

Teacher Employment Policy Pillars

❖ Equal Access to Effective Teaching

Current Policy: The California Constitution and subsequent case law provide all students the fundamental right to equal access to quality education. Yet, despite the overwhelming evidence demonstrating the critical importance of effective teaching to the quality of students' educational experience, current California law provides students no guarantee of equal access to effective teachers. In fact, current teacher employment laws systematically restrict access to effective teachers from the students that need them the most. The California Superior Court found in its decision in *Vergara v. California* that “the Challenged Statutes disproportionately affect poor and/or minority students” and “greatly affect[] the stability of the learning process to the detriment of such students.”

Recommendation: The State of California must explicitly acknowledge the critical importance of effective teaching to students' academic success and commit to ensuring low-income and minority students in every district have equitable access to effective teachers. Students Matter's policy recommendations in regards to tenure, dismissal, layoffs and evaluations aim to improve current laws to better ensure that all students get the equal access to effective teachers that is their constitutional right; however, the State's efforts should extend beyond the policies challenged by *Vergara* to strengthen the entire teacher preparation, assignment and retention pipeline.

❖ Permanent Employment (“Tenure”)

Current Policy: According to the Court's decision in *Vergara v. California*, the current Permanent Employment Statute does not provide nearly enough time for an administrator to make an informed decision about granting or denying tenure and unfairly disadvantages both students and teachers.

Recommendation: Increasing the length of the probationary period alone will not address the core problem of ineffective teachers obtaining tenure and retaining employment despite poor job performance. In addition to extending the **minimum** length of the probationary period, Students Matter recommends basing the tenure decision on demonstrated quality of teaching, instead of on time in the classroom. Students Matter believes teachers should earn a designated number of effective or highly effective ratings on annual performance evaluations in order to receive tenure; that a teacher's permanent status should be portable between school districts; and that permanent status should be able to be rescinded if a teacher receives multiple evaluations showing an ineffective rating.

❖ Dismissal

Current Policy: In its decision in *Vergara v. California*, the California Superior Court described the current dismissal procedures for public school teachers as “uber due process.” The Court questioned the need for the “tortuous process” created by the Dismissal Statutes for teachers, when classified employees, fully endowed with due process rights guaranteed under *Skelley*, have discipline cases resolved with much less time and expense.

Recommendation: In order to reduce the extreme cost—in time, money, morale and student learning—of the current teacher dismissal process, while protecting the constitutional rights of both students and teachers, Students Matter recommends explicitly including ineffectiveness as grounds for dismissal and mirroring for teachers the same dismissal process established for classified employees.

❖ Layoffs

Current Policy: In its decision in *Vergara*, the Court called the logic behind strictly seniority-based layoffs “unfathomable.” “Last in, first out” (LIFO) layoffs not only unnecessarily injure California's low-income black and Latino students, the law demoralizes talented and promising junior teachers, who see their hard work and dedication reduced to an inadequate seniority number.

Recommendation: Students Matter recommends explicitly requiring that student learning be the preponderant criterion in layoff decisions and explicitly prohibiting the consideration of seniority as the preponderant criterion.

❖ Evaluations

Current Policy: The Stull Act currently requires annual evaluations only for untenured teachers. Tenured teachers with less than 10 years of experience receive an evaluation every other year, and tenured teachers with more than 10 years of experience receive an evaluation every five years. While the Stull Act requires evaluations to include student growth data, very few districts actually abide by this law.

Recommendation: The ability to assess a teacher's performance in the classroom, fairly and accurately, across subjects, grades, and contexts, is critical to basing employment decisions on teacher effectiveness. As in any career, performance assessments help teachers strengthen their practice and help administrators identify both the struggling and the standout educators in their schools. Students Matter recommends creating a flexible statewide model for teacher performance assessments that includes objective measures of student learning, such as students' growth on state tests, combined with classroom observations and other factors, such as student and parent feedback.