



# \$CHOOLS IN CRISIS: MAKING ENDS MEET

## The Disproportionate Impact of Seniority-Based Layoffs on Poor, Minority Students

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May 20, 2010

As districts face another year of budget gaps, hundreds of thousands of teachers have been warned that, come the end of the school year, their jobs may be gone.<sup>1</sup> In a policy now termed “LIFO” or “last in, first out,” most districts make layoff decisions based on seniority and not on job performance or effectiveness. Those teachers who have been in the school system for the shortest period of time are the ones given pink slips.<sup>2</sup> Though proponents of seniority-based layoffs defend it as the fairest way to resolve who gets laid off, others argue that such a policy disregards performance and often sheds effective, enthusiastic teachers. Some have noted that such a system unduly moves teachers around. And recent survey results have shown that teachers themselves actually favor policies that would base layoffs on factors other than seniority.<sup>3</sup>

Using seniority as the basis of layoff decisions has become increasingly controversial this past school year, as K–12 layoffs jumped and the total number of education jobs fell for the first time in over two decades.<sup>4</sup> And in a 2009 analysis, the Center on Reinventing Public Education (CRPE) found that the “last in, first out” policy exacerbates the number of people that lose their jobs. Because the most junior staff tend to be the lowest paid, districts must lay off more people than if layoffs were “seniority-neutral.”<sup>5</sup>

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<sup>1</sup> “School Districts Warn of Even Deeper Teacher Cuts,” *New York Times*, April 20, 2010. Available at: <http://www.nytimes.com/2010/04/21/education/21teachers.html>.

<sup>2</sup> 75% of the 100 districts in the National Council on Teacher Quality database used seniority as the biggest factor in making layoff decisions. See *Teacher Layoffs: Rethinking “Last-Hired, First-Fired” Policies*, National Council on Teacher Quality, February 2010.

<sup>3</sup> Surveying teachers in two urban districts, The New Teacher Project found support for “quality-based” approaches to layoffs, including classroom management, teacher attendance, and evaluation ratings. See *A Smarter Teacher Layoff System*, The New Teacher Project, March 2010.

<sup>4</sup> 59,950 school workers were laid off in 2009 and the total number of public education jobs fell for the first time since 1984. Source: Bureau of Labor Statistics.

<sup>5</sup> Marguerite Roza, *Seniority-Based Layoffs Will Exacerbate Job Loss in Public Education*, Center on Reinventing Public Education, February 2009.

Also problematic is the uneven effect seniority-based layoffs may have on various schools. It has been extensively documented that in higher-poverty, higher-minority schools, teachers tend to be less experienced than their colleagues at wealthier, lower-minority schools. Where these patterns hold, minority and poor students will undoubtedly see more turnover in their teachers from seniority-based layoffs. When this happens, the district's remaining teachers are shuffled as staff are imported from elsewhere in the district to backfill some of the disparate teacher losses in schools with more junior teachers.

Take what happened in the Los Angeles Unified School District (LAUSD) last year as an example. As a part of a number of measures to address their budget gap, 2,000 school positions were eliminated; cuts also included increasing class sizes and eliminating music and arts programs. Due to the layoffs, a large percentage of teachers in core academic subjects were filled with temporary replacements or substitutes. At one middle school, over 70 percent of the teachers received layoff notices; at another, the layoffs included almost the entire English department, along with all of the 8th grade history teachers.<sup>6</sup> Some of the highest-needs schools in Los Angeles faced a disproportionate impact of the loss of teaching staff.

So what's the effect of these layoffs on students? For those who believe teachers are interchangeable, swapping out a junior teacher for one from across the district might not seem so problematic. And yet, a growing body of research has documented that "churn" in teachers in some schools is indeed problematic, particularly to its ability to function coherently.<sup>7</sup> When schools see more teacher turnover, established relationships are lost— such as with families and teachers, between teachers, and with principals and teachers. Teacher turnover means that process of building and sustaining working relationships starts over. Additionally, site-based professional development starts anew, and teachers reassigned may be unhappy in their new assignments. All of these factors work together to further destabilize schools with high turnover, to the detriment of students.

