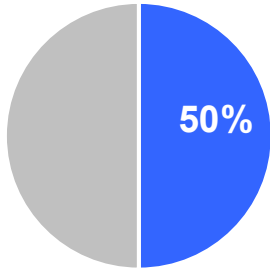


Source: District hiring databases



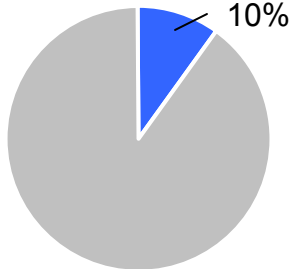
## These staffing rules result in novice teachers being treated as expendable.

### Percent of first-year teachers whose positions were re-posted



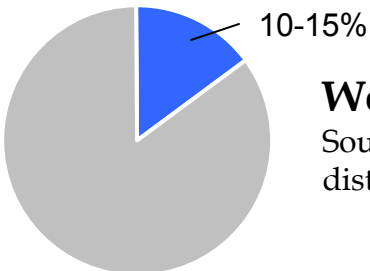
#### Eastern District

Source: Estimates of district staff.



#### Southern District

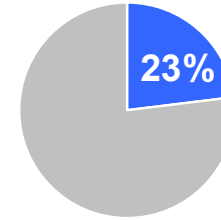
Source: District teacher tracking system.



#### Western District

Source: Estimates of district staff.

### Nearly a quarter (23%) of Eastern District principals...



...report having a new or novice teacher bumped from their school the previous year

Source: Principal survey in Eastern district.

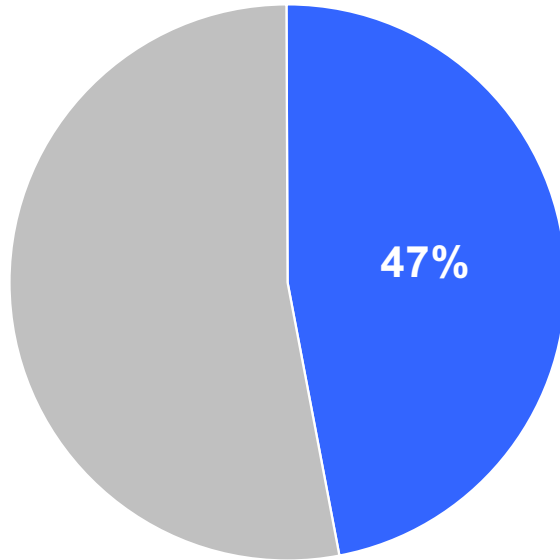
**Novice teachers are also the first excessed or the default for excessing when a volunteer cannot be identified or persuaded to leave the school.**

**Between 26% to 56% of excess teachers were in their first three years of teaching in the five districts.**



## Many principals will do what it takes to hire outside of the contract's strictures, but this is no simple task.

Nearly **half** of all Western district principals (47%)...



... reported that they have attempted to hide a vacancy in order to avoid having to post that position to voluntary transfers and excessed teachers.

*“The energy it takes to do something deceptively versus by the book is such a waste.”*

--Western District Principal

Source: Principal Survey



**These rules impose an enormous cost on schools, teachers and the entire system. But urban students pay the highest price.**



### **Impact on schools**

- o Schools cannot build an effective staff, attract better leadership, or sustain meaningful improvements
- o Explained one principal, “many of the provisions in this contract go against any logic in effective management. You cannot say, ‘We need to see results’ and not let us have the people in place to do it.”



### **Adverse systemic effects**

- o Excessive centralization and gridlock as hiring in every school depends on every other school.
- o The gains of one school also come at the expense of another, undermining the efforts of urban districts to spread pockets of excellence to more schools.



### **Urban students pay the highest price**

- o Quality of the teacher is the single most important school-based variable associated with raising student achievement.
- o These rules place hundreds, and sometimes even thousands, of teachers in classrooms each year with near total disregard for the appropriateness of the match, the quality of the teacher, or the overall impact on schools.



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**Recommendations**



**We recommend a new contractual framework that maintains key protections for senior teachers but enables the best match of teacher to school and classroom.**

**Our transfer and excess reforms are designed to achieve three goals:**

- 1** Ensure that the placements of voluntary transfers and excessed teachers are based on the **mutual consent** of the teacher and receiving school.
- 2** Permit the **timely hiring** of new teachers.
- 3** Better **protect novice teachers** who are contributing to their current school



## Our proposed “model contract” provisions include the following:

- **Reform transfer and excess timelines:** Require priority consideration for transfers and excessed teachers but move up when this review happens. Allow internal and external hires to be considered equally after April 15
- **Reform transfer and excess placement:** Eliminate the forcing of transfers and excesses onto schools who do not believe they are a good fit for the job.
- **Eliminate provisions that systematically disadvantage novice teachers:** Remove bumping and reposting requirements and provide additional job protections for essential, high-performing novice teachers.
- **Create new evaluation and dismissal processes** that provide ample protection to teachers but not to incompetence.
- **Develop alternative mechanisms, besides forced placements, to award senior teachers for experience and service.**



## Reforming contractual staffing rules is necessary but not sufficient.

### Three Other Essential Areas of Reform



#### **Leadership reform and accountability:**

Urban districts must build as strong a cadre of principals as possible. Increased hiring authority must be coupled with greater principal accountability.



#### **Human resources reform:**

HR departments must become more efficient to ensure timely new teacher hiring better positioning districts to attract the highest quality new teachers.



#### **Reform budget timelines and overall planning processes:**

Delayed budgets and inadequate forecasting must improve to support the early identification of excessed teachers and support schools in making timely staffing decisions.

*But meaningfully reforming each of these areas depends on the kinds of transfer and excess reforms highlighted above.*