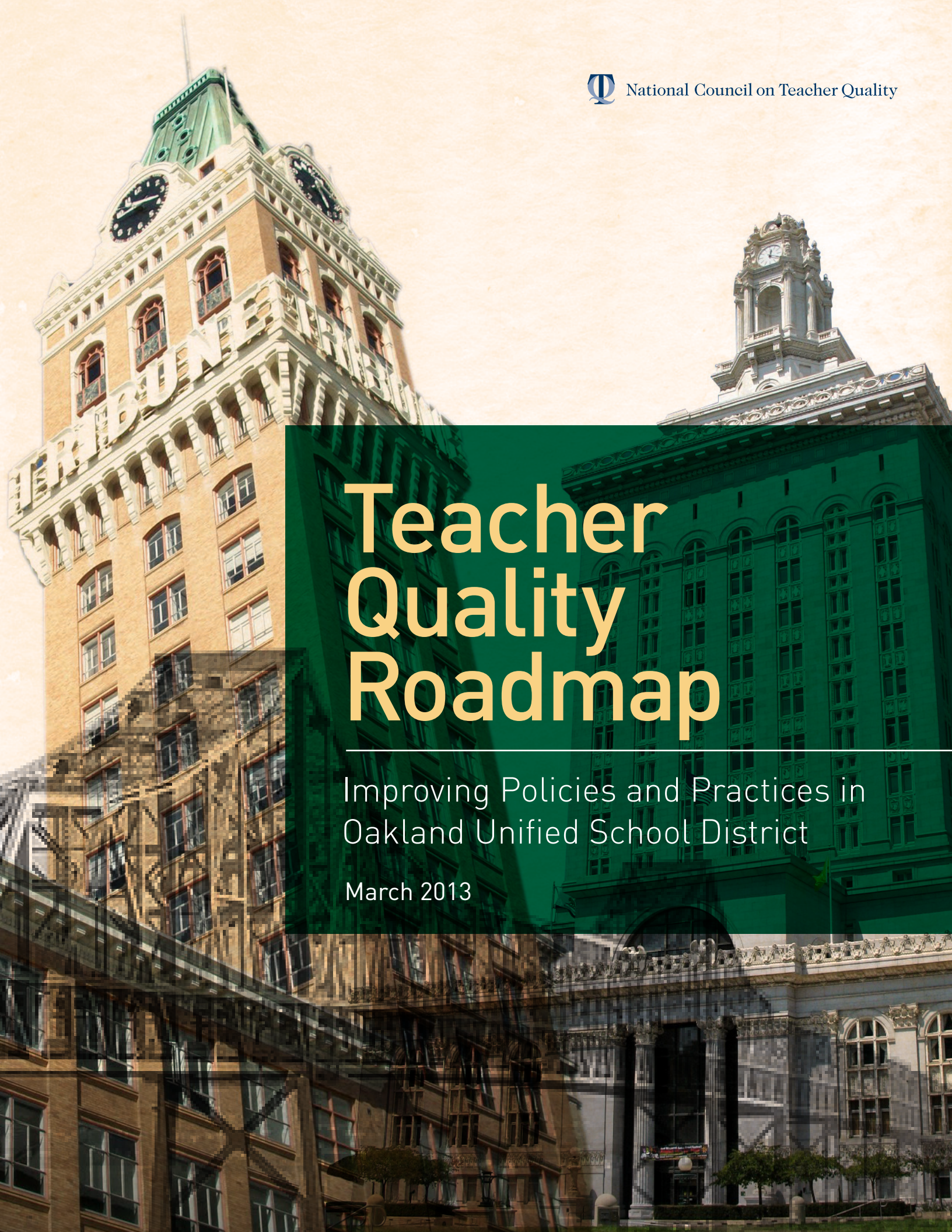
National Council on Teacher Quality
Teacher Quality Roadmap
Improving Policies and Practices in Oakland Unified School District
March 2013

About this study

This study was undertaken on behalf of the 35,000 children who attend school in the Oakland Unified School District.

About NCTQ

The National Council on Teacher Quality (NCTQ) is a non-partisan research and policy organization committed to restructuring the teaching profession, led by our vision that every child deserves effective teachers.

Partner and funders

This study was done in partnership with a coalition of community based organizations, including Great Oakland Public School Leadership Center, the Oakland Community Organization, Youth Together, Youth Uprising, Education Trust West, SEIU Local 1021, and the Lawyers Committee for Civil Rights of the San Francisco Bay Area. Additional funding for this study was provided by the Bill & Melinda Gates Foundation.

For more information

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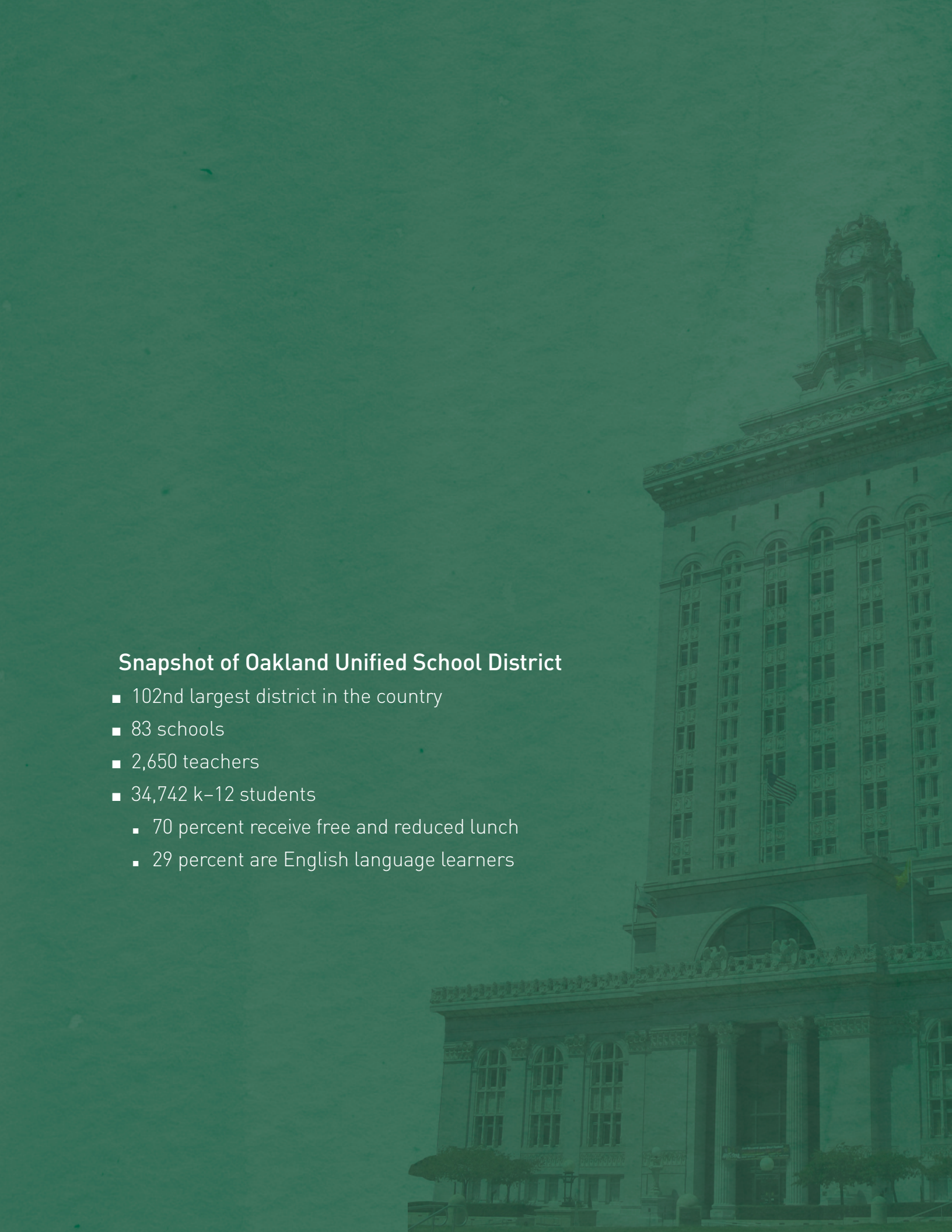


Snapshot of Oakland Unified School District

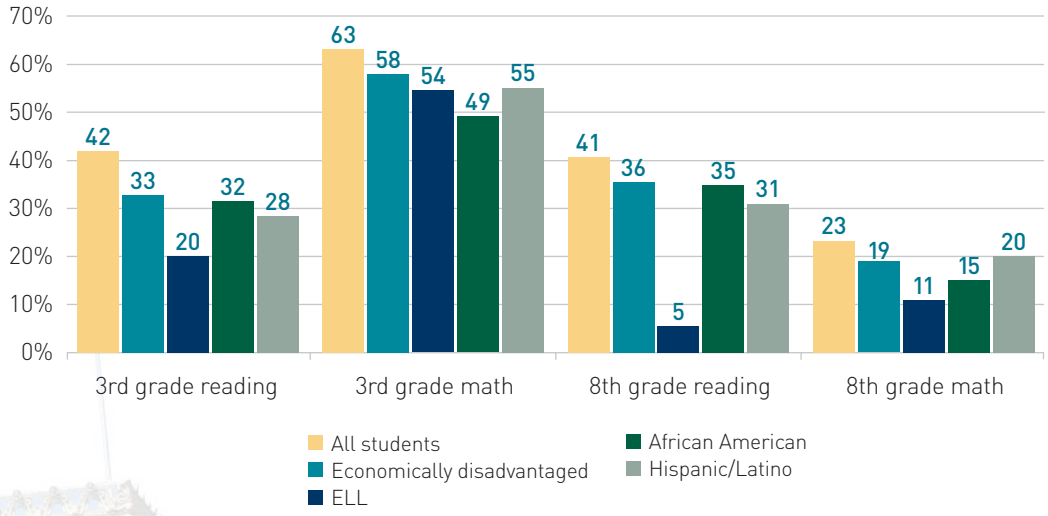
- 102nd largest district in the country
- 83 schools
- 2,650 teachers
- 34,742 k–12 students
  - 70 percent receive free and reduced lunch
  - 29 percent are English language learners

Introduction

At the request of a coalition of community based organizations, including Great Oakland Public School Leadership Center, the Oakland Community Organization, Youth Together, Youth Uprising, Education Trust West, SEIU Local 1021, and the Lawyers Committee for Civil Rights of the San Francisco Bay Area, the National Council on Teacher Quality undertook this analysis of the teacher policies in the Oakland Unified School District (OUSD).

Not unlike students in other urban districts in this country, far too many Oakland students perform not months, but years, behind more advantaged peers. The gaps between the lowest performing students and the highest performers can be staggering. Overall, 41 percent of 8th graders in Oakland scored proficient or above on the California Standards Test, and just five percent of English language learners reached that bar. At 59 percent, Oakland's graduation rate leaves over 40 percent of students unprepared for life after high school.

Percent of students proficient or above by group



Superintendent Tony Smith has responded by putting Oakland on a path to "full service community schools" which seek to provide students rigorous learning experiences that will prepare them for college and careers while providing health, safety and social services support to both the students and their families. High quality, effective instruction is an important part of this work .

What this report seeks to accomplish

This report seeks to shed light on the teacher policies that can be improved both immediately and in the long term that will increase the quality of the teaching force in the district. We explore these policies both as they are written on paper and as they play out in practice.

NCTQ frames this analysis around five standards supported by research and best practices from the field for improving teaching quality:

1. **Staffing.** District policies facilitate schools' access to top teacher talent.
2. **Evaluations.** The evaluation of teacher performance plays a critical role in advancing teacher effectiveness.
3. **Tenure.** Tenure is a meaningful milestone in a teacher's career and advances the district's goal of building a corps of effective teachers.
4. **Compensation.** Compensation is strategically targeted to attract and reward high quality teachers, especially teachers in hard-to-staff positions.
5. **Work Schedule.** Work schedule and attendance policies maximize instruction.

For each standard we provide several recommendations, some for Oakland Unified School District and some for the state of California.

This symbol reflects those practices that the OUSD central office can initiate, without requiring a change in the teacher contract.

This symbol accompanies recommendations whose implementation requires negotiation in the collective bargaining agreement between the school district and the teachers union.

This symbol accompanies recommendations that require a change in state policy to implement.

Methodology

To undertake this study, a team of NCTQ analysts first reviewed the district's current collective bargaining agreement with its teachers union, the Oakland Education Association (OEA), along with school board policies. We also looked for any state laws affecting local policy. We compared the laws and policies in Oakland and California with the 100-plus school districts found in our Tr3 database (www.nctq.org/tr3). This exercise allowed us to determine where Oakland falls along the spectrum of teacher quality policies and to identify practices that the district might emulate. In a number of areas, we also collected data from school districts that surround Oakland, its biggest competitors for teacher talent.

NCTQ then held focus groups with community leaders and parents to hear about their experiences in Oakland, shaping the focus of our inquiry. We also spoke with teachers, principals, district administrators and union leaders to deepen our understanding of how policies play out in practice.

We also benefited from a recent survey of teachers, *Tell OUSD*, to gain a broader sense of staff attitudes and experiences. Quotations in this report come from these surveys and focus groups. These quotations are not necessarily statements of fact, but rather are teacher and principal perceptions about Oakland policies and practices.

Finally, we looked at a range of teacher personnel data to give us a better understanding of the outcomes of teacher hiring, transfer, evaluation, attendance and compensation policies.

A draft of our analysis was shared with the district and OEA to verify its accuracy. Oakland Unified School District provided feedback and OEA provided general comments on the study.

Standard 1.

Staffing

District policies facilitate schools' access to top teacher talent.

Indicators on which this standard is assessed:

1.1 The district recruits an ample supply of candidates who have the personal and professional characteristics found to correlate with teacher effectiveness.

1.2 Principals (with or without school committees) select applicants they wish to interview and have the final say over teacher assignment.

1.3 The district's staffing timeline ensures that almost all vacancies are filled by June of each school year; accordingly, teachers who are retiring or resigning provide notice before transfers are allowed.

1.4 When positions must be cut, teacher performance is a key factor in deciding who stays or goes.

1.5 Decisions to terminate a poorly performing teacher occur swiftly and are made by educational leadership, not a court of law.

1.6 Principals are trained on low-cost retention strategies for top teachers.

1.1 The district recruits an ample supply of candidates who have the personal and professional characteristics found to correlate with teacher effectiveness.

Finding: In the 2011-2012 school year, Oakland Unified School District (OUSD) seemed to have ample applications, with over 3,000 applications for 257 vacant positions, but the distribution of applicants was skewed significantly toward elementary positions, rather than the harder-to-fill secondary positions.

Overall, Oakland's system for recruiting and placing new teachers does not seem to be functioning as needed, with both applicants and principals using methods outside the formal agreed-upon process. Many of the teachers in focus groups who were ultimately hired in Oakland reported making efforts on their own to contact schools rather than relying on the district's central HR office to make the connection. Likewise, principals report going outside the normal process of using Edjoin, the

district's online application management system, instead advertising on Craigslist and using their own personal networks.

Like many school districts, Oakland struggles to recruit a diverse teaching workforce that reflects the students they serve. Currently the teaching workforce is made up of approximately 18 percent African American teachers, while over 30 percent of the student body is African American. The district has made an effort to recruit through nontraditional programs as part of its commitment to diversity. For example, Oakland launched Teach Tomorrow in Oakland (TTO) in 2008 to increase retention and diversity of the teacher workforce. This program focuses on recruiting local residents who have not traditionally gone into teaching as a career. Just under half (48 percent) of the 60 teachers hired through TTO over the last four years are African American. Oakland has also received teachers through Teach For America and the Oakland Teaching Fellows program, an alternative route to teaching managed by the national organization The New Teacher Project (TNTP). However, while the district continues to receive teachers from Teach For America, the Oakland Teaching Fellows program ended in 2012.

I really got my position through contacts from Teach Tomorrow in Oakland and not through Edjoin. I've applied through Edjoin several times and never heard anything back from the district.

- Oakland Teacher response to new teacher survey, fall 2011

Race/Ethnicity	% Students	% Teachers
Hispanic	41	2.3
African American	30.5	18.4
Asian	13.5	11
White	8.8	55.5
Pacific Islander	1.1	0.2
Filipino	0.8	1.7
American Indian or Alaska Native	0.4	0.3
Two or more races	2.2	0.6
No response	1.7	10.1

Source: California Department of Education Educational Demographics Unit via Dataquest, 2011-12.

Finding: Oakland is the first district NCTQ has studied that was not able to provide data on the undergraduate institution of its teachers.

Academic caliber of candidates. The academic caliber of prospective teachers is important and should be considered in a systematic manner by a school district during the hiring process.[1] Many school districts give too little weight to teachers' academic background; such is the case in Oakland. We found little evidence that the district properly scrutinizes applicants' academic qualifications. In fact, the district does not maintain any data on academic background as a part of the electronic record for teachers.

