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Elevating Teacher Quality: Teacher Tenure Reform
Applying Lessons from Other Fields

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Abstract

The increased pressure of changing how teacher evaluations are conducted and increasing the level of teacher quality are pushing schools to reform. Due to changes in state mandates and federal laws, schools are required to demonstrate teacher effectiveness and student growth in teacher evaluations to assure students are receiving top quality education. Some districts in the state of Missouri have begun to reform their process to address 21st century teaching approaches and strategies. While examining and applying lessons from civil service and institutions of higher learning, aspects of tenure and post-tenure review can be applied to public k-12 school districts tenure process. This literature review has helped me identify the history and processes of tenure in conjunction with various viewpoints of the pros and cons of the current tenure systems in America. I was able to identify several recommendations to reform the current public k-12 school districts tenure process for Missouri to elevate teacher quality. When teachers and administrators along with colleagues work collaboratively through a teacher evaluation process, individuals involved from all stakeholder groups can have positive perceptions towards evaluations and tenure. By reforming the current tenure system in Missouri, it can assure we elevate teacher quality while increasing the needed skills for our students to be successful in today's global competitive market.

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Introduction

In 2014, there was a ballot initiative for the voters of Missouri to decide on changes as related to teacher tenure and teacher evaluations. In November of 2014, Amendment 3 to the Missouri Constitution was on the ballot to decide if teacher tenure in K-12 schools should be related to student performance instead of seniority (Griffin & Lloyd, 2014). The Amendment would have changed present tenure laws in Missouri to allow dismissal of teachers, retention, demotions, promotions, and pay to be based primarily on student data; would have eliminated the ability to bargain collectively on the designing of evaluations or implementation of such; and put individuals on a three-year contract limit (Griffin & Lloyd, 2014). Union leaders and groups in Missouri raised over \$600,000 that year to fight the Amendment (Crouch, 2014). Overwhelmingly, the voters decided not to approve the initiative with 76% in opposition and 24% in favor of the amendment, according to the Associated Press.

In Fall, 2011, 49.5 million public school students entered the schoolhouse doors and were greeted by 3.4 million teachers throughout the United States (National Center for Education Statistics, 2011-12). One of the single most important decisions school administrators can make is centered on staffing. Effective leaders need to have the autonomy to identify those who are performing at effective levels and those who need to improve. Jim Collins wrote in his best-seller, *Good to Great*, about the importance of getting the “right people on the bus, the wrong people off the bus, and the right people in the right seats” (Collins, 2001, p. 74). In the state of Missouri, the average number of teachers per school district is 132.1; and of those, on average, 0.2 tenured teachers were

dismissed as a result of poor performance versus 0.9 nontenured teachers (National Center for Education Statistics, 2011-12).

Research has found that the single most important variable to student achievement is effective teaching (Range, Finch, Young, Hvidston, 2014) and thus tenure and teacher quality are important components of educational quality. The need to improve current teacher tenure policy and law is one we must explore. Current policy and state statutes in Missouri place limitations on the processes and timing to remove tenured teachers who are not meeting acceptable levels. In 2009, at a town hall meeting in Arnold, Missouri, President Barack Obama said, the “single-biggest ingredient is the quality of our teachers; single most important factor – single most important factor in the classroom is the quality of the person standing at the front of the classroom” (White House Office of Press Secretary). The president’s statement and current research have stated that the variables associated with teacher quality appear to have a significant relationship on student achievement (Darling-Hammond, 2000).

Supporters of teacher tenure state that it is easy to remove a tenured teacher while following Missouri guidelines. Those who favor a change in teacher tenure law, believe it is nearly impossible to remove a tenured teacher as it relates to performance. A 2014 survey, in the state of Missouri, 192 public school superintendents responded, where 73 of the respondents stated that it was “somewhat difficult to very difficult” to remove a tenured, low-performing teacher based on his or her performance (Shuls, 2014). Leaders must have the flexibility to dismiss the employee, if performance is not improving.

The debate over teacher tenure continues, stakeholders remain involved and continue to engage in the conversation. Policymakers, the Department of Elementary and

Secondary Education, state and local school boards, commercial companies, parent advocacy groups, and teachers all continue to have a voice at the table. The objective of this paper is therefore to begin the research process and examine recommended changes to current state statute and local policies on teacher quality as it relates to teacher tenure.