### **Using data to see how poor and minority students are hit hardest by teacher layoffs**

This analysis relies on existing databases to gauge the problem of the disproportionate effect of "last in, first out" policies on high-poverty and high-minority schools. Higher-poverty schools<sup>8</sup> generally contain more novice, lower-paid teachers, and conversely, lower-poverty schools tend to cluster more experienced, higher-paid teachers. Partly due to teacher collective bargaining agreements, teachers who have been in the district system longer are able to move and work in schools of their choosing. Even where seniority rules are not in effect, the poorest schools typically receive the few-

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<sup>6</sup> American Civil Liberties Union, Press release, February 24, 2010. Available at: <https://www.aclu-sc.org/releases/view/103012>

<sup>7</sup> Kacey Guin, "Chronic teacher turnover in urban elementary schools," *Education Policy Analysis Archives*, Volume 12(42). Retrieved May 17, 2010 from <http://epaa.asu.edu/epaa/v12n42/>.

<sup>8</sup> As measured by the percentage of students who qualify for free and reduced-price meals (FRP).

est applicants—many of whom lack the experience typical of applicants to wealthier schools.<sup>9</sup> And, as the all-too-typical story goes, after a few years, teachers with more experience exercise their seniority rights and move to wealthier schools in a district, or leave teaching all together. In their place, less experienced teachers move into the high-poverty schools, leading to the teacher experience inequality.<sup>10</sup>

Teaching experience varying by school poverty concentration is reflected nationally. As shown in figure 1, the highest-poverty schools, where over 75 percent of their students qualified for free and reduced-price meals, had the highest percentage of teachers with less than four years teaching experience. Students at these schools are more likely to have a less experienced teacher than their peers at lower-poverty schools.

**Figure 1. Teachers at higher-poverty schools are more likely to have less experience<sup>11</sup>**

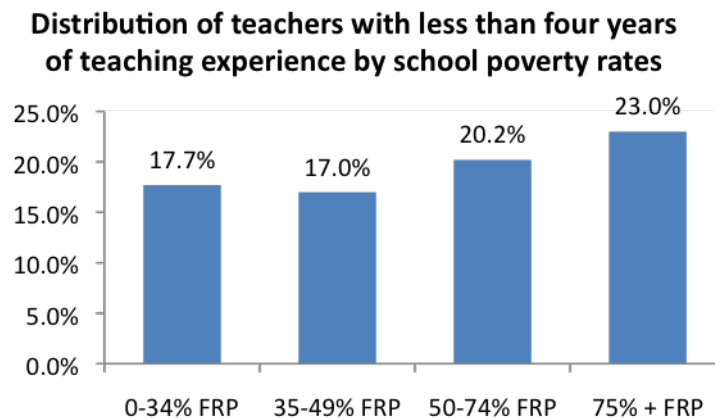


Figure 1, however, only provides a national portrait and does not capture within-district variations of teacher experience and relative school poverty levels necessary to evaluate the impact of seniority-based layoffs. Evidence repeatedly shows that the higher concentration of newer teachers in high-poverty, high-minority schools versus low-poverty, low-minority schools in the same district is a troubling but consistent trend. For example, The Education Trust found that in 43 out of 50 Texas school districts, the highest-poverty schools had more novice teachers than the lowest-poverty

<sup>9</sup> Marguerite Roza, “Policy Inadvertently Robs Poor Schools to Benefit the Rich,” *Seattle Post-Intelligencer*, September 24, 2000.

<sup>10</sup> William Koski and Eileen L. Horng, *Curbing of Facilitating Inequality? Law, Collective Bargaining, and Teacher Assignment Among Schools in California*, Institute for Research on Education Policy & Practice, March 2007.