Many studies over the years have shown that teachers who were themselves strong students are more apt to be effective teachers. For example, research finds that teachers with higher scores on tests of verbal ability, such as the SAT or ACT, or even a simple vocabulary test, are more likely to be effective.[2] Other research finds that students with teachers who have attended more selective colleges (essentially a proxy for their verbal ability, as more selective institutions require higher verbal ability for admission) make greater academic gains.[3]

One study particularly germane to this topic found that teachers who had attended more selective colleges, had earned relatively higher SAT or ACT scores and had passed the state licensure exams on the first attempt were more apt to be effective—and were more apt to be placed in high-performing schools.[4]

Any of the following measures might be part of a district's consideration when assessing a candidate's academic aptitude and diligence:

- High school and college GPA (not just in the major), focusing on performance in the last two years with attention to rigor of course selection
- High school participation in AP courses and number of courses scoring 3 or more
- SAT or ACT score
- Selectivity of institution
- High-quality writing samples
- High raw score on state licensing tests

1 Boyd, D., Lankford, H., Loeb, S., Rockoff, J., & Wyckoff, J. (2007). *The narrowing gap in New York City teacher qualifications and its implications for student achievement in high poverty schools*. Washington, DC: The Urban Institute.

2 *ibid.*

3 Ehrenberg, R., & Brewer, D. (1994). Do school and teacher characteristics matter? Evidence from high school and beyond. *Economics of Education Review*, p. 14.

4 White, B., Presley, J., & DeAngelis, K. (2008). Leveling up: Narrowing the teacher academic capital gap in Illinois. *Illinois Education Research Council (IERC), June Advisory Board Meeting.*

There will always be a certain portion of candidates who have a lackluster academic record but end up being effective teachers. Furthermore, aptitude tests often underestimate the true ability of many minority candidates. The best guidance for a district is to make sure that academic caliber is given appropriate weight, but also that other factors are not lost in the calculation.

1.2 Principals (with or without school committees) select applicants they wish to interview and have the final say over teacher assignment.

Finding: Oakland principals have little or no say in the teachers assigned to their schools as long as there are teachers who want to transfer but have not found new assignments.

More than any other type of authority, principals report wanting more say over staffing in their buildings.[5] Oakland's current bargaining agreement with its teachers union, Oakland Education Association (OEA),[6] limits principal authority by requiring seniority to be the first consideration. Among those internal candidates that meet the credentialing and experience bar, the contract dictates that the teacher with the most district seniority is placed in the position. This approach does not allow principals a say in the placement of teachers at their schools.

> Who walks in and works with kids is the single most important thing.
>
> - Community leader

While Oakland has made an attempt to lessen the sole reliance on seniority, their efforts appear to have fallen short. During the 2011-2012 school year, the district and OEA agreed to conduct an "advisory matching" process. This process was directed at the 124 teachers who had been consolidated,[7] giving them an opportunity to visit schools with vacancies, talk to the principal and other teachers in the school and learn whether the principal believes the teacher would be a good fit for the position. Rather than teachers listing their choices without

5 Focus groups with OUSD principals, May, 2012.

6 Agreement between Oakland Unified School District and Oakland Education Association for the period July 1, 2005, through June 30, 2008. This is the most recent agreement and terms and conditions articulated in this agreement are in effect as of February, 2013.

7 Consolidated teachers are those who are involuntarily transferred to other schools because of budget constraints, changes in programs or school closures.

much specific knowledge of a school, the 39 teachers who ultimately participated made their choices with significantly more context, including, importantly, knowing whether the principal believed he or she would still be a good fit. Understanding that the ultimate placements would be done by seniority, two-thirds of the eligible teachers did not participate in the advisory matching process. Nonetheless, HR officials report that the process resulted in many matches during its pilot year. Ultimately, 21 teachers were placed in a school where the receiving principal rated the teacher a "good" or "excellent" fit for the school.

Even with the pilot in the spring of 2012, conversations with principals indicated that they are still frustrated with their inability to control who is placed in their schools. A consolidated teacher can still request placement at a school that hasn't indicated a preference for him or her and be given an assignment there because of seniority.

It is quite common across school districts for teachers and principals to "work the system" to avoid having to accept teachers they do not see as a good fit for the school. The most common approach is to hide vacancies from HR—it can't fill a vacancy it doesn't know about—or by creating positions with very specific credentials written in such a way that only particular applicants are likely to qualify.

The practice by principals of not reporting a pending vacancy promotes a cycle of late hiring, which is problematic on many fronts. First, it leaves principals and schools in a bind, without sufficient time to pursue viable candidates if those identified months earlier have taken jobs elsewhere. Second, it means that the district is routinely under-projecting its need for new teachers. By the time the extent of vacancies is known, there are less likely to be suitable external candidates to fill positions. Further, school site staff are less likely to be available to participate in the selection process in the summer months.

State context

In California, most policies regarding teacher assignment are left to local jurisdictions to decide. However, the state does allow principals in schools defined as low-performing to refuse any voluntary transfer made by the superintendent to their school.[8] State law also only requires transfer applications to be given priority over other applicants prior to April 15.[9] See Appendix on page 59 for a list of eligible schools.

8 Schools scoring in the bottom 30 percent of California's Academic Performance Index (i.e., deciles 1, 2, 3), California Education Code: 35036.

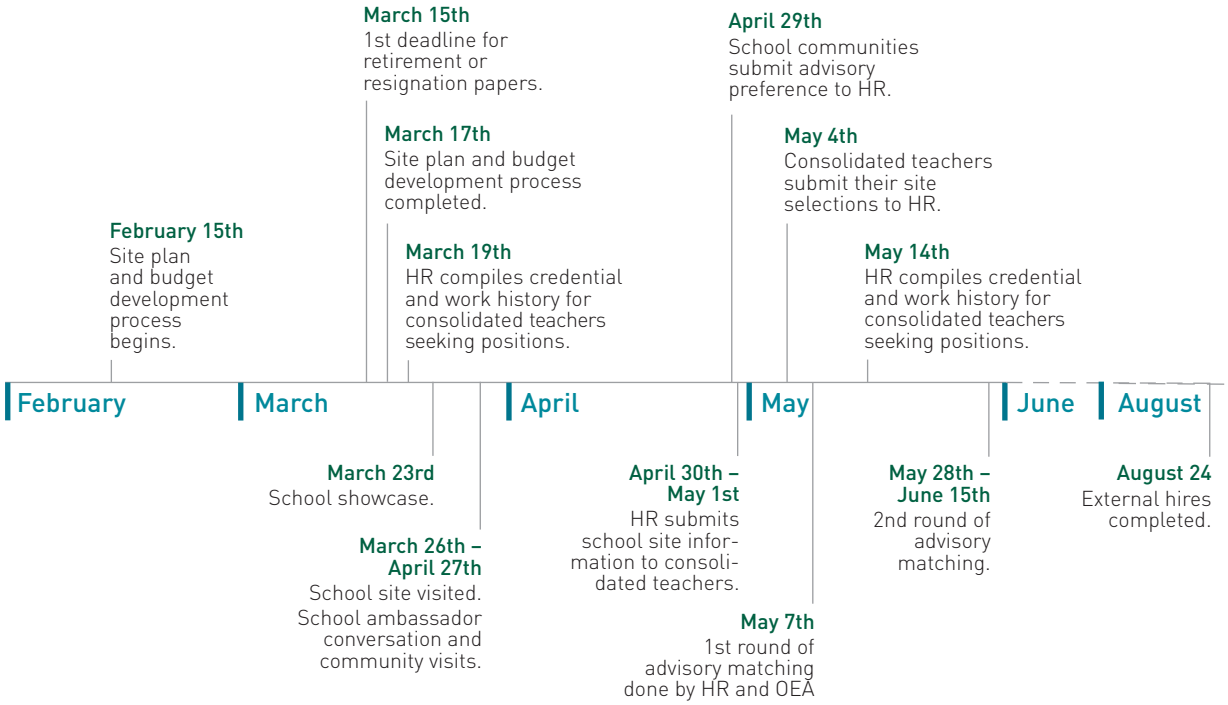
9 California Education Code: 35036.

1.3 The district's staffing timeline ensures that almost all vacancies are filled by June of each school year; accordingly, teachers who are retiring or resigning provide notice before transfers are scheduled to occur.

Finding: Oakland's new teachers are rarely provided a contract before June 30, with the majority of new teachers not awarded a contract until August.

Before a new teacher can be hired, consolidated teachers must be placed. Vacancies are then opened up based on subject area. Specific subject areas may open up earlier (e.g., math and science, because these teachers are rarely cut). Realistically, however, the process takes several weeks, and hiring new teachers does not begin until June 30th.[10] This late date has the effect of delaying the timeline for out-of-district candidates. New teacher surveys indicated that many teachers expressed frustration at the amount of time it took to hear back from the district. Because of this delay some candidates had no choice but to seek positions in surrounding districts.

Oakland hiring timeline for 2012



While the official timeline indicates that vacancies will be identified in February and March, making it possible to place internal transfers and move to external candidates in May, no external hires were completed before June 30, 2011, because the other steps of the process were not complete. In fact, a full 65 percent of new hires were entered into the system in August.

10 Interviews with OUSD staff.

1.4 When positions must be cut, teacher performance is a key factor in deciding who stays or goes.

Finding: Oakland, in accordance with state law, adheres strictly to a layoff policy that requires decisions to be based on seniority.

California is one of only 12 states that *mandate* teacher layoffs be conducted according to reverse seniority ("last in, first out" or "LIFO"). Most states are silent about the procedures districts must follow, but there are a growing number of states that are passing laws reducing the importance of seniority. In the last few years, a handful of states (e.g., Arizona, Florida, Idaho) have changed laws to now prohibit seniority as the primary determinant in layoff decisions. A number of states (e.g., Colorado, Indiana, Oklahoma) now require a teacher's performance to be the top criterion for determining who will be laid off.

While California law requires that layoffs be conducted according to reverse seniority, a 2011 court settlement inserted some flexibility into this law when the Los Angeles Unified School District was allowed to lay off teachers out of seniority order to ensure students' rights to a quality education.[11] This settlement was open-ended, suggesting that any California district could employ a similar approach with some latitude, though probably not without additional legal challenge. In fact, the LA settlement was voided on appeal in 2012, and there will now be a full trial on the merits of the arguments.[12] Some California districts have tried to show that there is a need to bypass seniority for specialized training or expertise that a less senior teacher possesses, or that conducting a seniority-based layoff violates the civil rights of certain students. The outcomes of these efforts have been mixed: some have gone through with nonseniority-based layoffs, and others have retreated when hearing that decisions backed a seniority-based approach.

Oakland has given no indication that it intends to advance this legal argument. While no layoffs have occurred since the court settlement was reached, the district has repeatedly given teachers "pink slips" or notice that teachers were at risk for a layoff, all based on reverse seniority.

I was born, raised and educated in Oakland. I know families of my students. I feel strongly that our students deserve a quality education from people in our community.

- Oakland teacher

11 *Reed v. State of California* (2011); http://www.aclu-sc.org/reed/.

12 Ceasar, S. (2012, August 11). L.A. Unified settlement bypassing seniority-based layoffs nullified. *Los Angeles Times*.

1.5 Decisions to terminate a poorly performing teacher occur swiftly and are made by educational leadership, not a court of law.

Unlike 22 states, California does not explicitly make teacher ineffectiveness grounds for dismissal. The state also does not distinguish the due process rights of teachers dismissed for ineffective performance from those facing other charges commonly associated with more serious license revocation, such as a felony and/or morality violations.[13]

California requires local districts to make specific recommendations for areas of improvement and to provide assistance in those areas to teachers who receive unsatisfactory evaluations. The state also permits districts to require such teachers to participate in improvement programs related to teaching methods or instruction. In addition, if a district participates in the California Peer Assistance and Review Program (PAR) for teachers, the district must provide peer assistance to teachers with unsatisfactory evaluations. After an unsatisfactory evaluation, a permanent teacher is reviewed annually until he or she receives a satisfactory evaluation or is separated from the district. The state gives no limit to the number of times a teacher can be reevaluated and does not mandate eligibility for dismissal for teachers who do not improve.

In California, tenured teachers who are terminated have multiple opportunities to appeal. After receiving written notice of dismissal, the teacher may request a hearing with the Commission on Professional Competence, which must take place within 60 days. Teachers may then file an additional appeal with "a court of competent jurisdiction." The time frame of this appeal is not addressed by the state.

1.6 Principals are trained on low-cost retention strategies for top teachers.

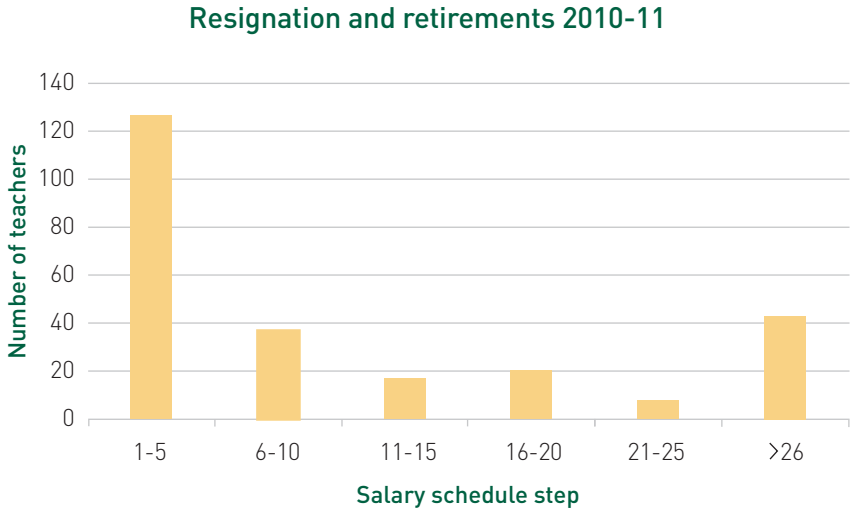
Oakland Unified hires approximately 250 teachers annually, largely due to resignations and retirements of current staff. And while some turnover is natural, retaining highly effective teachers in the early stages of their careers would save the district both time and money.

Focusing retention efforts in the early years, particularly for high-performing teachers who have shown they are effective, would decrease the churn of teachers, particularly at low-performing schools.[14] Simple, low-cost strategies to retain these teachers include recognizing them publicly and creating opportunities for authentic feedback and evaluation.

13 The process is the same regardless of the grounds for cancellation, which include immoral or unprofessional conduct; commission, aiding or advocating the commission of acts of criminal syndicalism; dishonesty; unsatisfactory performance; evident unfitness for service; physical or mental condition unfitting him or her to instruct or associate with children; persistent violation of or refusal to obey the school laws; conviction of a felony; knowing membership in the Communist Party; and alcoholism or other drug abuse that makes the employee unfit to instruct or associate with children.

14 TNTP, *The Irreplaceables*, August 2012, www.tntp.org/irreplaceables.

 Go to www.nctq.org/tr3 to compare over 100 school districts' contracts, laws and policies.



Source: Oakland HR data

Even more than retirements, teachers leaving Oakland are largely those in the early years of their tenure who are likely to be seeking employment elsewhere.

TNTP recently released a report, "The Irreplaceables," outlining some of the problems, consequences and solutions to the early exit of high-performing teachers from urban school districts. As a part of their overall recommendations, the report advised that districts make the retention of high-performing teachers a top priority and that they strengthen the teaching profession by setting high expectations for teachers.[15]

Recommendations for OUSD

1. **Give principals full authority over hiring teachers, including those transferring within the district.** The district should revise its approach of "advisory matching" and negotiate with the teachers union to commit to "mutual consent" hiring in which principals are never required to accept a teacher they do not want. Without a change in state law, California districts bear the financial burden of keeping teachers who cannot secure a new teaching assignment, but districts can often mitigate the costs by putting unassigned teachers in the substitute pool or in

Quite honestly, I have a love/hate relationship with OUSD. I love what I do at the school I'm in with the community I serve. However, I don't feel valued as a professional by the district. I think the idea of new teacher support and retention is great in theory, but when it is operated within a district which has so many challenges, I feel like the essence is lost.

- Oakland teacher

15 TNTP, *The Irreplaceables*, August 2012, www.tntp.org/irreplaceables.

This recommendation requires only a change in practice.

This recommendation requires a formal negotiation between the district and the teachers union.

This recommendation requires a change in state law.

positions other than teachers of record. In the face of restrictive state laws and financial challenges, Oakland should also actively identify and counsel out unassigned teachers from the profession. Fully implementing mutual consent is probably the most important authority principals need to run a school well.

2. **Educate principals in high-poverty schools on their right to refuse placement of voluntary transfers.** Based on the 2011-2012 data (the latest data available), certain schools that have an Academic Performance Index (API) of 1, 2, or 3 are eligible to refuse voluntary transfers from the priority placement pool. (See list of eligible schools in the Appendix.)

3. **Provide principals with strategies for retaining high-performing teachers.** As recommended by TNTP, efforts should be made to retain strong teachers at the school and district level through quality feedback and development, recognition, additional responsibility and opportunities for advancement, as well as ensuring adequate resources.[16]

Recommendations for California

1. **Permit districts to dismiss teachers who are without an assignment after one year (two hiring cycles).** Currently, California law does not allow school boards to terminate a teacher's contract for failure to find a position. Several other states, however, do afford districts this authority. This so-called "exit strategy" is critical if districts are to fully implement mutual consent hiring without having to take on what can be an untenable financial burden.

2. **Allow performance to be used as a factor in determining which teachers will be laid off.** Not only is experience a poor predictor of teacher effectiveness after the first few years, it also results in more teachers being laid off when trying to close a revenue gap. (It is necessary to lay off more junior teachers because they are less expensive.) If California is unable to make performance a determining factor in layoffs across the board, the following are several compromises that remove at least some of the preference for seniority:
   - Lay off first-year teachers first. Research shows that teachers who have been teaching for only a year are not likely to match other teachers' effectiveness. Targeting first-year teachers is preferable to treating all nontenured teachers the same.
   - Lay off nontenured teachers on the basis of performance, so that at least some of the lowest performers go first. The point is that protections for tenured and nontenured teachers can be treated differently.