Definitions

The terms listed are concepts and definitions, which are essential to understand. They are used throughout the paper. The definitions are listed in alphabetical order.

- *Collective Bargaining*: the process of negotiation between representatives of works and management to determine the conditions of employment.
- *Department of Elementary and Secondary Education (DESE)*: the governmental agency that is responsible for providing information, resources, and technical assistance on educational matters to schools and residents in Missouri.
- *Due Process*: the Fourteenth Amendment to the United States Constitution provides that a citizen may not be denied property without due process of law. A tenured teacher's career is considered to be his or her property. A board of education may not take the property away without providing due process.
- *Evaluation*: the appraisal of job performance related to specified criteria for the purposes of improvement in instruction and accountability.
- *Highly Qualified Teacher*: an individual who meets all of the following criteria:
 - Holds at least a bachelor degree from a four-year institution;

- Fully certificated or licensed by the state; and
 - Demonstrates competence in each core academic subject area in which the teacher teaches.
- *Nontenured Teacher*: an employee who is often relatively inexperienced or novice. This includes teachers in their initial induction year, teachers who are on year-to-year contracts, and those teachers who have not entered a more permanent status, traditionally referred as tenure.
- *Tenured Teacher*: an employee who has satisfactorily completed a probationary period (on the 1st day of his or her 6th year in a district) and were given a contract as a career or permanent employee.

Literature Review

Literature Review on Teacher Tenure

In 2001, the United States Congress and President George W. Bush celebrated the victory of an education reform passage known as the No Child Left Behind Act. This law gained a great deal of attention from special interest groups, state departments of education, school boards, and educators as the passage began another round of reform to the public education system. New policies were introduced, new accountability systems were enacted, school choice and charter schools gained momentum and new assessment standards were introduced. All of this continues to be examined by researchers, policy makers, school board members, and department of education staff members locally and nationally to determine the most effective changes to improve public education quality. A significant amount of attention has been on the effects of teacher quality, one aspect

being the impact of teacher tenure. From No Child Left Behind and other policies, many states have received waivers in order to push the reform of teacher effectiveness and tenure (Goldhaber & Hansen, 2010).

Many argue that teacher tenure protects incompetent teachers and does not increase the quality of our teachers (Rowland, 2015). Researchers on both sides have found evidence that represents their particular viewpoint. Union leaders often claim they are advocating for the children and public education; however, it is important to note they are elected by current members who want their own interests protected (Hess & West, 2005). Research has found that the single most important variable to student achievement is effective teaching (Range, Finch, Young, Hvidston, 2014) and thus tenure and teacher quality are important components of educational quality.

Researchers continue to examine the literature regarding teacher tenure laws across the nation, as the pressure continues to build from the public for reform. Through the examination of this literature and research, a thorough analysis was conducted of the history of tenure for the nation and Missouri. Understanding the varying viewpoints on all sides could inform education policymakers about a potential climate for change in the laws in Missouri.

The History of Tenure in Missouri

The movement for tenure started during the late 19th century at a time in our nation many were fighting to improve working conditions. For teachers, tenure was designed to protect them from capricious parents or administrators, from being fired for teaching controversial material and/or being treated unfairly (Stephey, 2008). Teacher protections were needed at the time, as repeated cases of firing were occurring for

reasons such as nepotism, political support, and cheaper labor. In 1909, the first tenure law was passed in New Jersey protecting women for being fired for taking maternity leave, getting married or wearing pants, according to Educators 4 Excellence report in February 2015.

The “Teacher Tenure Act” for the State of Missouri was originally passed in 1970. The passage of this act became effective on July 1, 1970, under state statute RsMO 168.102 to 168.130. Since the original passage, the state legislature has amended the original statute in both 1991 and 2004. The State of Missouri General Assembly in 2004 separated metropolitan school districts and non-metropolitan school districts in the state statute. The Teacher Tenure Act can be found in Missouri General Statute RsMo 168, Sections 168.102 to 168.130.