<sup>11</sup> U.S. Department of Education, National Center for Education Statistics, Schools and Staffing Survey (SASS), “Public School Teacher, BIE School Teacher, and Private School Teacher Data Files,” 2007–08.

schools. Similarly, 42 out of 50 of those districts had more novice teachers in the highest-minority schools than the lowest-minority schools.<sup>12</sup>

To understand how seniority-based layoffs may play out across schools within district using recent data, this analysis relied on teacher experience data from the 2008–2009 school year from California—a state hardest hit by budget cuts. The largest 15 districts, which encompass a quarter of the state’s students, were broken down within each district by teacher experience and quartiles based on concentrations of poor and minority students. Data for the analysis, obtained from the California Department of Education, was parsed to look at teachers with two years or less of teaching experience, as these teachers are the most likely to be laid off amidst budget cuts in the current fiscal climate.<sup>13</sup>

Across the 15 districts, the evidence shows that teachers at risk of layoffs are indeed concentrated in schools with more poor students. As figure 2 shows, in the wealthiest quartile of schools, just over 8 of every 100 teachers had two years teaching experience or less. For every 100 teachers in the highest-poverty schools, almost 11 had two years teaching experience or less. In other words, where seniority-based layoffs are applied for teachers up to two years experience, we can expect that high-poverty schools will lose some 30 percent more teachers than their wealthier counterparts.

**Figure 2. Poorest schools likely to see 25 percent more teacher layoffs**

Schools by quartile	Estimated layoffs for every 100 teachers
Least Poor	8.3
2 <sup>nd</sup> Quartile	11.8
3 <sup>rd</sup> Quartile	11.0
Most Poor	10.8

This gap widens when looking at the distribution of teachers by quartiles of minority students served (see figure 3). In the lowest-quartile of minority schools, 8 of every 100 teachers had two years or less teaching experience, where almost 13 of every 100 teachers had two years or less teaching ex-

<sup>12</sup> Highest-poverty and highest-minority refer to schools in the highest quartile of low-income and minority enrollment in their district. See *Their Fair Share: How Texas-Sized Gaps in Teacher Quality Shortchange Low-Income and Minority Students*, Education Trust, February 2008.

<sup>13</sup> Data from the California Department of Education, accessed from: <http://data1.cde.ca.gov/dataquest/>.

perience in the highest-minority schools. If significant layoffs were pursued in response to the budget deficits faced by districts, the highest-minority schools would lose a staggering 60 percent more teachers (or 4.8 more per 100 teachers) than would the schools with the fewest minority students.

**Figure 3. Highest-minority schools likely to see 60 percent more teacher layoffs**

Schools by quartile	Estimated layoffs for every 100 teachers
Least Minority	8.1
2 <sup>nd</sup> Quartile	9.3
3 <sup>rd</sup> Quartile	11.8
Most Minority	12.9

While figures 2 and 3 consolidate trends, the appendix reveals patterns within each of the 15 districts. In 11 of the 15 largest districts, students attending schools in the highest-poverty quartile were more likely to be taught by less experienced teachers than their peers attending schools in the lowest-poverty quartile. And similarly, in 11 of the 15 districts, students attending schools in the highest-minority quartile were more likely to be taught by less experienced teachers than their counterparts attending schools in the lowest-minority quartile. For example, in the Capistrano Unified School District, 6 percent of teachers in the lowest-poverty quartile of schools were in their first or second year. In the highest-poverty quartile of schools, however, 15 percent of teachers were in their first or second year. In the same district, 4 percent of the teachers in schools in the lowest-minority quartile had two years or less teaching experience, while almost 15 percent of teachers in the highest-minority quartile had two years or less teaching experience.

### **Difficult decisions ahead: other options may exist**

Civil rights and legal groups, including the NAACP and the ACLU, assert that the impact of massive seniority-based layoffs disproportionately hit newer teachers in poorer, high-minority neighborhoods, to the detriment of poor, inner-city students.<sup>14</sup> And given the past evidence of the instability that the layoff policy brings to the students in high-needs schools, other options to seniority-based layoffs should be explored.