16 TNTP, *The Irreplaceables*, August 2012, www.tntp.org/irreplaceables.

This recommendation requires only a change in practice.

This recommendation requires a formal negotiation between the district and the teachers union.

This recommendation requires a change in state law.

- Lay off teachers on the basis of a weighted system that gives more points to performance and fewer to seniority.

If California does change its layoff policy, it would also need to reconsider the rights it grants to laid-off teachers to be reinstated to their jobs. Currently, teachers have rights to a position for up to 39 months after they are laid off if the district later resumes hiring.

3. **Expand California's Education Code 55036 to give principals the right of refusal, regardless of whether a teacher is transferring voluntarily or involuntarily.** California's current policy is a good first step in giving schools more autonomy over staffing, but it does not go far enough because it does not apply when teachers are *involuntarily* transferring schools, which occurs most often when positions are cut due to a change in student enrollment. No school should be required to accept a teacher who is not a good fit.

GREEN COLLAR
BASEBALL

Standard 2.

Evaluation

The evaluation of teacher performance plays a critical role in advancing teacher effectiveness.

Indicators on which this standard is assessed:

2.1 All teachers receive an annual evaluation rating.

2.2 Objective evidence of student learning is the preponderant criterion on which teachers are evaluated.

2.3 Evaluations factor in multiple observations and feedback from multiple sources such as school administrators, department heads, trained exemplary teachers, central office evaluators and content experts along with responses to surveys of teachers' students.

The observers provide regular feedback to teachers on their classroom instruction.

2.4 Classroom observations focus on a limited set of observable standards that gauge student learning.

2.5 Evaluations offer multiple rating levels to distinguish performance among teachers.

2.6 Observations occur early enough in the school year to provide sufficient time for struggling teachers to improve and for administrators to make a final decision about a teacher's continued employment by year's end under the rules of the teacher contract.

2.1 All teachers receive an annual evaluation rating.

Finding: All of Oakland's probationary teachers receive annual ratings, but its tenured teachers do not. Further, evaluation data is not tracked centrally and is not used to drive decisions.

Annual evaluations are standard practice in most occupations, and a growing number of states (currently 23 up from 15 four years ago) require annual evaluations for all teachers.[17] Not only do annual evaluations provide the opportunity for feedback (important for both novice and veteran teachers), but they also underscore that teachers are professionals by providing ongoing feedback to support continuous improvement of their work.

17 NCTQ State Teacher Policy Yearbook, 2013

While California does require annual evaluations for *novice* teachers, the state requires only biennial evaluations for tenured teachers with fewer than 10 years of experience and only once every five years for teachers with 10 or more years of experience and a positive previous evaluation.

Accordingly, Oakland requires novice teachers to be evaluated twice a year: one "interim" evaluation and one "final" evaluation. The district goes beyond state law in its evaluation policy for experienced, tenured teachers; that is, all teachers are required to have an evaluation every other year regardless of their rating on previous evaluations.[18]

While this is a sensible approach to allocating principals' scarce time, teachers need ongoing feedback regardless of their ratings in previous years. Also, using peer evaluators, third parties or student feedback would provide all of Oakland's teachers with important insights into their work.

Unfortunately, the district does not maintain records of evaluations in the personnel system and has been forced to compile evaluation data manually for this study. The absence of evaluation data at the school, region and district levels suggests that the central office has made little use of this essential personnel management tool. Of the eight districts we have studied, Oakland is one of only two districts that does not collect and track evaluation data at the central office level.

Maintaining evaluation records would enable the district to better assess the overall professional development needs of the district, as well as to identify individual teachers who need more support and follow-up. Similarly, having evaluation data readily available would allow school or district administrators to identify outstanding teachers for recognition, for possible recruitment to work in high-need assignments or as models for their peers.

Collecting this data would also help to monitor the validity and implementation of the evaluation system itself. The overall distribution of teacher evaluation ratings should reflect the actual performance of teachers, which is likely to have standouts on both ends of the spectrum, good and bad. If the district finds that the distribution of teacher ratings is less like a normal curve, with more teachers grouped at the highest ratings levels, more investigation is needed. Do these ratings reflect consistent, sustained growth in student learning? Likewise, evaluators in particular schools with concentrations of high or low ratings may need additional training to ensure reliability across schools.

18 If teachers receive a principal's recommendation of "continued evaluation," they are scheduled to have an evaluation the following year regardless of their level of experience.

2.2 Objective evidence of student learning is the preponderant criterion on which teachers are evaluated.

Finding: Oakland's evaluation instrument does not yet factor in any kind of student learning outcomes, although the district intends to move in this direction, and state law provides some support for such a move.

Nationally, consideration of student learning gains in teachers' evaluation ratings has changed significantly in the past few years, largely due to changes in state law. In 2009, only four states counted student achievement as a major factor in a teacher's evaluation rating. Now, 22 states (but not California) *require* student achievement or growth to be a significant or the most significant factor in a teacher's rating.

At the district level, 41 of the 114 districts in NCTQ's Tr3 database (www.nctq.org/tr3) currently require at least one measure of student learning (standardized test scores) to factor into evaluation ratings. An additional 35 districts will do so in the next few years after the implementation of new state laws.

The use of test scores in California's evaluations has been highly contentious. The Stull Act,[19] a state law passed in 1971, requires teachers to be evaluated based on pupil progress toward district and state standards, when possible. The OUSD/OEA contract does not specifically require the use of test scores, but it does identify "increased student achievement as measured by various assessment measures, such as test scores" as one way of evaluating teachers.[20] While the use of student outcome data has been limited in California, the Los Angeles Unified School District (LAUSD) has begun to use measures of student outcomes in their evaluation process as "an important but clearly limited part of the overall performance evaluation process."[21]

In spite of the door opened by this state law, and in spite of relatively supportive language found in both the teacher contract and board policy, Oakland has yet to consider any student outcomes when evaluating teachers. Regulations passed by the Board of Education also suggest that Oakland could consider such factors, stating that "students' progress toward district standards of expected achievement for their grade level in each area of study and, if applicable, towards the state-adopted content standards as measured by state-adopted criterion-referenced assessments" shall be a part of the performance assessment.[22]

Oakland, like a number of other California districts, appears to recognize that changes are needed.[23]

19 Education Code section 44660.

20 OUSD/OEA contract, 2005-2008, 13.1.2.4, page 46.

21 LAUSD-UTLA December 2012 Evaluation Procedures supplement to article X, 2012.

22 Oakland Unified School District Administrative regulation 4115.

23 Parents recently sued the Los Angeles Unified School District arguing that without using student outcomes, the district was not complying with state law that requires it to assess an employee's performance as it relates to the progress of his or her students. The judge sided with the parents and required LAUSD to modify their evaluation system to include measures of student progress and gave them substantial flexibility in how to do so.

In recent months the district has stated an intent to use student outcomes in teacher evaluations through their efforts to apply for federal funding and flexibility, but they have yet to reach an agreement with the Oakland Education Association on how to do so.[24]

Sources of objective evidence of student learning beyond standardized test scores:

- Periodic diagnostic assessments
- Benchmark assessments that show student growth
- Artifacts of student work connected to specific student learning standards that are randomly selected for review by the principal or senior faculty, scored using rubrics and descriptors
- Examples of typical assignments, assessed for their quality and rigor
- Periodic checks on progress with the curriculum, coupled with evidence of student mastery of the curriculum from quizzes, tests and exams

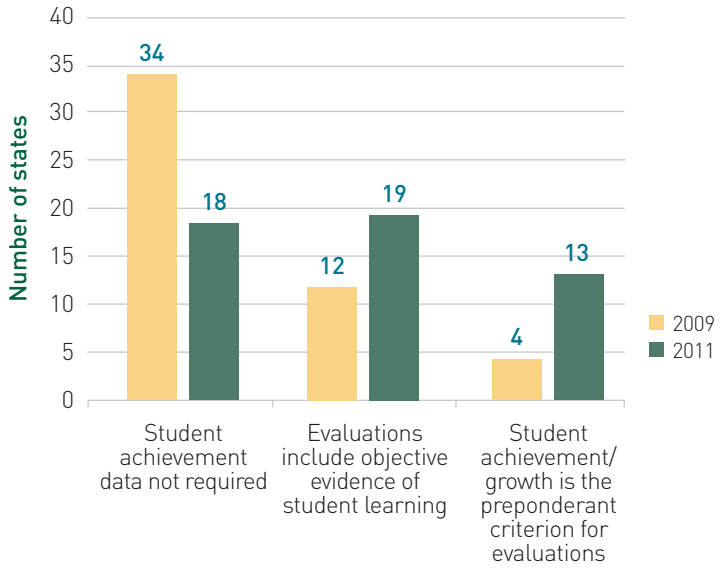
Currently, the evaluation process works as follows. Oakland teachers are required to develop "standards of performance" with their evaluator (usually the principal or assistant principal). These standards may include academic performance objectives, but, importantly, they may not. The rigor of teachers' standards varies from school to school. They are also not tied to the rest of the formal evaluation process, meaning that a teacher's overall evaluation rating could be unrelated to his or her performance on the developed standards of performance.

When teachers were asked about the effectiveness of the current evaluation system, responses, much like the evaluation procedures, were varied:

- *It has worked for me personally, but it seems unevenly applied at a site and system level.*
- *I haven't been evaluated or observed in 3 years and the prior year was so full of ed code/ bureaucracy speak, it wasn't meaningful—like going through hoops versus focusing on development.*
- *My principal does a good job at being consistent with my evaluations, but just doing a running record does not do my practice justice.*

24 "S.F., Oakland drop bid for U.S. school funds." (2012, October 30) *Education News*. http://educationviews.org/s-f-oakland-drop-bid-for-u-s-school-funds/.

Do states consider classroom effectiveness as part of teacher evaluations?



States are increasingly including objective evidence of student learning as a part of teacher evaluations. Almost two-thirds of states now include some evidence of student learning in evaluations.

2.3 Evaluations factor in multiple observations and feedback from multiple sources such as school administrators, department heads, trained exemplary teachers, central office evaluators, and content experts along with responses to surveys of teachers' students. The observers provide regular feedback to teachers on their classroom instruction.

2.4 Classroom observations focus on a set of observable standards that gauge student learning.

2.5 Evaluations offer multiple ratings to distinguish differences in performance among teachers.

Finding: The validity of Oakland's current procedure for evaluating teachers should be verified, given that the district assigns only one individual (typically the school principal) to observe a teacher, their training is insufficient and the number of observations is too few.

Single Observer. Each Oakland teacher has one designated evaluator that he or she is assigned at the beginning of the year; there are no additional observers built into the system.

New findings from the "Measuring Effective Teaching" studies from the Bill and Melinda Gates Foundation show that adding an additional observer increases the reliability of observations

I do not have enough time to prepare effective lessons, differentiate material for all my students, or effectively track data. Each day is a struggle to get through the day, and each night is a struggle to get ready for the next day. There is no time, extremely little support, and I feel like I'm fumbling around in the dark.

– Oakland teacher

more than having multiple visits by the same observer, even when the visits by the additional observer are as short as 15 minutes.[25]

Evaluations that regularly incorporate the views of multiple, trained observers (particularly experts in subject areas) allow the district to gauge the robustness of an individual principal's ratings. When a principal's observations closely match those of an outside evaluator, teachers can be more confident that the principal is unbiased and skilled at evaluation. If they do not match, the school district should increase training for principals in performing evaluations. Additional observations and evaluations can be conducted to the degree the district can afford them. Even if only one teacher in a building is checked by a third-party evaluator, principals will approach this task with more diligence.

There is a great deal of work going on in this area that could inform any changes Oakland is considering. In Pittsburgh, Instructional Team Leaders participate in formative evaluation of peers in their own schools and contribute to the summative evaluation of peers in other schools. In New Haven, Connecticut, additional evaluators are used for any teacher who receives the highest or lowest rating from their site administrator.

Training of the evaluator. The current process in Oakland directs evaluators to take contemporaneous notes and rate the teacher's performance on each standard on a scale of 1 to 4. As of now, there is no standard rubric and there is no specific training on how to calibrate ratings on each standard. OUSD has developed an evaluation rubric that remains in draft form and has not been distributed to principals for use or training. Without a clear rubric there is little reliability in evaluations from school to school.

Examples of evaluations provided to NCTQ showed documentation of classroom visits, but very little actual feedback or recommendations to improve the quality of instruction. The observation process does include conferences before and after the classroom visit, which may provide opportunities for verbal feedback, but there is little in writing.

25 *Ensuring Fair and Reliable Measures of Effective Teaching: Culminating Findings from the MET Project's Three-Year Study*, The Bill and Melinda Gates Foundation, January, 2013.

Current Oakland Evaluation System	
Evaluator	■ One evaluator, usually the principal or other building administrator, is assigned at the beginning of the year.
Frequency	■ First-year teachers are evaluated twice a year. ■ Second-year teachers are evaluated once a year. ■ Tenured teachers are evaluated every other year unless previous evaluator recommends "continued evaluation."
Observation timing	■ Preliminary meeting must occur by the 10th workday. ■ Initial conference between the evaluator and teacher must occur by the 27th day after classes begin or the 17th workday. ■ Interim evaluations for first-year probationary teachers must be completed by the second Friday in December. ■ Final evaluations must be completed for all teachers by the last workday in April.
Observation content	■ California standards for the teaching profession 1-5 (See box on page 24).
Observation length	■ A minimum of three 30-minute observations are required throughout the school year. ■ Two of the three observations must be scheduled.
Evaluation training	■ Evaluators refer to a written evaluation handbook. ■ Administrators are required by the contract to hold one or more staff meetings to review evaluation policies and procedures and to review the evaluation calendar for the year.

Evaluation ratings	■ Teachers receive summative ratings from "does not meet standards" to "exceeds standards" in each of the five observed standards.
	■ Evaluator gives a final recommendation of one or more of the following:
	  ■ Continued employment
	  ■ Continued evaluation
	  ■ Dismissal
	  ■ Other
	  ■ Refer to PAR

Consequences of evaluation	■ A principal's recommendation of "continued employment" results in no additional action until the teacher's next scheduled evaluation; for tenured teachers, it is two years later. ■ A principal's recommendation of "continued evaluation" results in an evaluation the following year whether or not it would otherwise occur. ■ A procedure to review an "unsatisfactory rating" is outlined in the evaluation handbook; however, "unsatisfactory" is undefined and does not appear as a rating in the evaluation system. ■ The contract does not articulate the next steps for a teacher when the principal recommends dismissal. At that point, California state law takes over (see page 12).

Finding: Oakland currently uses California Standards for the Teaching Profession (CSTPs)[26] to frame its observations. Unfortunately, these standards are measures of teacher behavior rather than student learning.

California Standards for the Teaching Profession:

1. Engaging and Supporting All Students in Learning
2. Creating and Maintaining Effective Environments for Student Learning
3. Understanding and Organizing Subject Matter for Student Learning
4. Planning Instruction and Designing Learning Experiences for All Students
5. Assessing Student Learning
6. Developing as a Professional Educator

Five major standards and numerous elements under each are intended to be observed in multiple observations, and the sixth standard focused on professional behavior is intended to be observed throughout the year both inside and outside the classroom.

Finding: Oakland's evaluation system is confusing and fails to provide an overall sense of a teacher's effectiveness.

Oakland's principals rate teachers on each of six teaching standards (see page 24). Teachers are rated as follows:

- Exceeds standards
- Meets standards
- Developing
- Unsatisfactory

What is highly unusual about the Oakland instrument is that principals do not ultimately provide a summary rating to teachers on their overall teaching performance. While the evaluation handbook instructs principals on how to calculate an average rating from their ratings on the six standards, there is no place in the written evaluation instrument to record this average, nor is it clear how principals are to communicate a summary rating to teachers.

Based on a teacher's performance on the six individual standards, principals are then asked to recommend at least one of the following actions:

1. Continued employment—which means the teacher continues working with no interventions and on the existing evaluation schedule;
2. Continued evaluation – which means that the teacher continues working, but she must be evaluated the following year, regardless of where she is in the evaluation cycle (sometimes adding an evaluation in a year that would normally be without one);

26 Commission on Teacher Credentialing, 2009. http://www.ctc.ca.gov/educator-prep/standards/CSTP-2009.pdf.

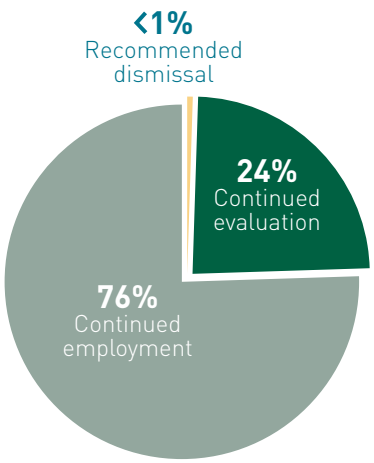
3. Dismissal—which means that the district should begin the due process to dismiss the teacher; and,
4. Referral to the district's "Peer Assistance and Review"—which means that the teacher is assigned to a peer coaching program designed to help the teacher improve her practice.

What is more puzzling is that there is no guidance from the district about how to translate the score on the six ratings into a consistent and appropriate recommendation. Should a teacher with low ratings in one area be recommended for continued evaluation? Two areas of low ratings? It is left entirely to the discretion of the individual principal.

