

Indicator: The LEA has a team available to help principals as they deal with underperforming employees to minimize principal's time spent dismissing low performers. (5155)

Explanation: The evidence review indicates that successful staff dismissal protocols often include a targeted systems procedure which supports leaders/principals in and through the dismissal process of poor performing staff. Doing so requires the LEA, with possible SEA assistance, bringing together qualified teams knowledgeable about all rules, regulations, policies, and laws that govern employee dismissal. This support team approach might include a regionally based group of experts which could be deployed to various school sites to assist in the evaluation and dismissal proceedings. The essential goal is to minimize all constraints that confront leaders/principals during the time it requires to terminate employment for poor performing teachers.

Questions: What will the LEA do to bring together a team of dismissal experts to assist leaders/principals in the termination process for poor performing teachers? From whom will the LEA seek support to assemble this team of experts? Can the LEA assemble this team locally or will it seek regional assistance? What directives will the LEA provide to assist a dismissal assistance team?

Dismissing Ineffective Teachers through Teacher Evaluations

Strong performance teacher appraisal systems are essential personnel tools that can help school leaders enhance the quality of their workforce (Kowal, Rosch, Hassel, & Hassel, 2009). Ideally teacher evaluation/performance appraisal systems are intended to improve teaching by: 1) identifying and promoting effective teaching practices that help teachers improve, and 2) facilitating personnel processes and policies that help retain effective teachers and dismiss ineffective ones (Master, 2014). More than half of states now report that poor teacher evaluations are grounds for teacher dismissals, and half require that evidence of teacher performance be used for making tenure decisions (Doherty & Jacobs, 2015). Most states also require the development of improvement plans for ineffective teachers, and 24 states have policies that give administrators authorization to dismiss teachers who go through the improvement process but do not improve (DeNisco, 2014). Many of these improvement processes involve an administrator creating a growth plan that includes professional development plans and coaching by a more effective teacher. The Peer Assistance and Review (PAR) process used in Los Angeles allows low-performing teachers to be matched with instructional coaches in their content area who observe their practice; this system shows how districts can tap into the expertise of their own teachers to conduct rigorous observations that lead to professional growth or to eventual decisions to dismiss a teacher (Taylor & Tyler, 2013, as cited in Kraft & Gilmour, 2015). Teachers are given two years to improve within the PAR program, and then if they fail to improve they are marked for dismissal and given due process to oppose the decision.

Some research evidence suggests that teacher evaluations can be used to incentivize highly effective teachers to remain and encourage low-performing teachers to leave. Washington, DC's IMPACT program incorporates classroom observations by principals and external evaluators and student performance data into their teacher evaluation system, and provides financial incentives to high-performing teachers and threats of dismissal to consistently low-performing ones (Dee & Wyckoff, 2013). Dee and Wyckoff found that teachers facing a dismissal threat were more likely to leave voluntarily; those low-performing teachers who chose to remain were likely to undertake steps to improve and actually

improved their performance. Teachers rated as highly effective were likely to be retained and even improved their performance further as they worked towards receiving large financial incentives. Unfortunately, however, a new study has found continued student achievement gaps within the district, and also that teachers identified as highly effective are distributed unequally across district schools, with students in the lowest income areas having the least access to these teachers (National Research Council, 2015). Currently district initiatives are being revised to address these findings.

Some within education reform have called for revisions to teacher tenure practices to improve the quality of the teacher workforce. The *Vergara v. California* case found components of the state's tenure provisions to be unconstitutional due to denying all students an access to a quality education (Students Matter, 2016). While the case is under appeal, Los Angeles in response has enacted stricter tenure policies to prevent ineffective teachers from having job protections that allow them to continue teaching. Tenure was previously granted automatically after two years and satisfactory scores on an older teacher evaluation measure; however principals must now actively award it based on observations and student test scores over a longer time period (DeNisco, 2014).

New York City recently also implemented several tenure reforms, and a recent study found these reforms extended the probationary period of teachers rated as less effective and increased the likelihood that these "extended" teachers left their schools (Loeb, Miller, & Wyckoff, 2015). The researchers also found that teachers in schools with high numbers of Black and low-performing students were more likely to be extended, and this policy led to additional voluntary attrition as well as involuntary dismissal of a small share denied tenure. Fortunately these schools on average were able to hire more effective teachers to fill these vacancies (Loeb, et al., 2015). To support principals the district provided:

... tenure guidance for teachers for whom there was evidence that performance was particularly strong or weak. For a teacher whose value-added results had been in the lowest 50% over the past 2 years, who had previously received an *unsatisfactory* annual rating, or whose tenure decision had previously been extended, the principal received guidance from the district that the teacher should be considered to have "tenure in doubt." A principal recommendation to extend or approve tenure for these teachers required a supporting rationale for the superintendent to consider in his or her review. (p. 200)

Several states have abolished tenure and streamlined the dismissal process; teachers in Florida are under annual contracts and those deemed ineffective are given one year to improve instruction and student achievement before being dismissed (DeNisco, 2014). Other states have eliminated collective bargaining by teacher unions, giving administrators more power to dismiss poorly performing teachers without the excessive time and money previously required. It should be noted, however, that some researchers and policymakers are arguing that tenure does not contribute substantially to disparities in teacher qualifications between schools serving high- and low-income students (Noguera, 2014). Noguera and others have argued that low-income schools have fewer resources and less funding than schools serving more affluent students, and these factors make it more difficult for low-income schools to attract and retain good teachers. Additional research is needed to address the impact of changes to tenure policy on student achievement in the nation's lowest-performing schools.