<sup>14</sup> American Civil Liberties Union, Press release, February 24, 2010, Available at: <https://www.aclu-sc.org/releases/view/103012>.

While a plurality of states either leave the issue to local districts or require multiple criteria be factored into layoff decisions, California is one of fifteen states that require layoffs to be based on seniority.<sup>15</sup> However, a Superior Court judge recently ruled that California law actually allows districts to circumvent the seniority-based layoff rule on the basis of need or if cuts disproportionately affect certain groups, and granted an injunction preventing layoffs at certain schools in Los Angeles.<sup>16</sup> And Governor Schwarzenegger has publicly supported a bill that would prevent teacher layoffs based on seniority.<sup>17</sup>

Nationwide, efforts towards changing seniority-based layoff policies are mounting, including in Arizona, where state lawmakers passed a measure preventing layoffs based on tenure and seniority. Over the past year, vigorous debate has sprung up in other localities such as Florida, the District of Columbia, New York, and Colorado on increasing teacher effectiveness by not basing some layoffs and staffing decisions on seniority.

In addition, other options beyond layoff policies also exist: districts with seemingly immovable seniority-based layoff clauses in place might seek to close gaps in other ways that don't require pink slips. For instance, districts might seek wage or benefit concessions, or temporarily furlough some services to close immediate gaps.<sup>18</sup> And in the meantime, districts may buy themselves time to redesign workforce reduction policies, or to improve teacher evaluations that would exit teachers based on quality.

As the great recession yields another year of budget shortfalls and cuts, many districts will turn to laying off teachers to fill the budget holes, and some districts will base these layoff decisions on seniority rather than effectiveness. Where districts seek to minimize the effects of budget reduction policies on students, however, it is clear that the disproportionate impact of seniority-based layoffs on high-poverty and high-minority schools must be considered.

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<sup>15</sup> National Council on Teacher Quality, February 2010.

<sup>16</sup> "L.A. Unified barred from budgetary teacher layoffs at 3 schools," *Los Angeles Times*, May 13, 2010. Available at: <http://articles.latimes.com/2010/may/13/local/la-me-laUSD-20100513>.

<sup>17</sup> "Gov. backs law to halt layoffs of junior teachers," *Associated Press*, April 20, 2010. Available at: [http://www.mercurynews.com/breaking-news/ci\\_14920787?nclick\\_check=1](http://www.mercurynews.com/breaking-news/ci_14920787?nclick_check=1).

<sup>18</sup> Marguerite Roza, *The Tradeoff Between Teacher Wages and Layoffs to Meet Budget Cuts*, Center on Reinventing Public Education, July 2009.