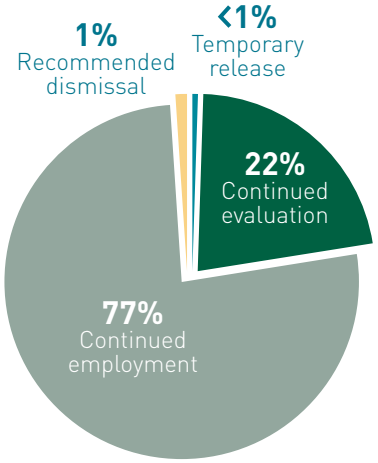
Finding: Commendably, Oakland's principals appear to take the evaluation process seriously. Nearly one out of every four teachers evaluated in the 2010-2011 and 2011-2012 school years was recommended for "continued evaluation," suggesting that these principals recognize the importance of evaluation on an annual basis.

Unlike many districts, principals in Oakland are making an effort to identify teachers who need additional help and are calling for more frequent evaluations of those teachers in their recommendations. The ratings on the individual standards are often in the "meets" or "exceeds" standards categories. It is unclear if principals' recommendations reflect a need that is not captured in one of the six standards or if they are simply hesitant to call out specific areas of need.

Principal recommendations 2010-11



Principal recommendations 2011-12



Principals recommended more evaluation in nearly one out of every four evaluations completed in 2010-2011 and 2011-2012.

It is not clear if the district has a standard protocol for what follows a recommendation of "continued evaluation." Presumably extra support should be set in motion so that the teacher has the opportunity to improve before the next evaluation is done. Yet the only clear action triggered by the "continued evaluation" recommendation is a formal evaluation the following year.

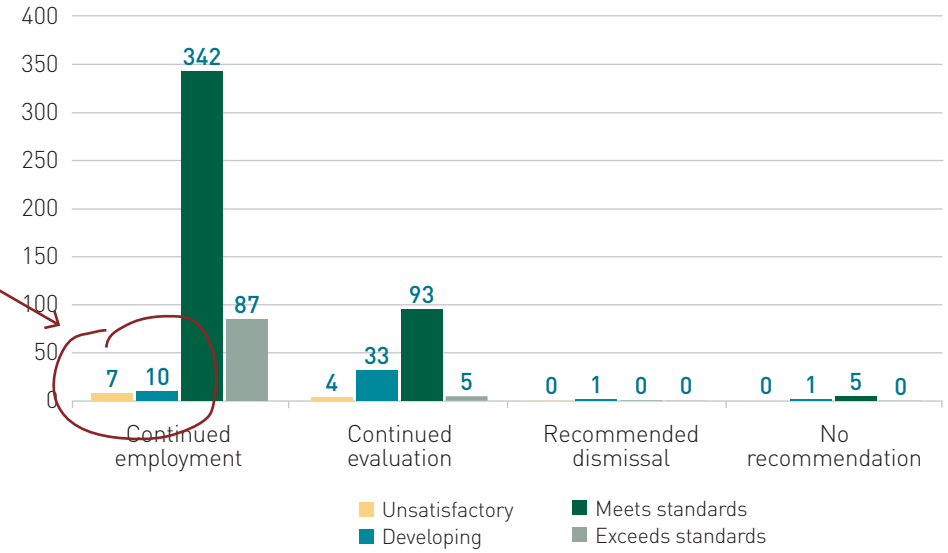
Finding: Teachers rarely receive an unsatisfactory rating on any one of the six standards. Out of a workforce of over 2,200 teachers, only nine (< .01%) received an "unsatisfactory" rating on more than one standard.

In 2010-2011, only nine teachers earned more than one "unsatisfactory" rating on their evaluation. For most of these nine teachers, it does not appear that there was much consequence to the low rating. Three of these teachers received a principal's recommendation of "continued employment," meaning that no action would be taken to help the teacher improve nor were dismissal proceedings set in motion. For another four, the principals made no recommendation at all, again meaning that no action would be taken.

The fact that only 10 teachers out of the 741 for which records exist in 2011-2012 were recommended for PAR, and only six teachers in the district were recommended for dismissal, suggests that the district is not taking an appropriately serious approach to managing the quality of its teacher force. In a workforce of 2,200 individuals, no matter whether they are teachers, factory workers, nurses or engineers, there will be some percentage of the workforce for whom the profession is the wrong choice.

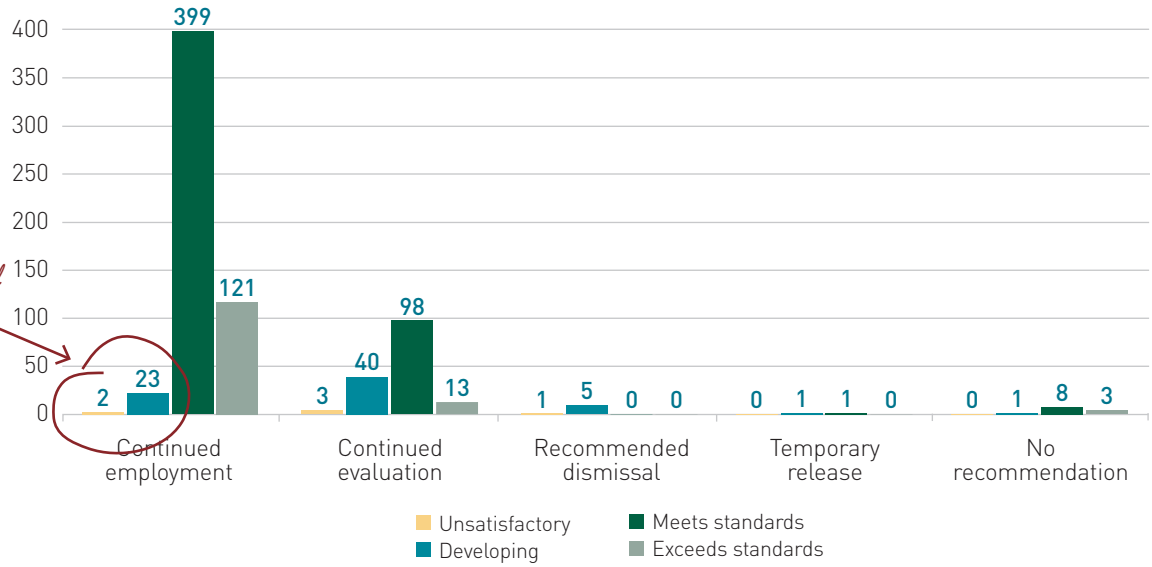
Seventeen teachers with more than 3 ratings of "unsatisfactory" or "developing" were recommended for continued employment—meaning no action would be taken by the district

Principals' recommendations and average ratings 2010-11



This graph shows many problems, including that principals collectively judged only 55 teachers in a work force of 2,200 as weak. A third of them (17) were still recommended for continued employment in 2010-2011 without any extra support.

Principals' recommendations and average ratings 2011-12



Twenty-five teachers with more than 3 ratings of "unsatisfactory" or "developing" were recommended for continued employment—meaning no action would be taken by the district.

In 2011-2012, 25 teachers with an average rating of unsatisfactory or developing were recommended for continued employment by their principals.

2.6 Observations occur early enough in the school year to provide sufficient time for struggling teachers to improve and for administrators to make a final decision about a teacher's continued employment by year's end.

Currently, the Oakland contract stipulates that for first-year probationary teachers, the interim evaluation must be completed by the second Friday in December. For all other teachers, the final evaluation must be completed by the last workday in April (see chart). California law also requires that teachers receive notices by March 15th if their contract is not going to be renewed.

This timeline requires that all evaluations be completed in time to make recommendations about which probationary teachers will have their contracts renewed for the next year. If a principal does not complete an evaluation until April, the opportunity has been missed to factor the evaluation into the decision about renewing a teacher's contract or awarding tenure.

Recommendations

1. **Make student performance the preponderant criterion on which teachers are evaluated.** Standardized test results provide one source of evidence that students are learning, but there are other measures that districts can and must use since standardized testing does not occur in all grades and subjects. Alternatives, while often more difficult to implement consistently and less technologically advanced, are possible. The application of alternative measures of student performance also requires more professional judgment, which can be an advantage, given many teachers' expressed discomfort over the interpretation of value-added scores absent important context.

> **New Haven, Connecticut**
> In consultation with its teachers' union, the New Haven public schools system recently revamped its evaluation instrument. Almost half of a teacher's rating is determined by student growth goals. Measures of progress include standardized tests, district assessments and student work. The remainder of a teacher's rating is largely determined by classroom observation, which focuses on evidence of student learning rather than on teacher behavior. When the teacher's rating from the observation does not match the teacher's student growth rating, the mismatch generates an automatic review by the central office, an important check and balance to the system. Teachers who receive either the highest or lowest evaluation rating from their principal are also automatically reviewed by another evaluator.

2. **Develop a team of independent evaluators to validate principal evaluations and provide content-specific feedback on teacher instruction.** These evaluators should be content experts and should serve the dual purpose of validating principal evaluations and assessing content-relevant instruction.

3. **Incorporate student voice into teacher evaluations.** Carefully created student surveys have been found to correlate strongly with student outcomes and can be used as another measure of teacher effectiveness.[27]

> **Where it's been done:**
> **Atlanta**, **Denver**, **Dekalb County (GA)**, **Gwinnett County (GA)**, and **Memphis** factor data from student surveys into teacher evaluations. In Memphis, input from students, parents and other teachers counts for 5 percent of a teacher's evaluation rating. Beginning in 2013-2014, student surveys will count toward 10 percent of teacher evaluation ratings in Chicago.

27 *Ibid.* MET Study.

This recommendation requires only a change in practice.

 This recommendation requires a formal negotiation between the district and the teachers union.

This recommendation requires a change in state law.

Sample student survey: How much do you agree or disagree with the following statements?

Check one box after each question.

	Strongly agree	Agree	Disagree	Strongly disagree
1. My teacher in this class makes me feel that s/he really cares about me.	☐	☐	☐	☐
2. My teacher really tries to understand how students feel about things.	☐	☐	☐	☐
3. Students in this class treat the teacher with respect.	☐	☐	☐	☐
4. Our class stays busy and doesn't waste time.	☐	☐	☐	☐
5. My teacher has several good ways to explain each topic that we cover in this class.	☐	☐	☐	☐
6. In this class, we learn to correct our mistakes.	☐	☐	☐	☐
7. My teacher makes lessons interesting.	☐	☐	☐	☐
8. Students speak up and share their ideas about class work.	☐	☐	☐	☐
9. My teacher respects my ideas and suggestions.	☐	☐	☐	☐
10. My teacher checks to make sure we understand what s/he is teaching us.	☐	☐	☐	☐

Source: Tripod Survey Questions[28]

4. **Adjust the observation schedule so that all educators, not just probationary teachers, receive feedback on their instruction early in the school year (definitely by the end of the first semester), improving their opportunities to demonstrate improvement.**

5. **Ensure that every single teacher is evaluated every single year.** Allowing teachers to go years without formal feedback deprives them of opportunities for professional collaboration and deprives students of the best possible instruction. Oakland should provide its educators with more frequent feedback, measuring performance and progress annually.

6. **Ensure that all teachers receive a summary rating with detailed feedback as a part of their evaluation.** The mash-up of ratings and recommendations currently used by Oakland Unified is difficult to understand and gives teachers mixed messages on their performance. Teachers should have specific feedback on individual standards that culminate in a summary rating with impact on their employment standing, professional development options and career advancement opportunities going forward.

28 MET Project Policy Brief. Learning about teaching. Initial Findings from the Measures of Effective Teaching Project. Bill and Melinda Gates Foundation, December, 2010.

This recommendation requires only a change in practice.

This recommendation requires a formal negotiation between the district and the teachers union.

This recommendation requires a change in state law.

7. **Test the validity of the evaluation system by looking at the range of ratings across the district.** By analyzing the full range of performance in evaluation ratings within schools and the district and comparing teacher ratings to student outcomes, the district will be able to see if there are patterns that emerge that don't make sense. Is the range of ratings more like a normal curve or are ratings concentrated in one or two categories? The district should determine if the distribution of teacher performance ratings corresponds logically with student achievement. Are teachers rated highly where students are improving and, when students are not improving, are the teacher performance ratings lower?

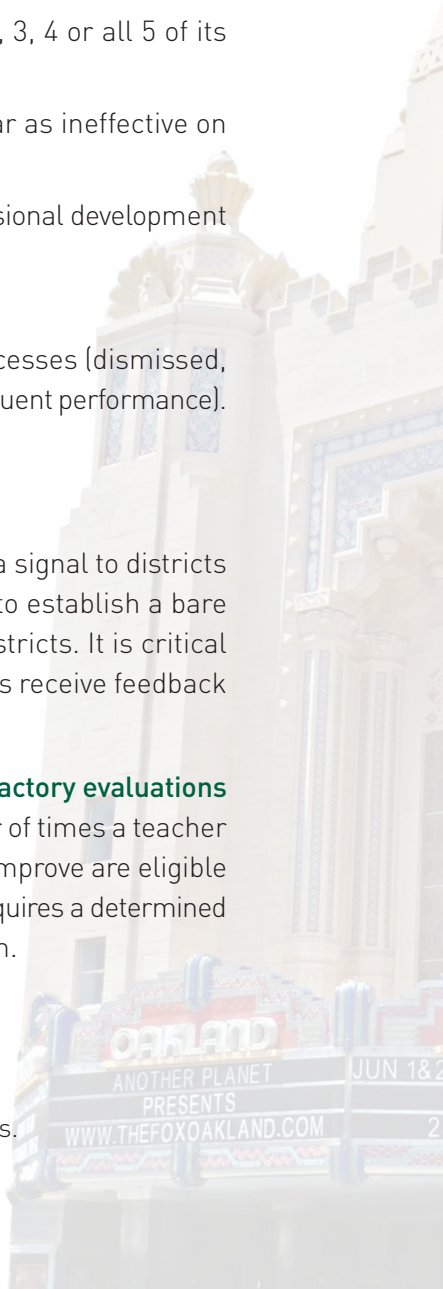
8. **Track what happens to teachers viewed by principals as ineffective, essential data for any district to use to hold its principals and itself accountable for good personnel management.** Update infrastructure, including technology systems, procedures and personnel that are not currently in place, to manage this data. The district should be able to report at any time:

   - The number of teachers who have been rated ineffective on 1, 2, 3, 4 or all 5 of its standards of performance
   - The number of teachers who have been rated more than one year as ineffective on any of the five instructional standards
   - The response by the district to ineffective ratings in terms of professional development or probationary status
   - The status of such teachers
   - The outcome for all teachers who have gone through various processes (dismissed, voluntarily left the district, in litigation, back in the classroom, subsequent performance).

Recommendations for California

1. **Require annual evaluations for all teachers.** The state should send a signal to districts that teacher evaluations are important. State policy, intended only to establish a bare minimum requirement, becomes the de facto maximum in most districts. It is critical that the state establish stronger guidance to ensure that all teachers receive feedback annually.

2. **Make teachers who have received multiple years' worth of unsatisfactory evaluations eligible for dismissal.** California currently has no limit on the number of times a teacher can be reevaluated and does not mandate that teachers who do not improve are eligible for dismissal. This puts the onus of dismissal entirely on districts and requires a determined commitment to remove an ineffective instructor from the classroom.



Standard 3.

Tenure

Tenure is a meaningful milestone in a teacher's career.

Indicators on which this standard is assessed:

3.1 A teacher's classroom performance is the primary criterion in the tenure decision.

3.2 Teachers receive tenure only after the district has acquired sufficient evidence of their consistent, effective performance.

3.3 Awarding tenure to a teacher involves an explicit point of decision based on a thorough review of a teacher's performance.

3.4 The tenure designation is not an obstacle to dismissing an ineffective teacher.

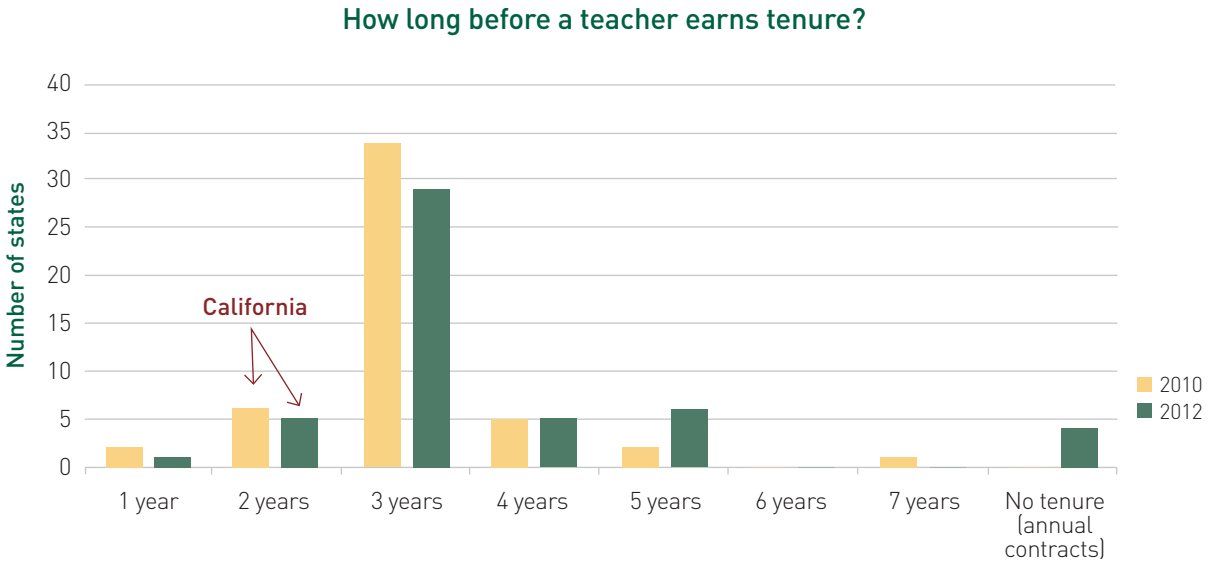
3.1 A teacher's classroom performance is the primary criterion in the tenure decision.