The Advantages and Disadvantages of Tenure

Research and literature continue to report mixed views on the effectiveness of teacher tenure. Individuals in support of teacher tenure argue it provides protections for academic freedom, legal protections of being terminated without due process, the inability to terminate teachers for the sole reason of hiring new teachers at a cheaper salary, and promotes experience within the classrooms. Union groups and other advocates for teacher tenure believe it gives individuals a sense of security to experiment with new techniques and strategies with their students. Lastly, tenure provides a clear process with protections for removing ineffective or incompetent teachers for cause.

Individuals on the other side believe tenure does not promote continuous improvement and creates cumbersome and costly processes in order to remove an

ineffective teacher. Further, opponents believe that after three years of teaching, effectiveness as it relates to student achievement generally stays flat (Rowland, 2015). Those individuals who should be fired are rather placed or moved to another location. After the movie *Waiting for Superman* was aired in 2010, New York City came under major fire for having so-called rubber rooms. These were places where approximately 600 tenured teachers out of a system with over 70,000 teachers, were receiving pay daily and who reported to this room instead of a classroom or instead of being terminated. These teachers were accused of “incompetence and wrongdoing” and were awaiting their due process hearings (Brill, 2009). Further, opponents maintain that state statutes and federal laws provided the needed protections of academic freedom, as “public employees do not give up their First Amendment rights in exchange for their paychecks” (Garden, 2012, as cited in *Garrity v. New Jersey*, 1967).

Following bi-partisan support in Congress that led to the passage of NCLB, President George W. Bush signed into law the No Child Left Behind Act of 2001, placing an emphasis on educational reform in our nation. An aspect of this Act was all teachers would be highly qualified as set forth by a set of standards within five years (Berk, 2002). All states had to change their licensing process to ensure teachers were demonstrating competence based on these standards. At a time when many urban and rural districts particularly, and hard to fill teaching fields such as special education, mathematics, and science were experiencing shortages, this seemed to be a difficult goal. Further, the Act required no child to be left behind and to have the opportunity to learn from a highly qualified teacher. The challenge was to translate these goals into practical strategies.

Ineffective teaching can have a lasting effect on students. Students who have ineffective teachers as defined by not making “any measurable contribution to their advancement,” face many problems (Winters, 2012). For example, students with poor teachers are more likely to have an early pregnancy, are less likely to go to college, and earn less in adulthood (Winters, 2012). Having a poor teacher is not the only variable that affects lifetime earnings and college success. However, having underperforming teachers multiple years in a row has a much greater cause on negative lifetime effects. A study found an ineffective teacher could cost students \$1.4 million in lifetime earnings per classroom (Chetty, Friedman, Rockoff, 2011).

Often good teachers can be burned out, discouraged, and emotionally drained from colleagues who are viewed as bad teachers. Teachers have agreed that tenure protects some that should not be in school and a survey found that seventy-eight percent of teachers reported that there are at least a few teachers in their school who do not do a good job and just go through the motions (Hess & West, 2005). Frequently teachers who are in urban schools teaching students who need the most help are taught by teachers who are forced to be there and not a good fit traditionally through a transfer process of districts (Levin, Mulhern, and Schunck, 2005). Public school districts in America, on average, dismiss under 1 percent of teachers who are underperforming, compared to a rate of 4.9 percent in charter schools, where many teachers are at-will employees (Hess, 2004).

In 2015, the United States Congress passed and President Barack Obama signed into law the newest education reform Act, the Every Child Achieves Act (ECAA) of 2015. The Act strengthened state and local control in several areas, while changing

accountability systems for improvement of low-performing schools. The ECAA found (under the Senate Committee on Health, Education, Labor, and Pensions), that federal mandates were eliminated as it related to teacher evaluations and highly qualified teachers, providing states with the freedom to define such terms. Further, the ECAA strengthened charter school programming and focused monies on evidence-based community programs and supports. Last, monies need to be better targeted to help states support all learners, especially English Language Learners, and mental health programming.

When the discussion of teacher quality is brought up, teacher tenure remains an important component of the topic. As state and federal accountability mandates continue to focus on the learning for all students and preparing them for success, it is vital that teacher quality must improve. In the fall of 2011, there were 49.8 million students attending public elementary and secondary schools, being taught by 3.1 million full-time educators (National Center for Education Statistics). With such a large number of students and teachers, it can be stated that most public school teachers are doing an excellent job at teaching our students and preparing them for success. There are, however, some individuals who should not be in front of students nor have their own classroom. Once a teacher is awarded tenure today in most states, he or she cannot lose it no matter their performance as their career progresses (TNTP, *Rebalancing Teacher Tenure*, 2014).

