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Summary of Review

This recent brief from the National Council on Teacher Quality is concerned with the question of what factors should be considered when school districts must decide which teachers to lay off during periods of tight budgets. Most districts, according to the brief, base these decisions primarily on long-standing "Last Hired, First Fired" teacher seniority policies. The main point of this brief is to argue that seniority is not a fair, useful, or cost effective criterion; instead, teachers' quality and performance could and should be the main criteria used to make these employment decisions. The brief's arguments and recommendations are straightforward, reasonable and commonsense. However, proposals to measure, recognize and reward differences in teacher quality and utilize these in employment and promotion decisions are neither new nor unique. As the history of education reform has shown, implementing such proposals is challenging and often reform attempts have met little or no success. To its credit, this brief recognizes some of the many hurdles and difficulties that need to be overcome or addressed. A useful contribution of the brief is to document wide variations among districts in their layoff criteria and mechanisms and to summarize specific options and concrete alternatives used in particular districts.

Review

I. INTRODUCTION

With the recent economic downturn and subsequent worsening budgets, a growing number of public school districts have turned to downsizing their teaching staff. As Teacher Layoffs: Rethinking "Last Hired, First Fired" Policies1 reports, 60,000 teachers were laid off across the U.S. in 2009. Given the large size of the occupation, this represented less than 2% of the total teaching force. But these recent layoffs represent a substantial increase and are predicted to accelerate. In a typical school year during the decade of the 1990s public school districts laid off between 10,000 and 15,000 teachers because of budget limitations, declining enrollments or elimination of programs.2 At the center of much debate, and of this brief, is the question: "What factors should be considered when school districts must decide who will stay and who will go?" Most districts, according to this brief by the National Center on Teacher Quality (NCTQ), base these decisions primarily on long-standing "Last Hired, First Fired" teacher seniority policies. The main point of this brief is to argue that seniority is not a fair, useful, or cost-effective criterion; instead, teachers' quality and performance ought to be the main criteria used to make these employment decisions.

The brief sets forth proposals to include the caliber and quality of teaching employees as part of termination and lay-off decisions. These proposals are part of a larger, prominent focus in contemporary educational reform to change the traditional ways that teachers have been assessed, evaluated and rewarded. The target of this larger reform movement is to change how existing evaluation and reward mechanisms are used in decisions about teacher hiring, assignment, transfer, and salary. The traditional public school approach largely bases these kinds of decisions on measures of teachers' qualifications—usually the amount of teaching experience, post-secondary courses completed, and type of licensure or certification. The thrust of this larger reform movement is to deny a strong link between these traditional measures of qualifications and the actual quality and performance of teachers and to therefore push to replace the former with new approaches that better capture quality. A variety of new approaches are under development and consideration, such as the controversial "value-added" model, which attempts to assess teachers by assessing gains in their students' test scores.

With the current economic downturn, and subsequent increases in teacher downsizing, a number of commentators have argued that these new approaches and models also be applied to lay-off decisions. The brief is an example of this. Founded in 2000, the NCTQ is an organization that advocates for teacher policy reform at the federal, state, and local levels. As described on its website, NCTQ is a non-partisan group that provides an "alternative national voice to existing teacher organizations," and provides research to educate the public and to promote significant policy changes to the "current structure and regulation" of the teaching force.

II. FINDINGS AND CONCLUSIONS OF THE REPORT

Using a sample of 100 of the largest school districts in the U.S., the brief reviews current policies on teacher lay-offs and finds that in 75 of the districts seniority is the predominant criterion for teacher layoffs. In 16 districts the opposite holds: "performance"

outweighs seniority. In the remaining 9 districts some combination of the two holds. The authors also assert that many states allow leeway on the part of districts to alter their criteria, but few districts have taken advantage of these allowances. The brief describes a wide variety of lay-off criteria and mechanisms used across districts and summarizes specific options and concrete alternatives used in particular districts.

In closing, the brief's authors make a series of recommendations. Where the outright elimination of seniority is not possible, they recommend various compromises that involve combining seniority with evaluation of the performance of teachers. For instance, where seniority rules apply, they recommend allowing school administrators to retain exceptional instructors, or strong leaders, regardless of their seniority.

In short, the main point of the brief is that that teacher quality is little used in these crucial decisions, but it could and should be used, and the brief provides specific examples of how this is and could be done.

III. REVIEW OF THE REPORT'S FINDINGS, REASONING AND CONCLUSIONS

The brief is based on the assumption that it is possible to accurately, fairly and objectively measure the quality and performance of teachers. Yet as the authors recognize, many existing methods of teacher performance evaluation are weak, and this poses challenges to any attempt to base employment decisions on evaluation of performance. The rationale of the NCTQ is that, despite their weaknesses, teacher evaluations can still provide useful information.