District Support Practices for Dismissing Ineffective Teachers within Turnaround Schools

In addition to the policy initiatives described above, Kowal, et al., (2009) suggest that districts can further assist low-performing schools seeking rapid improvement by:

- Enabling greater staffing flexibility (strategies may include allowing principals greater decision-making flexibility when hiring teachers and waiving class size mandates to permit more children to access high-performing teachers);
- Prioritizing recruitment, hiring and placement (strategies include offering financial incentives to high-performing teachers and giving principals in turnaround schools earlier access to highly effective teachers at recruiting fairs); and,
- Assembling district support teams (strategies include forming teams of specialists familiar with rules and regulations of teacher dismissals who can provide hands on help to principals and free up their time for other tasks).

With the recent passage of the Every Student Succeeds Act (ESSA), states must provide their lowest performing schools with evidence-based improvement programming, but now have increased flexibility in their approach to reform efforts. Straus and Miller (2016) suggest that states may want to examine districts and schools that have successfully “turned around” and implement these high-performing charter-like strategies. After studying three successful districts, they recommend that school leaders attempting turnaround use the dismissal, recruitment and hiring processes employed by high-performing charter schools. These practices include in some cases requiring teachers to reapply for their jobs, increasing salaries, and carefully screening applicants for their resilience, work ethic, high expectations for students, and capability in working with diverse populations. They also suggest that districts shift their hiring earlier in the school calendar in order to increase the pool of available and qualified teacher candidates.

References and Resources

- Dee, T., & Wyckoff, J. (2013). *Incentives, selection, and teacher performance: Evidence from IMPACT*. NBER Working Paper No. 19529. Cambridge, MA: National Bureau of Economic Research. Retrieved from http://curry.virginia.edu/uploads/resourceLibrary/16_Deer-Impact.pdf
- DeNisco, A. (2014, February). Removing weak links from K12 classrooms: New laws and policies empower administrators to dismiss ineffective teachers.
- Doherty, K. M., & Jacobs, S. (2015). *State of the states 2015: Evaluating teaching, leading and learning* (Executive Summary). Retrieved from http://www.nctq.org/dmsView/Executive_Summary
- Kowal, J., Rosch, J. L., Hassel, E. A., & Hassel, B. C. (2009). *Performance-based Dismissals: Cross-sector Lessons for School Turnarounds*. Lincoln, IL: Center on Innovation & Improvement. Retrieved from http://www.centerii.org/survey/downloads/performance-based_dismissals.pdf
- Kraft, M.A., & Gilmour, A.F. (2015). *Can Evaluation Promote Teacher Development? Principals' Views and Experiences Implementing Observation and Feedback Cycles*. Working Paper. Retrieved from http://scholar.harvard.edu/files/mkraft/files/principals_as_evalutors_3.5_0.pdf
- Loeb, S., Miller, L. C., & Wyckoff, J. (2015). Performance screens for school improvement: The case of teacher tenure reform in New York City. *Educational Researcher*, 44(4), 199-212.
- Master, B. (2014). Staffing for success: Linking teacher evaluation and school personnel management in practice. *Educational Evaluation and Policy Analysis*, 36(2), 207-227.
- National Research Council (2015). *An evaluation of the public schools of the District of Columbia: Reform in a changing landscape*. The National Academies Press: Washington, DC. Retrieved from <http://www.nap.edu/catalog/21743/an-evaluation-of-the-public-schools-of-the-district-of-columbia>
- Noguera, P. A. (2014, June 18). In defense of teacher tenure: A few ineffective educators are not the primary reason many schools are struggling. *The Wall Street Journal*. Retrieved from: <http://www.wsj.com/articles/pedro-noguera-in-defense-of-teacher-tenure-1403134951>
- Straus, C., & Miller, T. (2016). *Strategies to improve low-performing schools under the Every Student*

Succeeds Act: How 3 districts found success using evidence-based practices. Center for American Progress. Retrieved from <https://cdn.americanprogress.org/wp-content/uploads/2016/03/01075517/NonCharterSchools-report.pdf>

Students Matter (February, 2016). *Vergara v. California: Case Summary*. Retrieved from <http://studentsmatter.org/case/vergara/>

Taylor, E. S. & Tyler, J. H. (2013). The effect of evaluation on teacher performance. *American Economic Review*, 102, 3628-3651.

©2016 Academic Development Institute