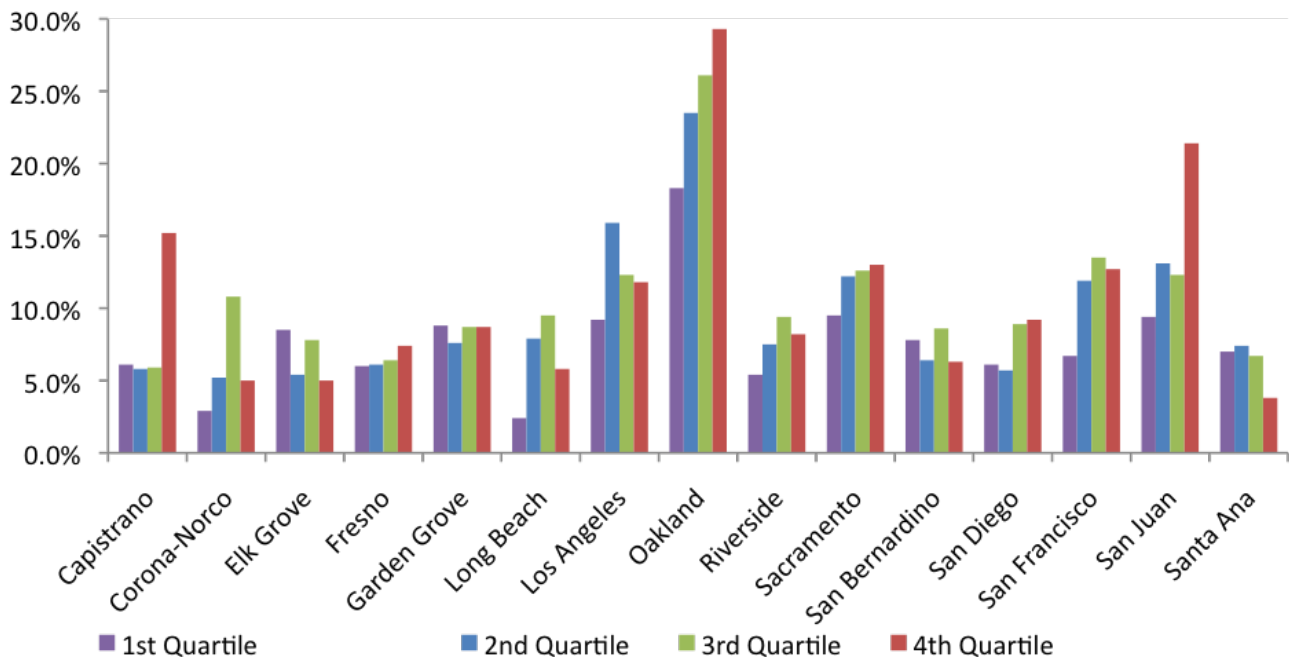
<sup>19</sup> Based on 2008-2009 data from the California Department of Education, disaggregated by district and school for teacher experience and student demographics. Information accessed from: <http://data1.cde.ca.gov/dataquest/> under "Staffing" (Teacher Credential and Experience Report) and "Other" (School and Student Data Report). Calculations done by the Center on Reinventing Public Education.

### Appendix

#### Percentage of teachers with two years or less teaching experience by school district and poverty quartile<sup>19</sup>

District	1 <sup>st</sup> Quartile (Lowest-Poverty Schools)	2 <sup>nd</sup> Quartile	3 <sup>rd</sup> Quartile	4 <sup>th</sup> Quartile (Highest-Poverty Schools)
Capistrano	6.1%	5.8%	5.9%	15.2%
Corona-Norco	2.9%	5.2%	10.8%	5.0%
Elk Grove	8.5%	5.4%	7.8%	5.0%
Fresno	6.0%	6.1%	6.4%	7.4%
Garden Grove	8.8%	7.6%	8.7%	8.7%
Long Beach	2.4%	7.9%	9.5%	5.8%
Los Angeles	9.2%	15.9%	12.3%	11.8%
Oakland	18.3%	23.5%	26.1%	29.3%
Riverside	6.8%	8.0%	7.5%	9.2%
Sacramento	8.7%	11.0%	13.0%	14.6%
San Bernardino	5.6%	7.3%	5.7%	9.3%
San Diego	5.8%	6.1%	6.0%	11.2%
San Francisco	6.9%	9.3%	13.3%	13.8%
San Juan	11.6%	17.7%	12.1%	13.2%
Santa Ana	6.5%	6.0%	6.6%	4.6%
<b>TOTAL</b>	<b>8.3%</b>	<b>11.8%</b>	<b>11.0%</b>	<b>10.8%</b>