One source of difficulty, less emphasized in the brief, lies in defining teacher quality. There is little consensus and much disagreement across society regarding the goals of schooling and over exactly what the end products of schooling ought to be. Hence, there are also multiple and competing definitions of the "good" teacher. Definitions of the latter range from those teachers most able to engage students in higher order and critical inquiry, to those most effective at raising mature citizens, to those most sensitive to student diversity, to those most caring of children, to those best at promoting students' social and behavioral development, to those effective at raising student test scores. Moreover, whether an individual teacher is considered "good" can depend on the setting. For instance, some hold that particular settings, such as urban schools or private religious-oriented schools, require unique characteristics of teachers to be effective.[3]

Often underlying such discussions of assessing teacher quality is the assumption of universally "good" or "bad" teachers. It is convenient to assume that the "good" teacher is effective at most of the above tasks. But this may not be true. Indeed, coping with multiple and competing tasks has long been recognized as a central challenge for teachers.[4] Recent research by Jennifer Jennings seems to bear this out.[5] She found that identification of a teacher as "highly effective" depends substantially on the type of student outcomes we consider. Her research concludes that teachers who are good at promoting some of the goals of public education are not necessarily good at promoting other goals.

The authors of the NCTQ brief also appear to assume that school principals are the most appropriate persons to make these complicated assessments of teachers and can do so in a fair, accurate and objective manner. The authors cite a study by Brian Jacob and Lars Lefgren[6] that found that a sample of princip-

als were able to predict which teachers generated the highest and lowest test-score gains among their students and which teachers will be the most requested by parents. This finding is encouraging, but it also needs to be put in the larger context.

Educational analysts have long pointed out that the Achilles heel of teacher assessment decisions that try to take into account merit and performance is the issue of whose definition of "meritorious performance" counts. For instance, historically, teachers advocated for standardized salary schedules, based on seniority and course credits, because they perceived salary decisions made by principals to be rife with corruption, favoritism and cronyism.[7] Schools can be highly politicized environments, conflict between faculty and principals is common, and it not difficult to imagine scenarios where the most innovative and skilled teachers may be most at odds with their principal.[8]

The authors also assume that teachers' experience and seniority has a very limited relationship to their quality and performance. From their reading of the relevant empirical literature, the authors conclude that the available evidence shows that experience makes teachers better, but only in teachers' first few years. In particular, the authors cite a study by Hanushek and Rivkin, which concludes that as soon as teachers reach their third year of teaching they are about as effective as veteran teachers.

But there are a number of recent studies that show a more nuanced set of findings concerning the positive impact of teacher experience on student achievement. For instance, several recent studies using newly available administrative data and more precise statistical methods found that teaching experience positively related to teacher effectiveness—using value-added measures of students' test scores—in the first seven to 10 years in teaching, with diminishing effects thereafter.[9]

The value of more years of teaching experience could also vary depending on which outcomes one examines. After three years of teaching math, a new teacher's students may be able to do as well on tests as those of a 15-year veteran. But, the same fourth-year teacher may not have sufficient experience to do as "good" a job as a veteran when handling irate parents, teaching beyond the test, disciplining misbehaving teenagers, or working with students for whom English is their second language.

The brief further appears to assume that a last-hired, first-fired policy is an example of a "factory model approach" associated with blue-collar occupations and is unusual among white collar professions. However, the manner by which white-collar industries and organizations make downsizing and large-scale termination decisions varies, as does the prominence of employee quality and performance in such decisions. For instance, when profit-oriented industries are facing large budget deficits, the most "rational" decision may be reverse seniority—a first-hired, first-fired fired policy—where management would take aim at employees with the most seniority because they are also often the highest paid, regardless of performance. The authors cite newspaper corporations as an example of this norm, where firms chose to buy out or terminate a relatively small number of senior, higher paid employees rather than lay off larger numbers of younger, less-expensive colleagues.

Another example involves industries with dual labor markets, such as higher education. In these fields, core employees have better pay and benefits, as well as greater job security, and secondary employees have

lower pay and benefits, along with little job security. In this scenario, tenured professors are the last to be fired, and lecturers, adjunct professors and researchers are the preferred target of layoffs, regardless of quality or performance.

Moreover, while teaching is perhaps an extreme case, it is not the only occupation where there is much debate over competing definitions of productivity, determining best practices, and assessing employee performance and quality. For example, a central tension in hospital administration is the difficulty in assessing the quality of doctoring and nursing, where the major "product" that employees "make" is patient care.

IV. Review of the Report's Methods

The brief uses a non-random sample of 100 of the largest school districts in the U.S. It claims these districts collectively account for 20 percent of the nation's student population. Focusing on the largest districts, which tend to be urban areas, is a useful approach. But it should be noted that this group comprises less than 1 percent of the 14,500 districts in the U.S. and cannot assumed to be representative or reflective of others.