Finding: California state law impedes Oakland's ability to incorporate important evidence into tenure decisions.

Districts decide whether to award teachers tenure, but state law sets the terms. Over the past few years, there have been significant changes in tenure laws across the country, but not in California. While a number of states have lengthened the probationary period before tenure, known as "permanent" or "nonprobationary" status in California, the state's probationary period is still only two years. Further, California has no provision that allows districts to delay the tenure decision an additional year as 12 other states do.

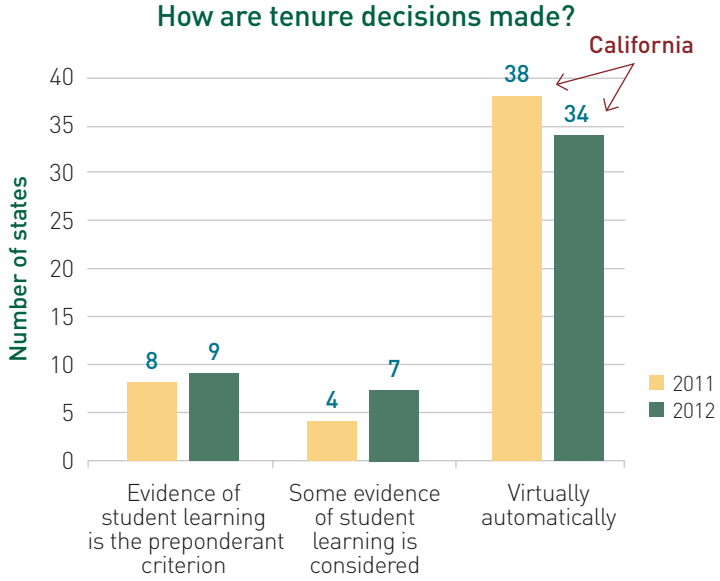
As research on the impact of teacher experience shows, teachers greatly improve their craft in the first three years of their career. A longer probationary period gives new teachers more time to improve and allows districts to more fairly assess a teacher's performance once they have moved past the particularly steep first-year learning curve. After all, tenure is effectively a $2 million decision by a school district factoring in combined salary, benefits and pension over the course of a teacher's career.[29]

29 Estimated cost of post-tenure salary and benefits for an OUSD teacher based on current salary levels.



In just the past two years, 10 states have increased the time it takes to reach tenure (Louisiana increased it from three to five years; New Jersey, from three to four), and three states—Florida, South Carolina and South Dakota (effective in 2016)—essentially eliminated tenure requirements at the state level.

3.2 Teachers receive tenure only after the district has acquired sufficient evidence of their consistent, effective performance.



While there have been some recent changes, the majority of states continue to award tenure virtually automatically.

California is one of 34 states that grants tenure virtually automatically once teachers meet the requirement for years of service. *Sixteen states now require that teachers show at least some evidence of student learning before earning tenure.*[30] Over the past year, four states raised the bar for tenure. Connecticut, Hawaii and New Jersey require some evidence of student learning to be considered before tenure is awarded, and Louisiana has made student learning the preponderant criterion for awarding tenure.

Finding: Little evidence of a teacher's effectiveness is examined when making tenure decisions in Oakland; accordingly, almost all teachers earn tenure.

The only formal evidence that the Oakland district requires for tenure decisions is a teacher's most recent evaluation. The outcome is consistent: almost all teachers are routinely awarded tenure; in each of the last four years over 95 percent of teachers received tenure. Tenure has been a passive decision, effectively awarded automatically as long as a teacher remains on the payroll between the second and third year of teaching.

As in other areas of teacher policy, Oakland has until now been inclined to stick to the letter of the California law, even when it has the flexibility to do otherwise. Importantly, while California law limits the time period of tenure decisions, it does not prohibit its districts from imposing other conditions on tenure.[31] In some respects, implementing a more meaningful process at the district level would be the easiest of the tenure reforms, as it requires no change in state law or even in the collective bargaining process.

Oakland is beginning to reexamine its approach. For the spring of 2013, the district has started the "tenure affirmation process" in which eligible teachers who are at risk of being released rather than earning tenure will be visited by a team consisting of the school's principal and central office staff between the start of school and again in February. The district intends to expand this process to include two visits for *all* teachers eligible for tenure when the process is fully implemented. Ultimately, when all teachers are included, the district's goal is to know they have effective teachers moving into the tenured ranks rather than singling out struggling teachers.

3.3 Awarding tenure to a teacher involves an explicit point of decision based on a thorough review of a teacher's performance.

California policy requires that a teacher be notified of her principal's recommendation for nonrenewal by March 15 of the second year she is teaching.[32] The tenure decision occurring in only a teacher's second year means that only one year's worth of student performance data can factor into the tenure decision, often with only one formal evaluation. Given the low rate of nonrenewal of contracts (see evaluation section), it seems that many principals choose to give teachers the benefit of the doubt, granting tenure rather than denying it.

30 NCTQ State Policy Yearbook, 2012.
31 California Code 44251(a).
32 California Education Code 44948.3.

3.4 The tenure designation is not an obstacle to dismissing an ineffective teacher.

In California, as in most states, tenured teachers who are terminated have multiple opportunities to appeal. After receiving written notice of dismissal, the teacher may request a hearing that must take place within 60 days. Teachers may then file an additional appeal with "a court of competent jurisdiction." The time frame for this appeal is not addressed by the state, meaning that these cases can languish in the courts for years.

According to OUSD records, only five tenured teachers between 2002 and 2011 were dismissed for performance reasons. This is the lowest dismissal rate of all the eight districts NCTQ has studied. It is no doubt likely that some teachers were counseled out of the profession, and that there are additional cases in litigation, as is the case in most districts. However, there is no evidence that Oakland does a better job counseling out teachers rather than dismissing them. The low rate is strong evidence that very few teachers are dismissed or counseled out after they become permanent teachers.

Recommendations

1. **Hold a tenure review to decide whether to award tenure.** Tenure should be a significant milestone in a teacher's career and awarded only after deliberate and thoughtful consideration of a teacher's performance. Oakland should develop a review process in which both the principal and teacher must present the cumulative evidence of a teacher's professional success and potential.

Promising Practice

In 2009, Los Angeles Unified began an "affirmative" tenure process, whereby principals actively approve a teacher for tenure. In the 2009-2010 school year, LAUSD reported that 89 teachers were denied tenure, approximately 10 percent of those eligible and a 60 percent increase over the prior year. In the 2010-2011 school year, 120 teachers in their first year and 30 teachers in their second year were not invited back for performance reasons. The number for 2011-2012 was down to 48 teachers, or 4.2 percent, which likely reflects the smaller number of poorly performing teachers remaining in the pool, as well as improvements in hiring practices.

This recommendation requires only a change in practice.

 This recommendation requires a formal negotiation between the district and the teachers union.

This recommendation requires a change in state law.

2. **Make performance the primary factor on which teacher tenure is decided.** Sound tenure decisions should be directly dependent on a robust and informative evaluation instrument. The ability to know the areas in which a teacher both excels and struggles and how her performance compares to others' in the teacher corps should be the crux of any decision. To achieve this would require more than 16 school months (the maximum amount of time principals have now) to collect data on individual teacher performance.

3. **Reward teachers who earn tenure with a significant pay increase.** A meaningful tenure process should be accompanied by a salary structure that recognizes the teacher's accomplishments. See Standard 4 for more ideas on how Oakland's salary schedule can work toward attracting, retaining and rewarding effective teachers.

4. **Provide teachers with intensive professional development during their probationary years.** A more deliberate process leading up to tenure could include intensive investment in probationary teachers, including instructional coach support, frequent classroom observations by content experts, videotaping lessons for reflection and critique, release time to observe master teachers and other specialized professional development. Principals should have multiple years of evidence on a teacher's performance when making the important decision on a teacher's tenure.

Recommendations for California

1. **End the automatic awarding of tenure and require consideration of evidence of effectiveness in tenure decisions.** The state should articulate a process that local districts must administer in considering evidence and deciding whether a teacher should receive tenure. The process should require evidence of student learning rather than number of years in the classroom as the most significant factor in the tenure decision.

2. **Extend the probationary period for teachers to earn tenure from two years to at least four years.** California policy results in districts using fewer than two years of information—and possibly only one formal evaluation—to assess a teacher's candidacy for tenure. If the probationary period is capped at any point fewer than five years, districts should have the option to extend the tenure decision.

   While a number of the changes to tenure procedures will require significant changes to state law, one step in the right direction is to enable school districts to extend the probationary period for teachers who are developing but still remain minimally effective.

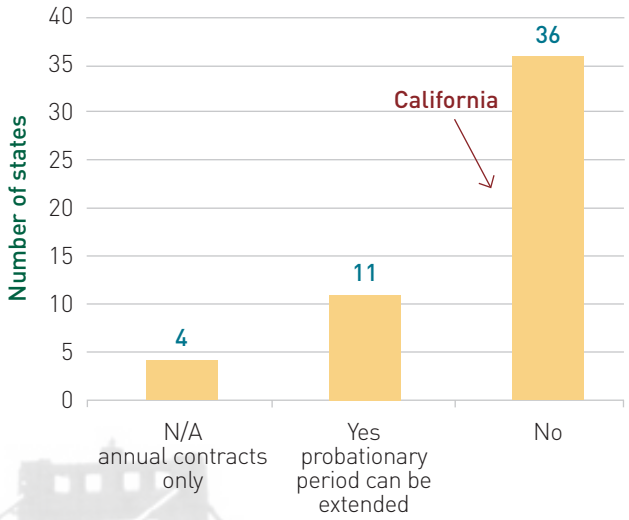
This recommendation requires only a change in practice.

This recommendation requires a formal negotiation between the district and the teachers union.

This recommendation requires a change in state law.

Such an extension would be preferable to the teacher, as the alternative is to be dismissed. Giving administrators an additional year of information on teachers before deciding whether to permanently welcome them into the ranks is also advantageous for the district.

Are districts allowed to extend the probationary period before tenure?



In 11 states, a district can extend the probationary period before tenure, or award annual contracts rather than conferring permanent status.

Standard 4.

Compensation

Compensation is strategically targeted to attract and reward high-quality teachers, especially those who are able to teach in hard-to-staff positions.

Indicators we use to assess performance on this standard:

4.1 The district's baseline salaries are competitive with other school districts in the area.

4.2 Raises are tied to a teacher's impact on student learning, not just to education credits or experience.

4.3 The district offers financial incentives to employ and retain effective teachers in high-need schools and critical shortage content areas.

Any discussion of teacher compensation in Oakland must acknowledge the dire fiscal condition of education in California as a whole—and Oakland in particular. Beginning in 2003, Oakland Unified School District (OUSD) has received a total of $100 million in loans from the state and now has to repay the state and keep up with current expenses, even through periods of significant cuts and deferrals of state education funds. With approximately $6.5 million in payments each year, the district is not expected to fully pay back the loans until 2026. Positive changes at the state level[33] could provide additional funding to education generally, but declining enrollment could negatively affect the growth in revenue for Oakland. Even with these considerable challenges, if Oakland were able to *reprioritize* its allocation of existing resources, it could address some of the issues that hurt its ability to attract and retain effective teachers.

33 A statewide ballot initiative passed in 2012 (Proposition 30) will provide additional revenue for education, and a proposed change to the state education funding formula could result in higher per pupil revenue for high-need districts.

Every other surrounding district pays more and I'm barely making ends meet financially. It's very difficult to stay afloat as a homeowner and teacher in Oakland.

– Oakland teacher

I am actively looking for new opportunities and a higher salary. Oakland is falling farther and farther behind with a competitive salary.

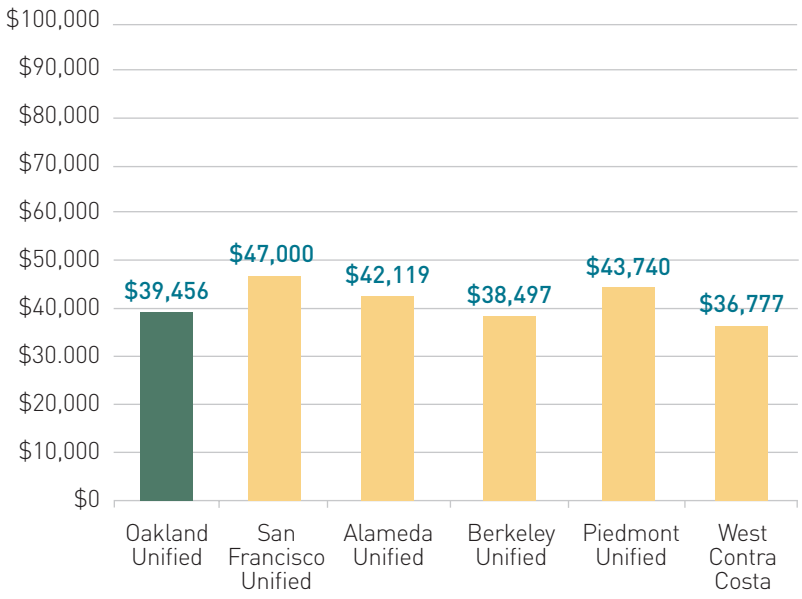
–Oakland teacher

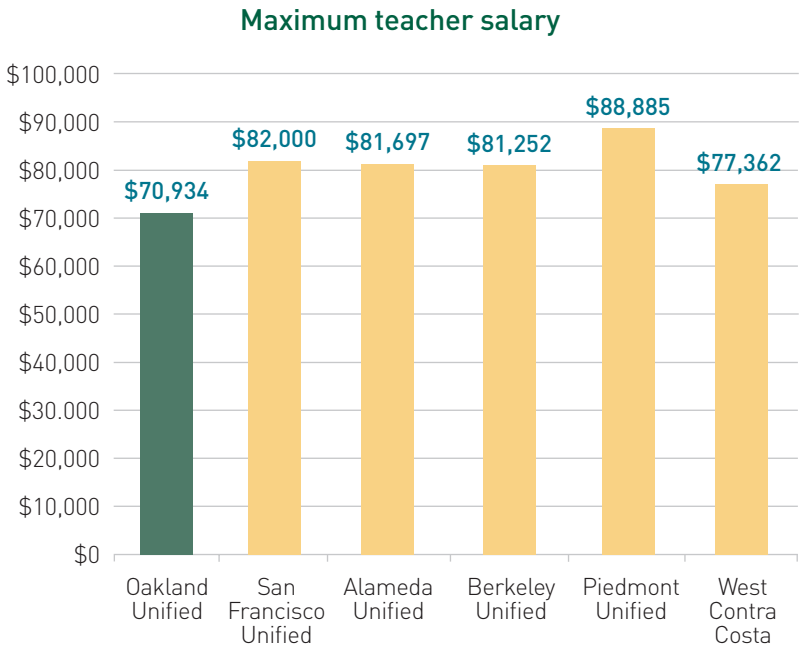
4.1 The district's baseline salaries are competitive with other school districts in the area.

Finding: Oakland's salaries start below most other districts in the region and remain some of the lowest salaries in the market throughout a teacher's career.

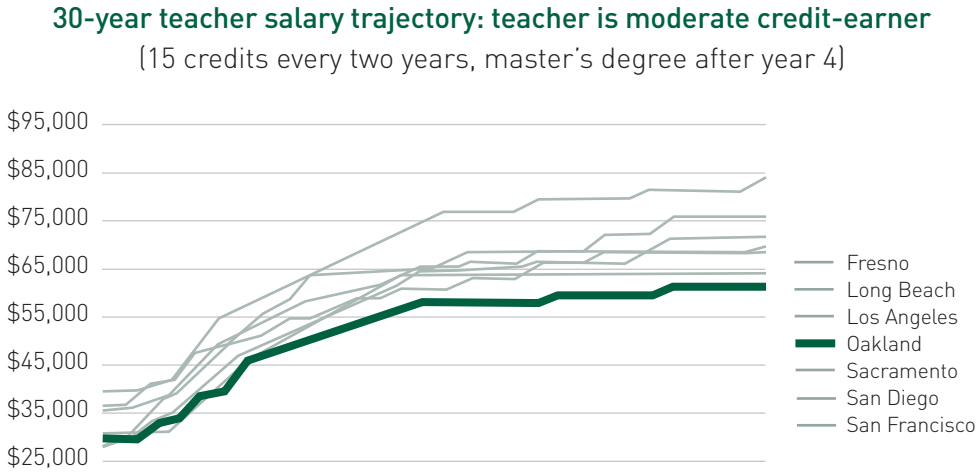
Districts are at a tremendous disadvantage if their starting salaries are not comparable with surrounding districts. Prospective teachers may "shop around" for the best compensation package. If compensation is a major factor in their decisions, Oakland is not likely to fare well in comparisons.