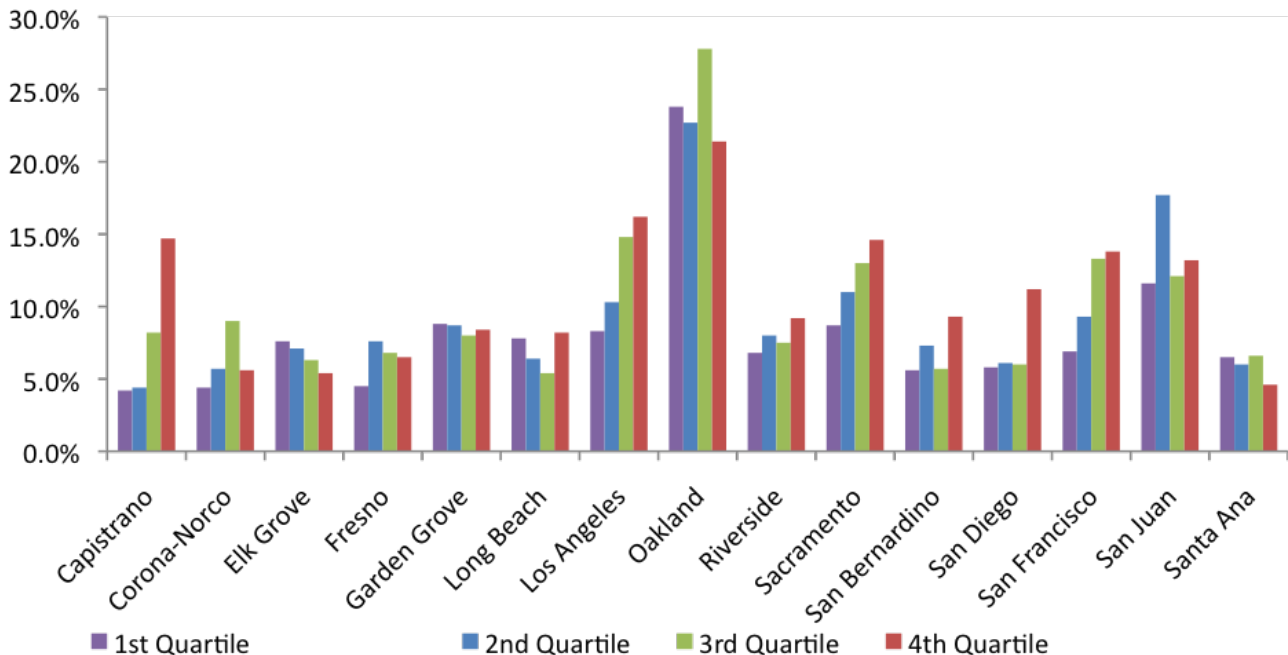
**Less experienced teachers (two years or less) tend to be concentrated at higher-poverty schools in the 15 largest districts in California**



### Percentage of teachers with two years or less teaching experience by school district and minority quartile

District	1 <sup>st</sup> Quartile (Lowest-Minority Schools)	2 <sup>nd</sup> Quartile	3 <sup>rd</sup> Quartile	4 <sup>th</sup> Quartile (Highest-Minority Schools)
Capistrano	4.2%	4.4%	8.2%	14.7%
Corona-Norco	4.4%	5.7%	9.0%	5.6%
Elk Grove	7.6%	7.1%	6.3%	5.4%
Fresno	4.5%	7.6%	6.8%	6.5%
Garden Grove	8.8%	8.7%	8.0%	8.4%
Long Beach	7.8%	6.4%	5.4%	8.2%
Los Angeles	8.3%	10.3%	14.8%	16.2%
Oakland	23.8%	22.7%	27.8%	21.4%
Riverside	6.8%	8.0%	7.5%	9.2%
Sacramento	8.7%	11.0%	13.0%	14.6%
San Bernardino	5.6%	7.3%	5.7%	9.3%
San Diego	5.8%	6.1%	6.0%	11.2%
San Francisco	6.9%	9.3%	13.3%	13.8%
San Juan	11.6%	17.7%	12.1%	13.2%
Santa Ana	6.5%	6.0%	6.6%	4.6%
<b>TOTAL</b>	<b>8.1%</b>	<b>9.3%</b>	<b>11.8%</b>	<b>12.9%</b>

### Less experienced teachers (two years or less) tend to be concentrated at higher-minority schools in the 15 largest districts in California







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Funding for this work was provided by the Bill & Melinda Gates Foundation and the William and Flora Hewlett Foundation. We thank the foundations for their support, but acknowledge that the findings and conclusions contained here are those of the authors alone and do not necessarily reflect the opinions of the foundations.