

Setting the Record Straight

| <u>Defendants and Intervenors' Arguments</u> | <u>Why These Arguments are Flawed</u> |
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| It is impossible to determine whether a teacher is effective or ineffective. | There are multiple ways to determine teacher effectiveness, including—but not limited to—the value-added methodology. |
| Administrators can observe teachers as much as they want before making tenure decisions. | Administrators have crucial duties in addition to observations that require their attention. They have no way to determine all teachers' effectiveness in 16 months or less. |
| Administrators have unfettered discretion to deny tenure if they have doubts about teachers. | At the time of the tenure decision, administrators lack sufficient information to make reliable decisions about <u>most</u> teachers. |
| In “well-managed” districts, administrators deny tenure to a “high” percentage of teachers. | Even the most diligent districts are unable to weed out all of their ineffective teachers during the 16-month tenure period. |
| The Dismissal Statutes ensure that teachers receive due process protections. | The Dismissal Statutes provide teachers with statutory protections far in excess of due process. |

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| Districts should focus on the improvement of teachers' performance through Peer Assistance and Review (PAR), not the dismissal of teachers. | District <u>do</u> focus on teacher improvement through PAR and other means. But PAR does not always ensure that teachers are effective. |
| If districts employ ineffective teachers, it is the districts' own fault because they do not evaluate teachers properly. | The cost, time, and burden associated with dismissal under the Dismissal Statutes disincentivize careful scrutiny of teachers. |
| "Well-managed" districts are able to convince ineffective teachers to voluntarily resign. | Many ineffective teachers refuse to resign because they know that dismissal is so difficult. |
| Districts can enter into settlement agreements with ineffective teachers. | Many ineffective teachers refuse to settle, and districts should not reward bad teachers by paying them to leave. |
| Districts can remove ineffective teachers from the classroom if they have any doubts about them. | Districts cannot afford to "warehouse" ineffective teachers while paying their salaries, and are forced to keep ineffective teachers in the classroom to document their poor performance. |

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| "Well-managed" districts are able to dismiss some teachers using the Dismissal Statutes. | Even the most diligent, well-managed districts are unable to dismiss all of their ineffective teachers. |
| Districts have discretion to "skip" laying off teachers based on the credential that they hold. | Districts do <u>not</u> have discretion to "skip" laying off teachers based on their effectiveness, and credentials do not guarantee effectiveness. |
| There is a correlation between teacher seniority and effectiveness. | Teacher seniority does not guarantee effectiveness. Some more senior teachers are less effective than some less senior teachers. |
| Districts can use the LIFO Statute exceptions if they want to deviate from seniority-based layoffs. | Neither of the two exceptions permits districts to "skip" based on teacher effectiveness. |
| The Challenged Statutes have nothing to do with the "assignment" of teachers. | The Challenged Statutes impact the pool of teachers from which assignments are made. |