

TENURE REFORM—THE TEACHER PERSPECTIVE



On Sunday, the Star-Ledger published an editorial entitled “Home Stretch for Tenure.” The article praises Democratic State Senator Theresa Ruiz (D-Essex) for her tenure bill, stating, “In urban districts where up to half the kids don’t graduate high school, it’s a travesty that we haven’t done more to make sure they have decent teachers.” Once again, the Star Ledger’s editorial board shows its absolute ignorance of educational politics, lack of even a precursory understanding of what “tenure” means for K-12 teachers, and blind support of the corporate education agenda that harms our nation’s kids living in poverty, kids of color, and kids who speak English as a second language, and kids with disabilities, although often these categories are one and the same.

“Tenure” simply means that a teacher has the right to due process—that’s it—and teachers are not granted tenure automatically. After three years, during which their administrator must conduct *nine* formal observations to determine whether the teacher is effective, the administrator signs off on the teacher’s tenure. Once a teacher has been granted tenure, raises and seniority are not automatic, but based on performance. Any teacher, no matter how long they have served, can be denied their contractually prescribed raise from one year to the next. This is commonly called “withholding of increment.” Additionally, the difficulty of getting rid of teachers is greatly exaggerated. Regardless of the popular rhetoric about rubber rooms, tenure does not protect teachers from being terminated, it merely requires proper cause and documentation. Teaching already has one of the highest (if not *the* highest) attrition rate of American professions: an estimated one half of teachers leave within their first five years. Proposed changes to tenure will only speed up the revolving door of teachers, which swings heaviest in high-poverty, urban areas.

Historically, tenure has also been granted to teachers because of the political implications of their positions—reforms come and go with alarming regularity, and, our recent Democratic administration notwithstanding, normally a shift in political power comes with a shift in educational focus. Tenure protects teachers who have been evaluated as quality by their administrators that protection against, say, massive layoffs due to draconian educational budget cuts. Without the protection of tenure, many teachers would lose their jobs, regardless of their quality, because they are higher on the pay scale. While the editorial staff of the Star Ledger argue that ageism is a federal offense, it is unlikely that a recently unemployed teacher would have the wherewithal to withstand the necessary legal battle that lay ahead.

The tenure reform bill also calls for teachers to be evaluated in terms of student outcomes—a.k.a, student test scores. Evaluations based on student performance, especially ones closely tied to tenure decisions, will have devastating effects. Not only will we see narrowing of the curriculum and teaching to the test, but places like Newark, which the Star-Ledger seems to care about so much, will have even more difficulty recruiting and retaining good teachers. Within districts and schools, classes of struggling students and challenging populations, such as English language learners and students with disabilities, will be difficult to staff. Even teachers who love a challenge, of which there are many, will have a hard time rationalizing what could be career suicide.

From a research perspective, even the statisticians who *created* value-added modeling (the statistical process by which teachers are tied to their students' test data) caution against linking individual teachers to their individual students' test scores for the purpose of making high stakes decisions like tenure or dismissal. Value-added modeling applications have giant margins of error, between thirty and fifty points depending on the formula used and the study under consideration. For purposes of comparison, most quantitative scientific research is not considered valid if it has a margin of error of more than 5 points. Statistically speaking, a thirty-to fifty-point margin of error means that the only conclusion a researcher could draw from data *with confidence* is that the teachers placing in the top 2.5% of the distribution are probably pretty effective, and the ones in the bottom 2.5% probably are not. Empirical educational research has also demonstrated that even for teachers determined to be “effective” by these measures, gain scores tend to fluctuate from year to year. This makes the tenure bill's required two-year time frame for teachers to demonstrate effectiveness problematic.

This article, like the national meta-narrative around education in the past few years, casts the teacher in the role of villain. Placing the focus on tenured teachers takes the blame off the actual guilty parties—those that relentlessly cut the education budget, forcing districts to lay off teachers and cut already inadequate resources, championing privatization measures like charter schools and voucher programs. These moves disproportionately affect the very children on whose behalf the Star-Ledger claims to be outraged. In erroneously offering up individual teachers as the cause of the failure of disadvantaged kids and communities, we also ignore realities that reproduce societal inequality: poverty, institutionalized racism, and school structures and policies that perpetuate both.

Note: After the writing of this article, we received news that NJEA had approved of the bill because “key changes” had been made. While the tenure timeframe has been pushed to four years (rather than three) and tenured teachers are assured due process protection, these changes do not address other issues raised, including the problems with targeting tenured teachers as the cause of urban education's ills.