Starting salary for teachers (BA only)



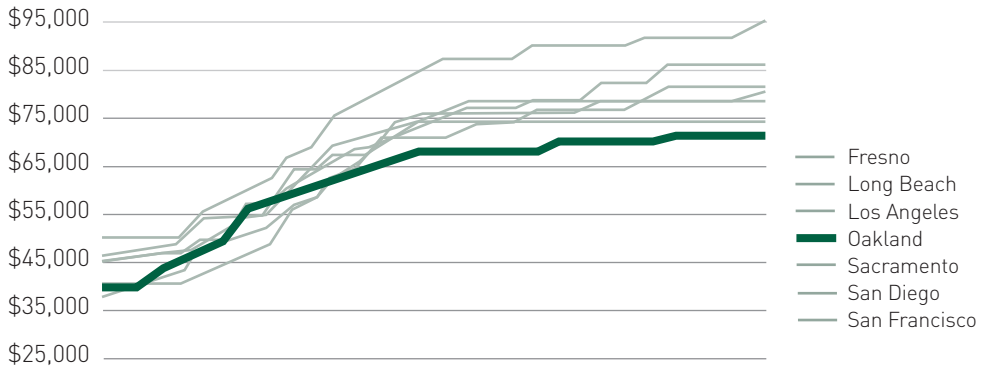


Lifetime earnings for Oakland teachers are lower than those of teachers in any of the other surrounding districts examined. New teachers in Oakland begin their careers at an annual salary of just under $40,000, which is competitive with some area districts but falls well below the starting salaries offered by several surrounding districts, including San Francisco, (the largest district in the Bay Area), Alameda and Piedmont. As teachers gain more experience, their pay never catches up, instead falling behind even more area districts.



30-year teacher salary trajectory: teacher is aggressive credit-earner

(15 credits a year, master's degree after year 2)



At almost every stage of their careers, even when they earn substantial graduate credits to advance pay lanes, Oakland teachers make less than their peers in other districts. Oakland teachers start out with lower salaries, make less as experienced teachers and max out at a lower salary (www.nctq.org/tr3). After a certain point, a move to any of the other major districts in California will always result in a raise.

4.2 Raises are tied to a teacher's impact on student learning, not indiscriminately to education credits or experience.[34]

An extensive body of research over a span of five decades shows that the typical coursework teachers take does not make them more effective in the classroom.[35] In other words, districts are spending enormous sums of money to encourage teachers to take coursework and getting little return on their investment. Likewise, teachers are spending their time and money on classes that, while resulting in a pay increase, will not necessarily make them more effective.

In 2009, NCTQ asked university researchers to compile a summary of existing research examining the impact of master's degrees on teacher effectiveness, as measured by student learning. (See page 49.) Out of 102 statistical tests examined, approximately 90 percent showed that advanced degrees had either no impact at all or a negative impact on student achievement. Of the 10 percent having a positive impact, none reached a level of statistical significance.

Does this mean that districts should discourage teachers from taking coursework? No. But it does mean that the incentive structure that districts and states have put in place to encourage coursework has been counterproductive by incentivizing busy, cash-strapped teachers to take the easiest, cheapest

34 Teachers typically earn raises via three different routes in a traditional pay scheme: (1) changes in pay to adjust for increases in the cost of living or market, (2) growth in pay for accumulating an additional year of experience in the classroom known as "step increases" and (3) moves from one "column" to the next because of increases in education.

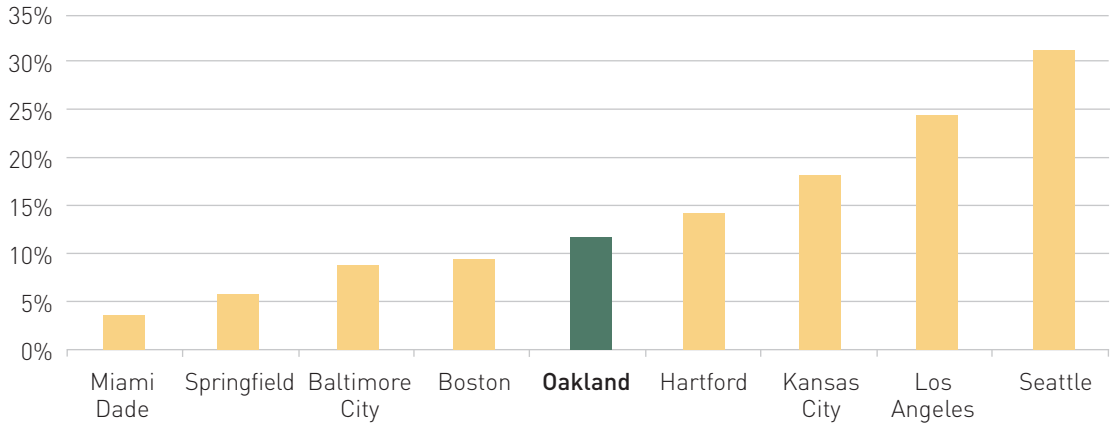
35 *Increasing the Odds: How good policies can yield better teachers.* National Council on Teacher Quality, 2004, http://www.nctq.org/nctq/images/nctq_io.pdf

coursework available, not necessarily the courses that would add value. In fact, those few studies finding a positive correlation between a teacher's degree status and student achievement focused on high school teachers who took more courses in their subject area, not education coursework. If districts redesigned their incentives to reward teachers for becoming more effective, not just acquiring more credits, teachers would be more likely to pursue high-value coursework.

Finding: Oakland appears to spend nearly 12 percent of its annual teacher payroll to incentivize teachers to take coursework (or pursue other related activities). Teachers are incentivized to earn not just one master's degree, *but as many as three*.

Oakland appears to be spending roughly one out of every eight dollars ($11 million a year) of its annual teacher salary payroll to compensate teachers for completing graduate coursework or an equivalent.[36] While virtually all U. S. school districts boost teacher pay for completing additional coursework and advanced degrees, OUSD's approach is particularly problematic. Their contract also allows for teachers to earn "units" for approved nongraduate classes, travel, foreign study, authorship, special experiences, related summer work experience and other activities that can be related to the teaching assignment.[37] The district rewards teachers through additional pay for taking *any* graduate-level coursework, regardless of its connection to the subject area they teach or even general education issues. For example, a high school science teacher could take a graduate-level painting class at the local college and still receive credit.

Percentage of payroll spent on coursework-based compensation



Source: NCTQ's Tr3 database, www.nctq.org/tr3

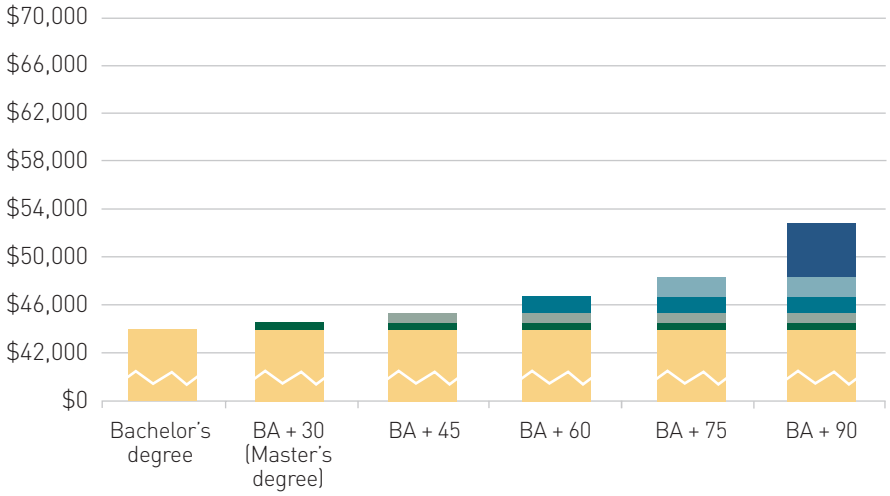
Of the districts we've studied, Oakland is right in the middle of the range of payroll spent on degrees. Miami-Dade spends the least on raises associated with earning advanced degrees, just 3.8 percent of its total teacher payroll. At the opposite extreme is Seattle, which spends more than 30 percent of its payroll on these differentials.

36 The district degree expenditure is calculated by determining what the district's payroll could be if all teachers (regardless of educational attainment) were paid according to the base salary lane—with differentials only awarded for experience—and not coursework. The percentage is reported as the difference between the current and "possible" payroll as a portion of the total current payroll. This figure is intended for illustrative purposes only. District in-service trainings also count for one unit for every 15 hours of approved training.

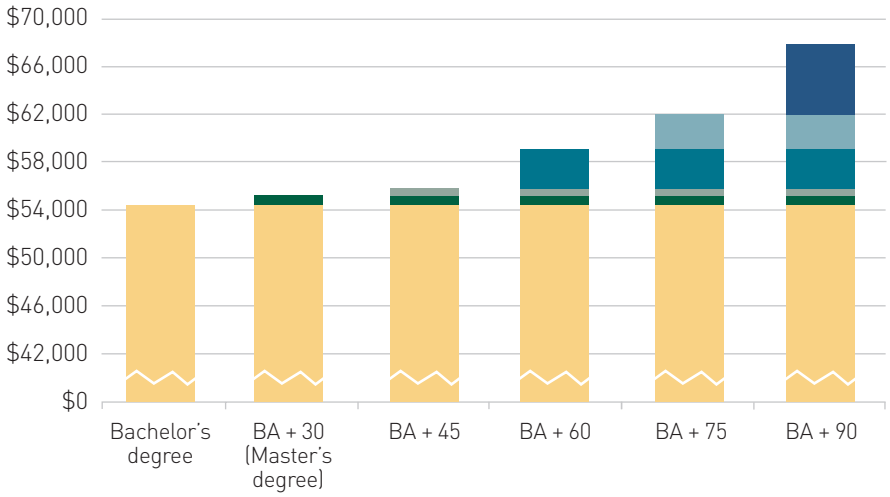
37 OUSD/OEA contract, 2005-2008, Article 24.3

While many professions provide their employees a pay increase for obtaining a master's degree, it is hard to identify another profession like teaching that encourages employees to earn multiple degrees. In Oakland, the bump for earning a single master's degree are relatively modest. The real increases in pay come from accruing the equivalent of two (60 credits) or three master's degrees (90 credits).

Salary by education level for a 5th year teacher

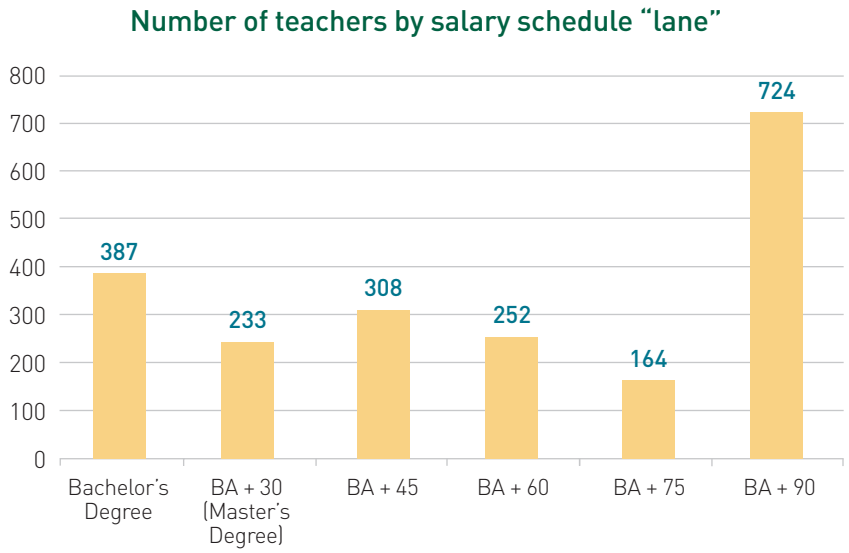


Salary by education level for a 15th year teacher



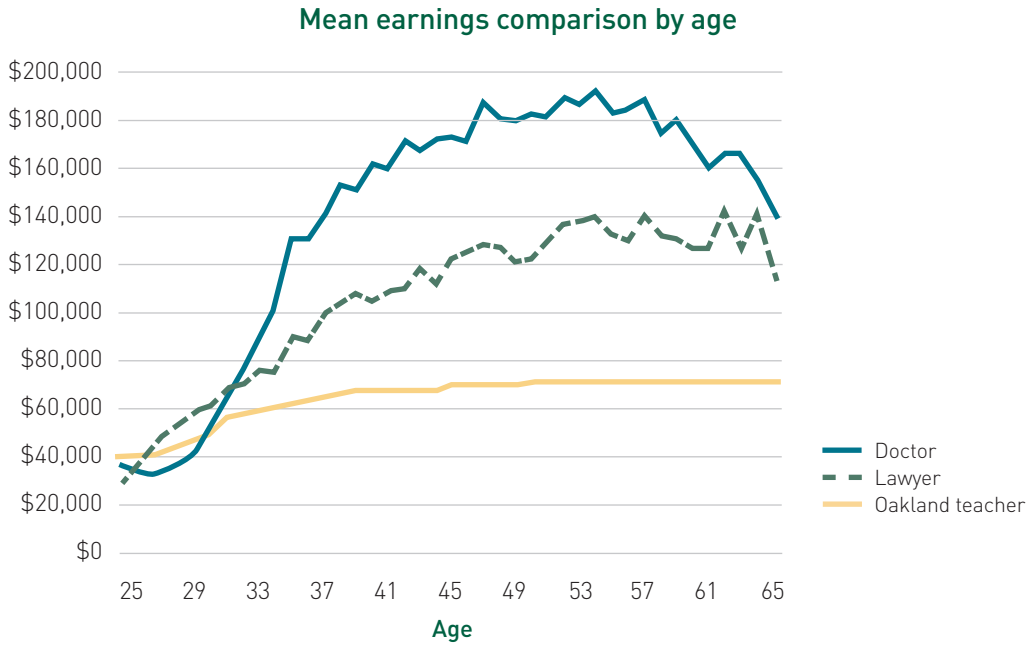
Oakland's salary schedule sends one clear signal to teachers: Earn as many credits as you can if you want to earn a higher salary. A teacher who has a master's degree earns little more than a teacher without one (a little less than two percent more), but a teacher who earns the equivalent of three degrees will see a pay boost in the 15 to 25 percent range. As the graphs above show, the increase in earnings for degrees grows with a teacher's experience level.

Given all of these incentives, it is no surprise that the district's teachers take a lot of coursework. Over 80 percent of the OUSD teachers currently have credits equal to a master's degree or more.



55 percent of Oakland teachers have the equivalent of two master's degrees. More than one in three teachers have the equivalent of three master's degrees.

Earning additional units through coursework and other activities noted above is virtually the *only* way an Oakland teacher can qualify for raises after working for 12 years or more. In the twelfth year, teachers' pay plateaus with no additional increase in salary occurring until the twenty-first year. This means that a teacher goes nearly a decade without an increase in pay (apart from cost-of-living raises—something that hasn't happened in Oakland since 2008). While its trajectory of salaries is not terribly different from its neighbors in California, again Oakland suffers from being the lowest paying district in the area. For teachers with 15 years of experience and a master's degree or more, moving to another district in the area at the same level of experience will always result in a raise.



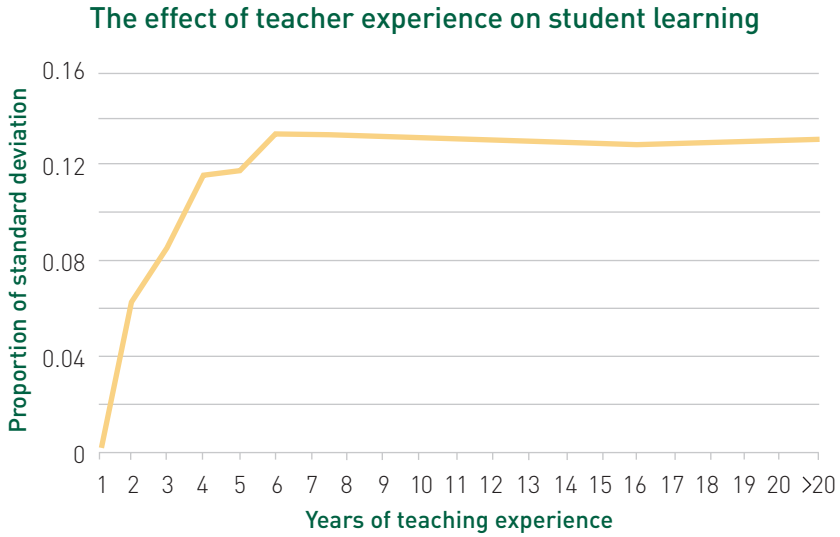
Even with an aggressive approach to earning credits, a teacher with 90 credits beyond her bachelor's degree would still have a much different pattern (and level) of earnings than a lawyer with roughly the same amount of education.[38]

Finding: Like many districts' compensation schedules, it takes Oakland teachers far too long to reach maximum earnings at 25 years.

A consensus body of research shows that teachers, on average, do not become steadily more effective with each year they teach, nor do increases in their effectiveness occur at the end of their career.[39] Yet if you were to examine most salary schedules in the United States, it would appear that the relationship between experience and teacher effectiveness is purely linear or disproportionately skewed to more senior teachers. In fact, the biggest jumps in an average teacher's effectiveness come in the first two years, followed by smaller increases through year five and flattening out in the remaining years. While this pattern does not accommodate other ways in which veteran teachers contribute to a school's well being, it does suggest that districts need to better recognize the value that novice teachers—those with three years under their belt—provide to the district.