Questions continue to be raised about the reasoning behind tenure. As laws across the country continue to be reworked and revisited, accountability and tenure remain much a part of that work. If the rationale behind the creation of tenure was to provide academic

freedom and prevent school districts from making hiring decisions based on gender, wage, or political connections. Some have argued that tenure “really protect teachers from such,” while others argue, “it creates an inefficient due process that often times leaves teachers alone because of the time commitment and costs associated.” In 2014, sixteen states now included student achievement into evaluation systems, therefore connecting student growth to tenure decisions (Aldeman & Chuong, 2014). In addition, if teachers continue to be moved around districts into new schools, it is difficult to document their effectiveness (Levin, et al., 2005).

Due process has become a time consuming, expensive, and often-difficult journey to terminate a teacher who is viewed as ineffective. Nationally, after three years of performance one is automatically awarded tenure, which is classified as their probationary period (Jones, 2015). If teachers are transferred from building to building, the task of documenting their performance is complicated and extended and often falls upon administrators with little background knowledge of the problems. Therefore, delaying the process even further. If an administrator makes the decision that a teacher is ineffective, it takes an extraordinary amount of time for him or her to build a case against the teacher. Part of the reason it is so time consuming is the required amount of time for remediation and improvement. Often it takes two to five years to fire a bad teacher (Sullivan, 2011). In addition, it is a costly process and not always successful. In New York City, they found of the 133 teachers who were taken to termination cases, only 37.6 percent actually were fired, while others were fined and/or sent for additional training (Edelman & Gartland, 2014). The average number of teachers per district in the United

States in 2007 was 211.4, and only 2.1% of those teachers were dismissed or did not have their contracts renewed (Jones, 2015).

Administrators must provide adequate documentation, time for improvement with supports, and be able to defend their documentation in court; for many it is an intimidating burden to undertake (Hess & West, 2005). If a case goes to court, the burden of proof rests with the school district to show a fair and appropriate timeline. Again, there are large costs associated with terminating a tenured teacher. It is easier for principals to provide satisfactory rating, which generally 99 percent of teachers receive, and often administrators decide not to address the ineffective teaching because it is easier (Weisberg, Sexton, Mulhern & Keeling, 2009).

Because the process is so cumbersome and difficult, most administrators have not even initiated a dismissal case against a single tenure teacher in the past five years (Weisberg, et al., 2009). Even though research has shown the effects on student achievement as it relates to ineffective teachers, often teachers are left in the classroom and awarded tenure (Winters, 2012). In many cases, lack of will from administrators prevents removing poor teachers from the classroom; only 1.4% of tenured public school teachers in 2007 were terminated for poor performance (Zirkel, 2010).

Tenure and the Law

Under the Missouri Teacher Tenure Act, there are outlined grounds for dismissal. Each state provides their own state statutes; however, for most states, they are divided into categories. The entire process must meet due process rights outlined in state statutes and union contracts, and are at the direction and approval of the local board of education. Furthermore, there is a process outlined by law for dismissing a tenured teacher, known

as a permanent employee. The State of Missouri, along with the State of Indiana are the only two states that require five years of teaching in the same district prior to being awarded tenure (Jones, 2015).

In 2007, only two percent of teachers in the United States were dismissed or failed to have their contract renewed and generally, less than one percent of probationary teachers were denied tenure (Jones, 2015). Michael Jones conducted a study on the responses of teachers about tenure. He found that teachers spent approximately \$70 less on classroom materials leading up the tenure evaluation year; they were less likely (by six percentage points) to serve on a school or district-wide committee immediately after receiving tenure; generally, they were more likely to serve as a coach or as a curriculum specialist during the tenure evaluation year; teachers are generally six percentage points less likely to participate in professional development two or more years after receiving tenure; and teachers are less worried about job security after being awarded tenure (Jones, 2015). The research above suggests that states that have eliminated teacher tenure would not see the same temporary teacher behavior changes.