V. Usefulness of the Report for Guidance of Policy and Practice

The brief's arguments and recommendations are straightforward and reasonable. Most everyone, during their own formative years, has experienced variations in teacher and teaching quality, and it seems commonsense to recognize such differences and retain the best teachers. However, the straightforward and commonsense nature of these ideas can belie the challenges of implementing them. As the history of the education system amply shows, these proposals are neither new nor unique. For a century we have seen numerous attempts to measure, recognize and reward differences in teacher quality. Often, unfortunately, these reform attempts have met little or no success.

To its credit, this brief recognizes some of the many hurdles and difficulties that need to be overcome or addressed. For instance, it recognizes that to be successful, principal-based evaluation systems of teachers need to be transparent and systematic, utilize a third party to evaluate principals' ratings, and hold principals accountable for the quality of their evaluations.
These are reasonable and necessary criteria. A useful contribution of the brief is to document wide variations among districts in their layoff criteria and mechanisms and to summarize specific options and concrete alternatives used in particular districts.

One additional strategy, not mentioned in the NCTQ brief, would be to bring teachers themselves into the decision-making processes surrounding both the design and implementation of the layoff policy. Layoff policies do not have to be conceived as something done by others to teachers. Collective participation in their governance, is, of course, a hallmark of traditional professionals, such as lawyers, physicians, and professors. Moreover, a long tradition of research on implementation has shown that one way to aid the successful implementation of difficult employee reform initiatives is to enlist those being reformed.[10] Nor should it be assumed that teachers are against revising existing layoff policies and unwilling to participate in difficult downsizing decisions. In a recent survey of 9,000 teachers in two large, urban school districts, the New Teacher Project found that the majority of those surveyed felt that seniority

should not be the sole criterion used in layoff decisions.[11] When asked what factors should be considered, teachers favored classroom management skills, the teacher's attendance, and annual performance evaluation ratings—all ranked above seniority. That report, in fact, acts as a reminder that one method to assess the fairness and validity of employee performance assessment methods, or their use in layoff and employment decisions, is to ask those assessed. History shows that these sorts of reforms involve complicated assumptions and compromises. There is both need and room for improvement; even with its limitations, the NCTQ brief contributes to that effort.

Notes and References

[1]National Council on Teacher Quality (February 2010). *Teacher Layoffs: Rethinking "Last Hired, First Fired" Policies.* Washington, DC: Author. Retrieved April 21, 2010, from http://www.nctq.org/p/docs/nctq_dc_layoffs.pdf

[2] From our analyses of data from the US Department of Education's nationally representative *Schools and Staffing Survey*.

[3]Liu, E., Rosenstein, J., Swann, A., Khalil, D. (2008). When Districts Encounter Teacher Shortages? The Challenges of Recruiting and Retaining Math Teachers in Urban Districts. *Leadership and Policy in Schools.* 7(3): 296-323.

[4]Bidwell, Charles. (1965). "The School as a Formal Organization." *Handbook of Organizations,* ed. J. March. pp. 973-1002. Chicago: Rand McNally.

[5]Jennings, J. (2010). Beyond High-Stakes Tests: Teacher Effects on other Educational Outcomes. Chapter 3 in *Understanding Teacher Effects*. Edited by Sean Kelly. New York: Teachers' College Press.

[6] Jacob., B. and Lefgren, L. (2005, July). *Principals as Agents: Subjective Performance Measurement in Education,* Working Paper No. W11463. Cambridge, MA: National Bureau of Economic Research.

[7]Tyack. D. (1974). *The one best system*. Cambridge, MA: Harvard University Press.

[8]Ingersoll, R. (2003). *Who Controls Teachers' Work? Power and Accountability in America's Schools.* Cambridge, MA: Harvard University Press.

[9]Aaronson, D; Barrow, L & Sander, W. (2007).Teachers and student achievement in the Chicago public high schools. *Journal of Labor Economics* 25, no 1: 95 – 135

Kane, T.J.; Rockoff, J.E. & Staiger, D.O. (2006). What does certification tell us about teacher effectiveness? Evidence from New York City. Working Paper no. 12155, National Bureau of Economic Research, Cambridge, MA

Rockoff, J.E. (2004). The impact of individual teachers on student achievement: Evidence from panel data. *American Economic Review* 94, no. 2:247-52

Boyd, D.; Lankford, H. & Loeb, S. (2008). The narrowing gap in New York City teacher qualifications and its implications for student achievement in high-poverty schools. Working Paper no. 14021, Cambridge, MA: National Bureau of Economic Research.

[10] Lipsky, M. (1980). *Street Level Bureaucracy*. New York: Basic Books.

[11] New Teacher Project (2010). *A smarter teacher layoff system: how quality-based layoffs can help schools keep great teachers in tough economic times*. Brooklyn, NY: Author. Retrieved May 10, 2010, from http://www.tntp.org/files/TNTP_Smarter_Teacher_Layoffs_Mar10.pdf

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