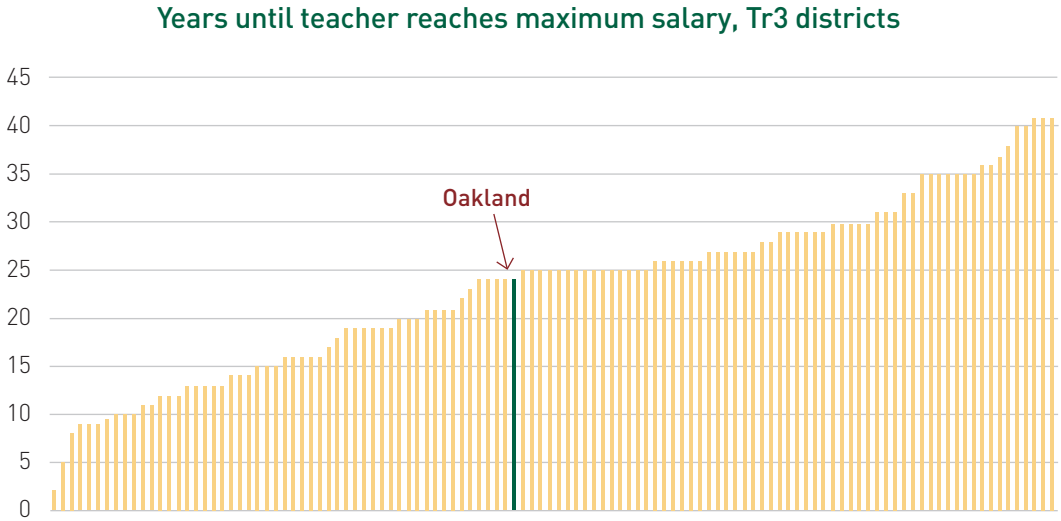
38 The American Bar Association sets a minimum standard of 83 credit hours for a law degree. (ABA Standards for Approval of Law Schools, 2012-13, p. 23). This graph compares the pay of an Oakland teacher who earns 15 educational credits every year as long as they continue to advance on the salary schedule to mean annual wage data from the 2000 Census.

39 Hanushek, E., Kain, J., & Rivkin, S. (1998). *Teachers, schools, and academic achievement*. Cambridge, MA: National Bureau of Economic Research.



This graph from researchers Eric Hanushek and John Kain shows a typical trajectory of a teacher's effectiveness in relationship to the years worked. It is a finding replicated many times. While it looks at the most important contribution a teacher makes—increasing student learning—it does not factor in other ways that more senior teachers contribute to a school's well-being.

Currently, it takes Oakland teachers 25 years to reach the maximum salary level. A pay system that backloads compensation toward the end of a teacher's career does little to keep newer talent in the district; furthermore, reserving the biggest increases for the end of a teacher's career accomplishes little strategically, since a teacher who is about to qualify for her pension is least likely to leave the district during that period.



Oakland is about average when compared to 113 other large urban districts found in NCTQ's Tr3 database in terms of how long it takes to earn maximum salaries, illustrating that this is a national problem, not just one found in Oakland. The smallest bars on the left side of the graph are Harrison School District Two in Colorado and Baltimore City Public School System, in which it is possible for high-performing teachers to reach the maximum salary in two and five years respectively.(www.nctq.org/tr3)

4.3 The district offers financial incentives to employ and retain effective teachers in high-need schools and critical shortage-content areas.

Finding: Oakland allocates almost no funds to incentivize effective teachers to work in high-need schools or attract teachers who can teach in shortage-subject areas.

Districts across the country have difficulty recruiting teachers with expertise in certain subjects such as math, science, special education and English as a second language. To attract qualified candidates, districts must increase their incentives and prioritize hiring in these areas. This practical notion is beginning to catch on in urban American school districts; about one-third of the districts in the NCTQ's Tr3 database provide some kind of bonus for "hard-to-staff" subjects. Most often, however, these are small, annual bonuses and not a substantive increase in base pay.

Some districts have developed a career ladder in schools that allows qualified teachers to receive increased compensation for increased responsibility and leadership. Rewarding teachers in this way is often an easier route to differentiated compensation for districts than articulating rewards for individual performance.

Along these lines, Springfield, Massachusetts, developed two school-based positions that are designed to allow classroom teachers to remain in the classroom but also assume some leadership responsibilities: the Teacher Leader, paying four percent more than what a teacher would otherwise earn, and the Instructional Leadership Specialist, paying seven percent more. Teacher leaders have a regular teaching load, but instructional leadership specialists teach only one class a day. Both positions require teachers to have student achievement data demonstrating greater than a year's worth of academic gains within a single school year.[40]

Recommendations for Oakland

Oakland's compensation structure for teachers is not serving the district's or its teachers' needs well, namely:

- Its uncompetitive starting salaries put the district at a distinct disadvantage when competing for strong talent.
- Lower lifetime earnings provide no incentives for teachers to stay or transfer into Oakland once their careers are established.
- The salary schedule incentivizes expensive, time-consuming graduate classes that are not necessarily tied to improvements in student outcomes.
- It takes 25 years to reach maximum salary.
- There are no incentives in place to recruit strong teachers in hard-to-fill subject areas or schools.

Because overhaul of the salary schedule demands both a politically favorable environment and a viable budget, we present a variety of approaches to incrementally shift teacher pay, designed to be mutually beneficial for teachers and the district.

40 NCTQ District Study, Springfield, Massachusetts, October, 2011.

1. **Phase out salary differentials for earning course credit.** This policy can be automatic for incoming Oakland teachers and optional for veteran instructors. Redirect "savings" to increase the starting salaries and begin to award teachers substantive bonuses for their effectiveness.

2. **Link the largest raises to significant accomplishments, including the year in which a teacher earns tenure, provided tenure becomes a real milestone in a teacher's career and not an automatic decision (see Standard 3).** Oakland's current pay increase, coinciding with the two-year tenure mark, comes too soon and with too little recognition. Moving tenure to four years and coupling it with a big pay increase would make it a real milestone in a teacher's career.

3. **Develop career ladder positions to allow qualified teachers to receive increased compensation for increased responsibility and leadership while continuing to teach students.** These positions can provide needed coaching and feedback for peers while giving high-performing teachers an opportunity for career growth and higher pay without leaving the classroom.

4. **Offer higher salaries to the top teachers who consistently produce the greatest learning gains.** Even a district that faces tremendous financial constraints can move toward such a system by recognizing outstanding teachers and placing them on a higher level of pay. (See alternative pay structure below.)

Promising Practice

Perhaps the most promising performance pay system we have seen is in **Harrison County, Colorado**, now in its third year of full implementation. Teachers are assigned to one of eight categories, all based on performance.

The maximum salary went from $68,000 (for a teacher with a Ph.D. and 27 years of experience) to $90,000 for any teacher who is at the highest level of performance.

Teacher's performance level	Compensation
Novice	$35,000
Progressing (Level 1)	$38,000
Progressing (Level 2)	$44,000
Proficient (Level 1)	$48,000
Proficient (Level 2)	$54,000
Proficient (Level 3)	$60,000
Exemplary (Level 1)	$70,000
Exemplary (Level 2)	$80,000
Master	$90,000

One example for 4th and 5th grade teachers illustrates how Harrison County considers the student achievement component of teacher performance. Rather than relying exclusively on a single assessment, the district uses multiple measures to ascertain student achievement.

This recommendation requires only a change in practice.

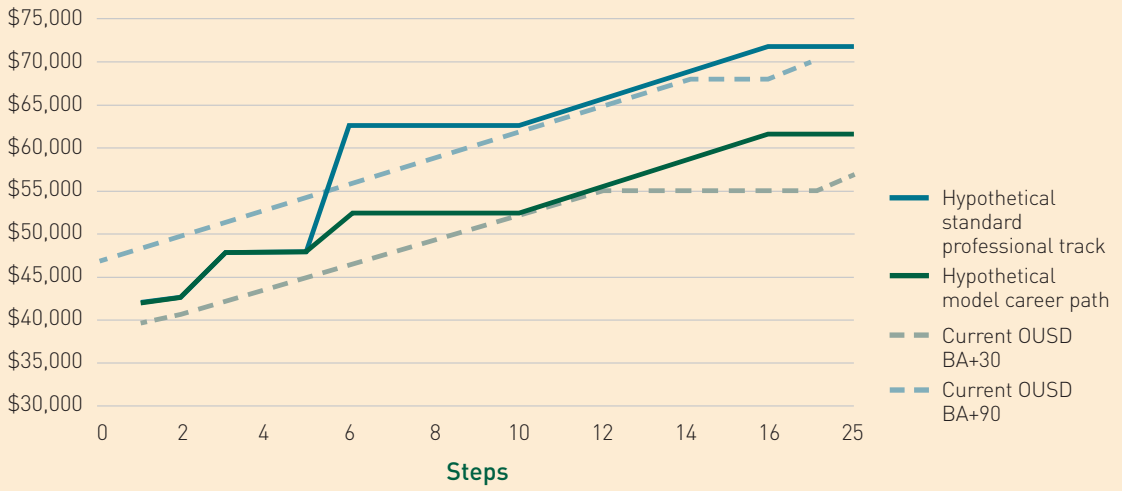
This recommendation requires a formal negotiation between the district and the teachers union.

This recommendation requires a change in state law.

Weight	Type	Tested subjects
25%	Classroom score on state assessment	Reading, writing, math
25%	District assessments (summative; administered 2x year)	Reading, writing, math, science
25%	District assessments (progress monitoring and timed constructed response)	Reading, writing, math
12.5%	School-wide score on state assessments	Reading, writing, math
12.5%	Teacher's own selection of a goal for student achievement	

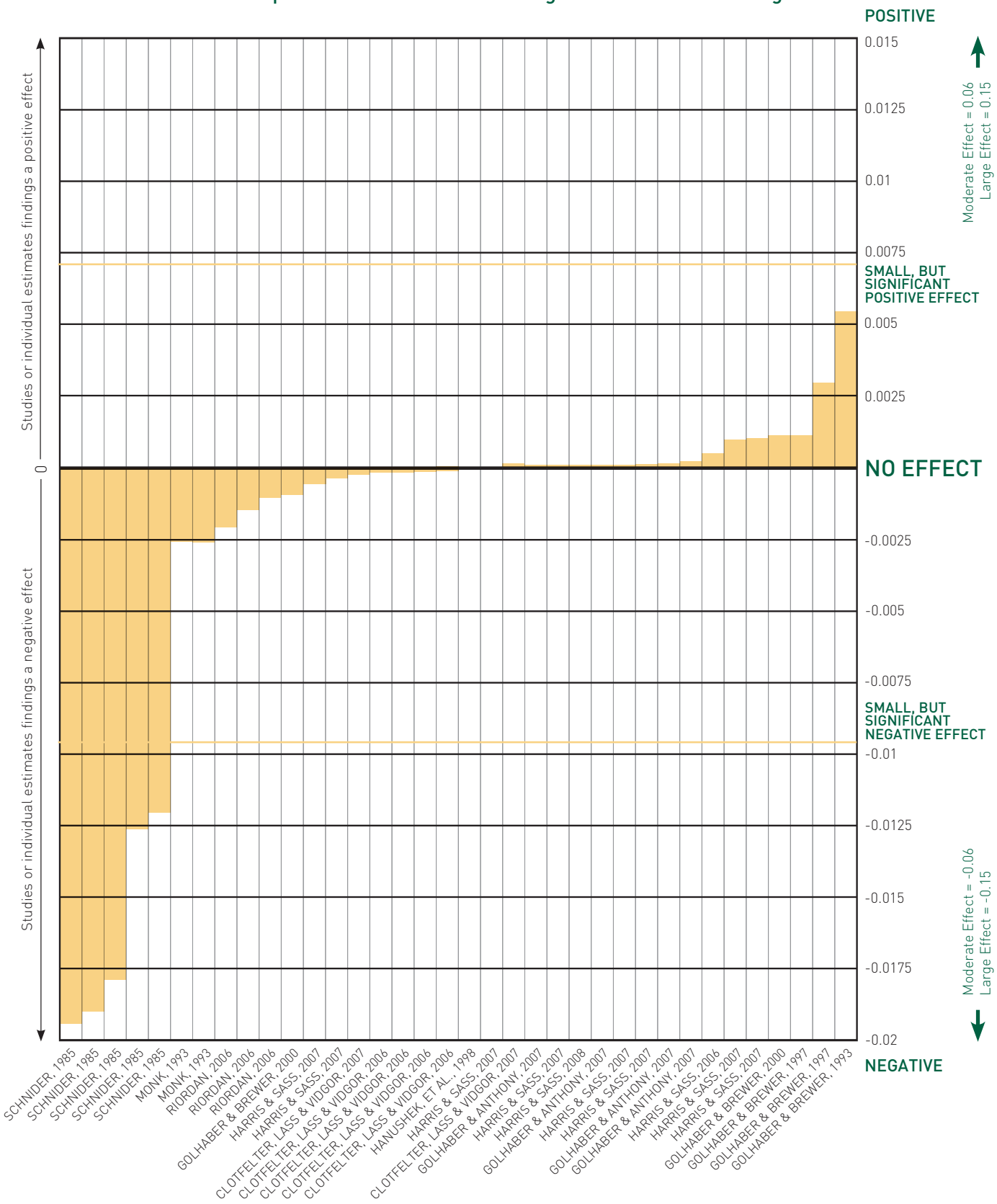
Below we model an alternative teacher pay scale to illustrate how Oakland could revise its salary schedule to better reflect the core principles of these recommendations. In this approach, teachers who earn tenure would be awarded a sizable bonus at the tenure mark (reflecting the timing of the current tenure law). Raises at other points in a teacher's career would be determined by a teacher's impact on student learning. For example, in the fifth year, teachers performing at the highest level would receive an increase of $10,000 more than other teachers. After that point, there would be only small raises for experience, apart from cost-of-living adjustments, unless a teacher moves to the model path. Assuming that 15 percent of teachers qualify for the "model career path" and raising the starting salary for all teachers to a more competitive level, this approach actually has a modest cost to the district of just under $100,000 annually. For teachers with a master's degree, this salary schedule would result in an increase of $100,000 over the course of a 25 year career. If that teacher is on the model career path, she would earn over $300,000 more over 25 years.[41]

Alternative pay structure for Oakland teachers



41 The structure presented above represents a salary increase of approximately $500 after one year, $5,000 after two years and either $5,000 or $15,000, depending on performance level, after five years, with small increases (similar to cost of living) in all other years. This is the general pattern; slight adjustments have been made to ensure that all teachers on the model path (with effective or highly effective evaluations) earn salaries that are higher than the current pay structure.

The impact of teachers' advanced degrees on student learning



In this meta-analysis from UMBC Maryland, researchers show the poor correlation between teachers holding master's degrees and their ability to improve student achievement. Out of 102 statistical tests examined over the past 30 years, approximately 90 percent showed that advanced degrees had either no impact at all or, in some cases, a negative impact on student achievement. Of the 10 percent that had a positive impact, none reached a level of statistical significance. In fact, a good number of the studies found a significant negative correlation between teachers' degree status and student achievement. The few studies that have shown a positive correlation between a teacher's degree status and student achievement are when teachers complete a degree in the subject they teach, at least for high school mathematics teachers. Other subject areas have not been studied.

OAKLAND
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Standard 5.

Work Schedule

Work schedule and attendance policies maximize instructional opportunity.

Indicators on which this standard is assessed:

5.1 Teachers' on-site work schedule is eight hours and includes substantial time beyond the instructional hours for individual and common planning.

5.2 Sick leave is commensurate with the number of months a teacher works per year (e.g., 10-month contract provides 10 days of sick leave).

5.3 The district provides the technology and support that facilitates principals' ability to monitor attendance and prevent leave abuse.

5.1 Teachers' on-site work schedule is eight hours and includes substantial time beyond the instructional hours for individual and common planning.

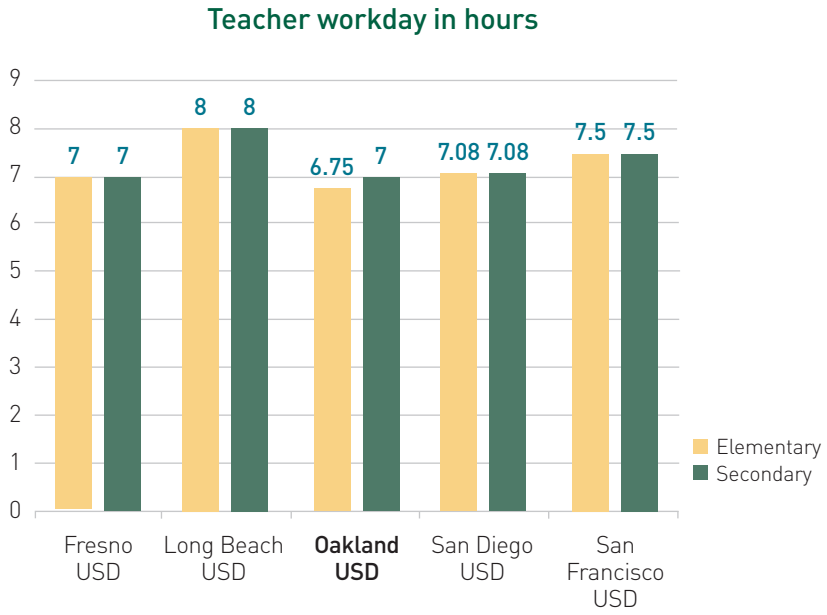
Finding: While Oakland is to be commended for maintaining a longer school year in spite of severe budget constraints, the length of the teacher day is insufficient.