In terms of dismissing a tenured teacher, the Education Law text written by Imber, Geel, Blokhuis, and Feldman in 2014, stated the categories for dismissal are generally related to:

1. Job performance
2. Conduct or character
3. Physical or mental capacity
4. Licensure
5. Concerns regarding citizenship

6. Reduction in force

When an administrator has concluded it is time to improve his or her school, it is often painful, time consuming, and legally difficult to fire a tenured teacher (Permuth & Egly, 2002). Administrators must be mindful of both constitutional rights and statutory and contractual rights approved by the local board of education. Therefore, it is important that an administrator generally selects one of the above areas to prove the case, rather than several as clear documentation would be needed to prove each area of concern.

A teacher being terminated on the grounds related to job performance concerns can be cited for any one of the following (Imber, et al., 2014):

1. Inadequate performance
2. Neglect of duty
3. Failure to fulfill the statutory duties of a teacher
4. Insubordination
5. Failure to comply with the reasonable requirements of the board

In cases where it is inadequate performance, the teacher must be notified of the area or areas in which they are found to need an opportunity to improve. An opportunity and timeline must be given in order to re-evaluate and assess any progress. This could relate to teaching methods or control of students. Courts have found that when an individual has been warned and given opportunity, “a person of ordinary understanding could determine how he must comply” (Imber, et al., 2014).

Teachers may be negligent of his or her duties. Directly the neglect must be given a commonsense interpretation where it can be “uniformly accorded a common sense definition failure to perform some duty imposed by contract or law” (Imber, et al., 2014).

Not showing up for work without an excuse or not having order in one's classroom could be grounds for dismissal.

All teachers must follow state statutes and federal laws. Teachers must be able to fulfill his or her duties and responsibilities as it relates to maintaining order and discipline, providing for the general well-being of students, teaching students, keeping correct and required reports, and taking care of the general school building.

Insubordination is a narrow area and the courts have stated, it "must be a willful disregard of express or implied directions of the employer and a refusal to obey reasonable orders" (Imber, et al., 2014). Upon a teacher receiving a direct order, the teacher must attempt to comply with such order in a reasonable time frame. For example, a teacher in Minnesota was dismissed on grounds of failing to improve communication with parents, adopt the school's curriculum, and use school time appropriately, and a volume of material was needed to prove this case (Permeth & Egly, 2002).

A teacher may be dismissed as it relates to his or her conduct or character concerns, including one of the following (Imber, et al., 2014):

1. Immorality
2. Habitual or excessive use of alcohol or nonmedical use of drugs
3. Conviction for a felony or crime involving moral turpitude
4. False application information

Teachers, as well as administrators, are held to a higher standard of conduct or character more so than the ordinary citizen is. The courts have ruled that teachers may be held to higher standards outside of the school day, and if not school districts may proceed with termination cases. A teacher drinking during the school day and given repeated

warnings while continuing to engage in such act would be grounds for termination. A teacher may not be terminated unless he or she has been convicted of a felony (not just arrested or charged).

Teachers must be found to have both the physical and mental capacity to perform the necessary job duties outlined in his or her contract. Districts must follow all federal and state laws including the Americans with Disabilities Act. Furthermore, teachers must keep his or her teaching certificate current or may face grounds for termination. In cases where districts are terminating tenured teachers due to a reduction in force, they must follow the guidelines in the contract and board policy (Imber, et al., 2014).

Research continues to examine qualities that constitute a good teacher versus bad teacher. It can be difficult to pinpoint exactly what characteristics define each. However, researchers have found that school administrators affect the conditions under which teachers teach; and his or her style, communication skills, and support have a direct relationship to teacher recruitment and retention (Berry, Smylie & Fuller, 2008).

Teachers rarely receive negative or even less than perfect performance ratings, and few teachers get critical feedback of any kind. Therefore, tenure will continue to be granted to ineffective teachers and the lengthy, costly legal process will have to be utilized (Weisberg, et., 2009). Some districts offer teachers the opportunity to resign before being provided with the notice of charges leading to termination.

The Dismissal Process

It has been found that many teachers decide to resign rather than go through the entire termination process. Most are offered the opportunity to do so from the local board of education. Administrators often attempt to coach an individual out of the profession

rather than move forward with the dismissal process. Studies have concluded that low priorities have been given to teacher evaluations and many administrators are ill-equipped to evaluate teachers effectively; furthermore, they have been found to be trained initially to get hired into the new administrative position (Weisberg, et., 2009). When a teacher decides on resignation instead of termination it provides him or her the opportunity to regain employment in other districts without having to acknowledge or falsify information about being terminated previously. Some districts now, ask during the application process if one has resigned in lieu of being terminated. Currently, in the state of Missouri, an individual's certificate is not revoked for resigning for poor performance.

In districts that have teacher shortages or high teacher turnover, frequently they are found taking high-risk candidates in order to have a certified teacher, hoping they may improve over time with proper supports and feedback. Research is clear in concluding that the single most important school-based factor relating to student achievement is the quality of the teachers (Levin, et al., 2005). The formal termination proceedings are lengthy and often some teachers are pressured to leave the system before the procedures begin, or resign or retire (Levin, et al., 2005).

Supporters of tenure declare that it is a critical job protection against dismissals for arbitrary reasons, while opponents argue that teachers attain tenure before their efficacy can be fully determined and it is costly and difficult to dismiss when ineffective they are determined later to be ineffective (Rowland, 2015). The law as it stands currently provides a clear but cumbersome dismissal process. There are several steps outlined for dismissing a tenured teacher. When dismissing a tenured teacher, a local board of education must afford the teacher due process of law (Joyce, 2000). Joyce outlines the

steps for dismissal, after various forms of remediation have been attempted, found to be, as follows:

- Step One: Superintendent's decisions and presents notice to teacher
- Step Two: Teacher's response to superintendent's notice
- Step Three: Optional case manager hearing
- Step Four: Hearing before local board of education
- Step Five: The board's decision
- Step Six: Appeal by teacher and review by courts

Each step has a lengthy detailed process that must be followed including strict time lines and neutral party agreements. In addition, the local board of education must make its final decision in an open meeting. A teacher deciding to appeal through the courts may do so, thereby delaying the entire process even further until a final ruling has been made. The final decision to deliver notice of charges to a teacher should never be taken lightly as it can tarnish the reputation not only of the teacher but also of the administrator, and the cost is high while taking into consideration whether it is the best use of a school's time or administrator's energy (Permuth & Egly, 2002).

Teacher Quality Related to Effectiveness

The dilemma and paradigm shift to improve teacher quality must begin with providing high-quality feedback to teachers. It is more challenging to provide such feedback rather than simply increasing the frequency of observations (Aldeman & Chuong, 2014). Formative supervision requires principals to collect data on teacher effectiveness throughout the school year while assessing how teachers are growing instructionally as opposed to assigning merit to their performance (Range, et al., 2014).

Research has found there to be five major domains through working conditions that promote effective or good teachers: time, facilities and resources, empowerment, leadership, and professional development (Berry, et. al., 2008).

As teachers continue to receive good or great ratings in his or her evaluation, it can be difficult to identify the characteristics of an excellent teacher. In one study, fifty-nine percent of teachers and sixty-three percent of administrators found their district are not doing enough to identify their top performers, no extra compensating, promoting or retaining the most effective teachers (Weisberg, 2009). It is difficult to make change in school reform if there are not high-quality teachers teaching students in all classrooms.

Stronge (2011) has generated a detailed list of qualities of effective teachers through the identification of positive and negative behaviors exhibited by teachers to determine the impact he or she has on student achievement. He was able to identify characteristics relating to the following areas:

1. The teacher as a person
2. Classroom management and organization
3. Organizing and orienting for instruction
4. Implementing instruction
5. Monitoring student progress and potential
6. Professionalism

Empirical research has found consistently that most teacher characteristics are not individually statistically significant; however, they are jointly significant (Goldhaber & Hansen, 2010). As better measuring tools continue to be created, these measures must be used in tandem with traditional subjective measures of teacher quality, in order to help

guide administrators to make better-informed decisions about which teachers should receive tenure and which should not (Winters, 2012).

What Do Unions Say?