School year. Ordinarily, California state law requires a minimum of 180 student instructional days; however, this law has virtually been made obsolete due to ongoing state budget shortfalls. Following the recession of 2008, the governor and legislature granted districts the authority to shorten their school year as a cost-savings measure to avoid layoffs. Beginning in 2009-2010, districts were allowed to reduce the instructional year by up to seven days. By 2010-2011, the number of California school districts with a shortened year increased from 2 percent to 39 percent, including Los Angeles and San Francisco.[42]

Oakland, to its great credit, has not shortened its school year. The 2011-2012 school calendar still included 180 student instructional days and six nonstudent teacher workdays for a total teacher work year of 186 teacher days.

42 Blume, H. (2012, June 13). Critics decry latest shrinkage of L.A. Unified's school year. *Los Angeles Times*. Retrieved November 6, 2012, from http://articles.latimes.com/2012/jun/13/local/la-me-lausd-union-20120613-85

School day. Unfortunately, Oakland's workday is shorter than most of its peer California districts and is also shorter than the national average of 7 hours, 30 minutes. Elementary teachers in Oakland have a considerably shorter day than the national average at 6 hours, 45 minutes. In sum, the length of the teacher day in Oakland is among the shortest of those in California urban districts overall and the shortest for elementary school teachers.[43]



Finding: Elementary teachers in Oakland do not have enough scheduled planning time, particularly to work with their colleagues. Teachers have only an average of about 50 minutes a day of planning time, with most of that being the 30 minutes before students come to school.

Teachers in Oakland have little scheduled time for sufficient planning (both individual and common). Beyond lunch and a 30-minute preparation period at the start of each workday, Oakland elementary school teachers have two 50-minute preparation periods per week. The rest of their 6.75 hour day is allocated to instruction. Secondary teachers have a daily planning period equal to the length of a class period.

Districts need to set high expectations for teachers' workdays, while also providing a realistic schedule that makes it possible for teachers to meet those expectations. Districts should be encouraged to implement a formal eight-hour, on-site workday to make it possible for more teachers to fully meet the demands of the job and to provide schools with greater scheduling flexibility.

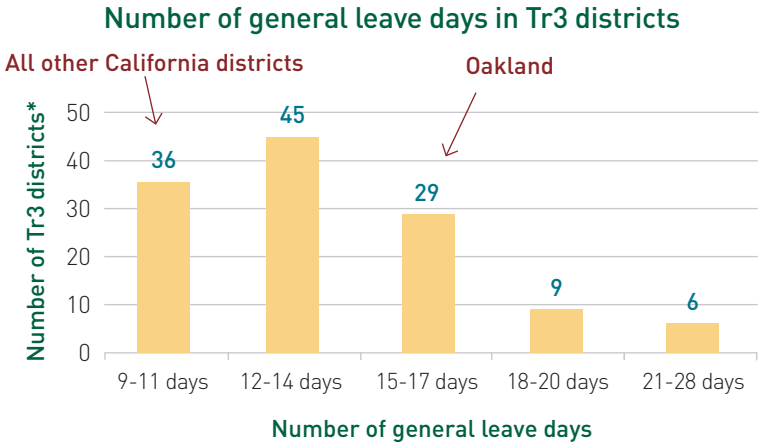
43 OUSD/ OEA contract, Article 10.

5.2 Sick leave is commensurate with the number of months a teacher works per year (e.g., 10-month contract provides 10 days of sick leave).

Oakland teachers effectively receive 15 total days of general leave (sick plus personal) each school year, the most generous district leave policy in California.[44] In fact, Oakland has one of the more generous leave policies in the country. The median number of total sick and personal leave days nationwide is 12. The six other California districts in the Tr3 database only offer 10 total days of leave per year, one-third fewer than Oakland.

At first glance, it appears that Oakland's leave policies are in line with other districts. Oakland teachers accrue one day of sick leave for every month of service, or 10 days of sick leave on a normal 10-month contract, a sensible amount. However, Oakland teachers also are eligible for five additional days of personal leave each year, in addition to their 10 sick days, which the other districts do not provide.[45] While the idea of emergency leave is theoretically sensible, in practice it has evolved into a routine benefit. The contract states that personal leave is granted by the superintendent for "urgent personal business." It appears, however, that requests are rarely denied. The district simply requires teachers to submit their personal leave request in advance in writing, except where circumstances make an advance request impossible.

Most puzzling, these unused personal leave days—ostensibly available only for true emergencies—are converted to *sick* days at the end of the year. Any sick leave unused at the end of the year is carried over to the next year; there is no limit to the number of days that can be carried over or accumulated by a teacher. While teachers cannot receive a cash payout for any unused sick leave, they are eligible to apply unused sick leave toward their retirement eligibility.



Oakland surpasses all other California districts in Tr3 by 50 percent, with 15 days of sick and personal leave each year.

* Districts in which leave varies by years of experience are listed twice in this graph. For example, a district that gives 10 general leave days to tenured teachers and 12 to the rest would be listed in 9-11 days AND the 12-14 days column.

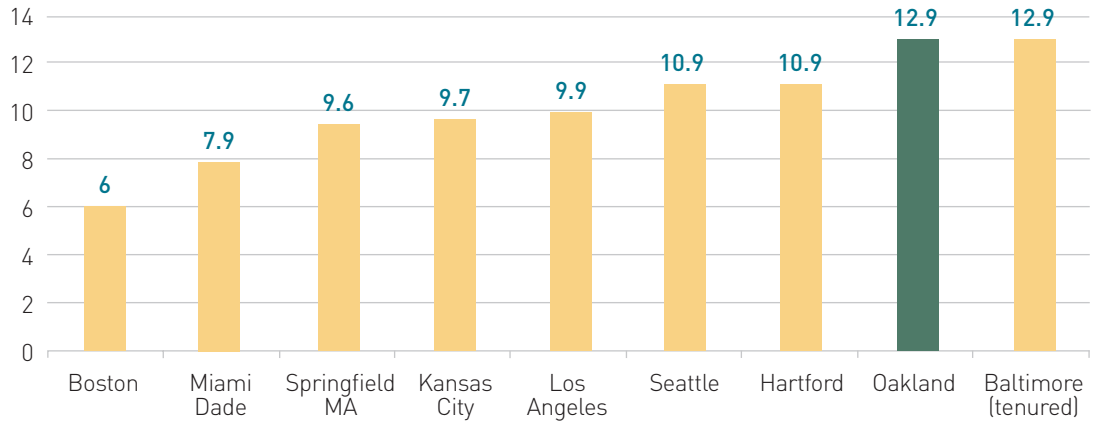
44 Apart from sick and personal leave, the district offers the following other types of paid leave on an as-needed basis: funeral (3-5 days), maternity (6 days), military service (30 days), occupational (60 days), professional development (unlimited), pregnancy disability, and jury duty. See OEA-OUSD 2005-2008 Contract, Article 11 for all leave policies.

45 OEA-OUSD 2005-2008 Contract, Article 11.16.

5.3 The district provides the technology and support that facilitates principals' ability to monitor attendance and prevent abuse of leave policies.

Finding: Oakland's teacher absentee rate for 2011-2012 was 7 percent, with teachers taking more than 27,400 days of leave.[46] This means that, on average, each Oakland classroom was missing its teacher one out of every 14 school days.

Average leave taken in districts studied by NCTQ



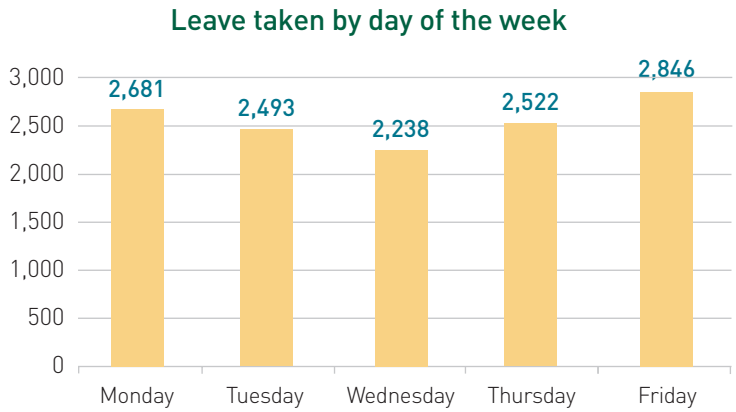
When compared to the eight other districts NCTQ has studied, Oakland ties with Baltimore teachers for being out of the classroom more than other districts, with the average teacher on leave or otherwise outside of the classroom for 12.9 days per year.

Oakland could reduce its absenteeism problem by addressing absences that are within the control of the district. While some absence can be attributed to personal leave, one out of three absences was due to teachers participating in professional development activities. It is important to remember that the impact of a teacher's absence is just as deleterious when the reason for absence is a "good" one (e.g., professional development) as when it is an unexcused or unplanned occasion. While teachers' professional development can provide considerable value to the classroom, the juggling act for both teachers and school districts is to minimize professional development days taken *during the regular school day*.[47] Since absences for professional development are in the district's hands, it should focus those events on days or times when students are not in attendance.

46 In 2011-2012, 3,632 substitute days were used to fill vacancies across the district. The need for substitute teachers in this instance was due to a human capital concern, rather than teachers taking leave. Therefore, we have excluded these numbers from our calculations. However, this is a serious human capital issue that needs to be addressed and has been discussed in our earlier section. Long-term leaves, such as maternity leaves, are not included in this analysis.

47 Marcotte, D. E., & Hemelt, S. W. (2007). *Unscheduled school closings and student performance*. Bonn, Germany: Institute for the Study of Labor. This study found that a teacher who is absent 10 days dramatically lowers mathematics achievement by a margin equivalent to the learning loss experienced by students who are assigned a novice teacher as opposed to an experienced teacher.

Part of the problem appears to be that Oakland schedules relatively few professional development days outside of the student school year. The district schedules only three professional development days per school year,[48] compared to a national average of just about nine days.[49]



Teachers are absent more often on Mondays and Fridays than any other day of the week.

When we look at only those days taken for illness, a pattern emerges. From data obtained for 2011-2012, Mondays and Fridays were the two days on which the greatest number of absences due to illness occurred. Wednesday had the fewest absences. These higher-than-normal illnesses on Mondays and Fridays may be cause for more monitoring to track absences. If principals had the technology and support to monitor and track teacher absences, they could identify these irregularities throughout the year and address them with individual staff members.

There is some encouraging news in the pattern of absences in Oakland. The average number of leave days taken in 2011-2012 was significantly lower than in the previous two school years. In 2009-2010, teachers took an average of 14 leave days. In 2010-2011, the average was almost 17 days — exceeding the 15 days of sick and personal leave earned in a year.

48 One of those days takes place before school opens for students in late August. The other two occur during the school year – mid-October and early February.

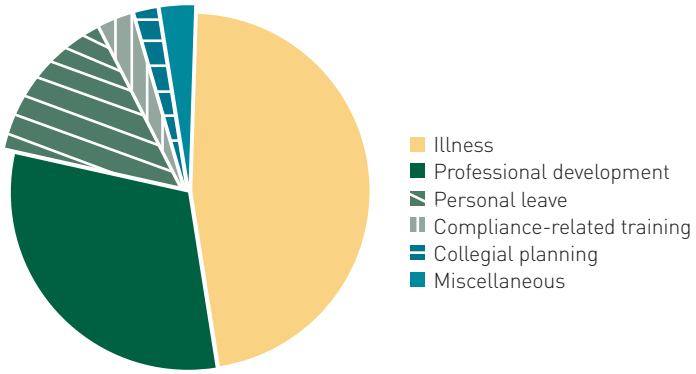
49 NCTQ Tr3 data. www.nctq.org/tr3/home.jsp.

	Effects of current leave policies	Results with 25 percent reduction
Average leave days taken per teacher (2011-2012)	12.9	9.7
Yearly substitute cost per teacher ($138/day)	$1,780	$1,335
District's total substitute cost (2,219 teachers)[50]	$3,950,264	$2,962,698
Savings		**$987,566**

The cost of a substitute. *It costs the district $118-$152 per substitute per day (with subs earning a higher daily rate for working more days during the year).[51] Using the long-term substitute rate of $138 per day, Oakland spent about $4 million on substitute teachers in 2011-2012. If Oakland reduced the number of leave days taken by 25 percent to 9.5 per teacher per year, a realistic target given the rates found in other districts, it would achieve a cost savings of slightly more than $1 million. Given the district's budget constraints, this seems like a worthwhile avenue to pursue.*

By implementing systems that encourage good attendance, schools can influence how much leave teachers actually end up taking. Oakland teachers are subject to disciplinary action for abuse of sick leave. At the end of each month, the district provides teachers with a monthly accrued leave statement, which indicates the capacity for regularly monitoring.

Reasons for teacher absence 2011-12



Oakland has established several protocols to reduce instances of abuse of extended leave. Teachers must submit a signed doctor's note for any absence greater than five days, whether sick or personal leave is taken. In addition, the district may ask any employee on extended leave to submit verification of the illness or injury and an estimate of when the teacher will be able to resume normal duties.

50 This number assumes that each time a teacher is absent, a substitute takes her place. This may not always be the case. In 2011-2012, there are no record of substitutes to correspond with 1,147 absent teachers.

51 OUSD Substitute Teacher Handbook, 2011-2012: http://www.ousd.k12.ca.us/cms/lib07/CA01001176/Centricity/Domain/105/Substitute_Handbook_2011_12.pdf.

The first level of intervention to decrease absences can be as simple as requiring teachers to follow a particular practice when absent. Any attendance policy that does not require a teacher to report her absence to a direct supervisor (such as a principal, assistant principal or department head) misses a real opportunity to drive down the teacher absence rate. For example, when Boston Public Schools began to require teachers to report their absences directly to a school-level administrator, teachers' attendance improved.

Many districts engage in a variety of incentive systems to encourage teachers to avoid absences, some more effective than others. Most systems involve paying teachers some fraction of their daily pay rate for unused leave either at the end of the school year, upon retirement or a combination of both. Of the 114 districts in NCTQ's Tr3 database, 81 offer reimbursement for unused leave at retirement, and 14 districts have annual incentives. Annual incentives are more likely to influence attendance, whereas end-of-career buyback is aimed more at providing an additional benefit to supplement salary.

Recommendations for Oakland

1. **Move toward an eight-hour contractual workday that is performed on-site.** In the era of school accountability, when so much of a teacher's work involves interaction with others, teachers need to be at work on-site for a standard eight-hour day.

2. **Consider eliminating at least three of the five additional days of personal leave each year for "urgent personal business" and eliminate the ability to roll over unused leave in this category.** Alternatively, end automatic approval of additional leave days and deny requests when they are not urgent. Fifteen days of sick and personal leave is excessive. Instead, consider reducing the number of days and taking the approach used by Montgomery County, Maryland, where if no other leave is available, the superintendent can give teachers additional paid leave "for unusual or imperative reasons."

3. **Provide administrators access to monthly reports on absences.** Provide administrators with the information to identify potentially problematic absence patterns (as well as teachers with stellar attendance records) so that they can respond appropriately.

4. **At a school with widespread attendance problems, require educators to notify a school-level administrator to report an absence.** Improving attendance is best addressed through school-level expectations set by principals.

5. **Reexamine scheduling for professional development.** Oakland teachers spend a lot of time away from their students during the instructional year, in spite of the fact that Oakland provides teachers with three professional development days and three additional planning and professional days. Considering the significant consequences to student learning when their regular teachers are absent (no matter what the reason), Oakland should plan professional development with an eye toward minimizing teacher absences.

This recommendation requires only a change in practice.

This recommendation requires a formal negotiation between the district and the teachers union.

This recommendation requires a change in state law.

Appendix

Community United Elementary
East Oakland Pride Elementary
Emerson Elementary
Futures Elementary
Global Family
Hoover Elementary
Lafayette Elementary
Lazear Elementary
Manzanita Community
Marshall Elementary
Martin Luther King, Jr. Elementary
Maxwell Park International Academy
Preparatory Literary Academy of Cultural Excellence
Reach Academy
Reems Academy of Technology
Business & Information Technology High
Coliseum College Prep Academy
College Preparatory and Architecture Academy
East Oakland Leadership Academy High
East Oakland School of the Arts
Far West
Independent Study, Sojourner Truth
Leadership Preparatory High
Mandela High
Media College Preparatory
MetWest High
Oakland International High
Ralph J. Bunche High
Rudsdale Continuation
YES, Youth Empowerment
Bret Harte Middle
Elmhurst Community Prep
Frick Middle
Roosevelt Middle
ROOTS International Academy
United for Success Academy
West Oakland Middle
Garfield Elementary
International Community
New Highland Academy
Rise Community
Sankofa Academy
Santa Fe Elementary
Sobrante Park Elementary
LIFE Academy
Oakland High
Skyline High
Alliance Academy
Allendale Elementary
Brookfield Elementary
EnCompass Academy Elementary
Esperanza Elementary
Fruitvale Elementary
Lakeview Elementary
Learning Without Limits
Bay Area Technology
Oakland Technical High
Claremont Middle
Madison Middle
Melrose Leadership Academy
Westlake Middle

This report is available online at
www.nctq.org/p/publications/nctq_oakland.pdf

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The National Council on Teacher Quality advocates for reforms in a broad range of teacher policies at the federal, state and local levels in order to increase the number of effective teachers.

Subscribe to NCTQ's free monthly newsletter tracking school district trends. Each month, we use data from NCTQ's Tr3 database to highlight the latest trends in school district policies and collective bargaining agreements nationwide. Tr3 contains teacher policies from 114 school districts, including the 50 largest districts, the largest district in each state, Broad Prize winners, Gates investment districts and members of the Council of the Great City Schools.

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