Dennis Van Roekel, the current President of the National Education Association (NEA), said in response to the June 2014 court ruling in California, *Vergara vs. California*, “let’s be clear: this lawsuit was never about helping students, but is yet another attempt by millionaires and corporate special interests to undermine the teaching profession and push their own ideological agenda on public schools and students while working to privatize public education” (NEA, 2014). While nearly four decades later after collective bargaining began in public education, it is within the last five years that individuals from both sides of the political arena are taking a fresh look to determine the role of collective bargaining (Hess & West, 2005). Administrators must develop trusting relationships with teachers to provide intellectual feedback that is designed to improve practice and student learning, and when formative supervision is more frequent it reduces teachers’ tension about performance (Range, et al., 2014). Some researchers have suggested having master teachers conduct formative supervision, therefore, freeing up time for administrators to focus on school culture and summative evaluations of teachers.

Randi Weingarten, the current President of the American Federation of Teachers (AFT), said in response to the June 2014 court ruling in California, *Vergara vs. California*, “the attack on the teaching profession isn’t about what’s best for kids; it’s part of a larger effort to dismantle public education, teacher voice, and the labor movement” (Weingarten, 2014). Both major union groups expressed similar opinions feeling they are under attack. Some continue to argue, that teacher unions are among the most powerful

interest groups with a combined membership of four million, and seventy-three percent of public-school teachers surveyed in a national poll belonged to a union (Hess & West, 2005). However, many private companies have a large amount of money invested in advocacy of their views that will help fuel their organizations revenue and opportunity to gain a new market share.

Teacher evaluations and the use of tenure are not off the table for discussion according to Randi Weingarten. She appears to be one of the more progressive union leaders in recent years and she has said she is willing to discuss new approaches to issues like teacher tenure and merit pay (Dillion, 2008). The unions have stated, they are not trying to protect the jobs of incompetent teachers, but rather ensure due process and rights are there for teachers (Kahlenberg, 2015). In states where tenure decisions are made after two-years of probationary period, ninety-six percent of administrators said it was too early, eighty-two percent of teachers made the same claim, and seventy percent of students believe teachers need more than two years, according to Educators 4 Excellence report in February of 2015.

Today's teacher unions have been found to be in favor of existing arrangements for job protection that restrict accountability for student achievement, and provide safeguards for seniority (Hess & West, 2005). However, union members themselves often clash over more radical and innovative changes proposed within their own organization, particularly around accountability and compensation packages or merit-base pay. Often agreements between unions and local board of educations are found to be detailed in terms of the ability of supervisors to monitor and evaluate teachers with explicit restrictions and procedure (Hess & West, 2005).

Supports must be in place to meet the individual needs of teachers. Administrators should acknowledge the need for differentiated support to address the needs of non-tenured and tenured teachers (Range, et al., 2014). Teachers may feel they need to “take a break” after their tenure evaluation year, therefore returning to the status quo (Jones, 2015). President Weingarten stated, the union is not just about keeping people, they are about keeping qualified people (Kahlenberg, 2015).

There are opinions among the union community that administrators should not be the only individuals evaluating or providing feedback to teachers. Peer review is believed by some to weed out bad teachers in a way that enhances the profession, rather than diminishing it, while elevating the profession overall (Kahlenberg, 2015). While 21st century education and schooling rapidly evolves, models must change and collective bargaining and unions cannot be excluded from this equation. It is hard to distinguish good employees from bad employees; professional behavior that is more about obedience than initiative; managers that are likely to be corrupt or incompetent; good employees that aspire to stay in the same district for 30 years; and because of that employees are perceived to be interchangeable cogs, that the most appropriate way to differentiate among them is on the basis of seniority and college credits (Hess & West, 2005). What may have worked back in the 1930s for the Ford assembly plants may not be suited for today’s challenges in the educational environment.

Summary

Through the examination of research and literature associated with teacher quality and tenure, there continues to be mixed viewpoints, opinions, thoughts, and research surrounding both sides. It is important to note that many administrators, school board members, teachers, superintendents, and politicians have their own opinion around tenure and arguments for its existence. However, all groups agreed that student achievement is important. Contention occurs when student achievement is tied to the evaluation and tenure decisions. Research has shown that teacher performance generally does not change appreciably after his or her third year of teaching. Furthermore, research has also shown that to make a decision on tenure after only two-years in the classroom is too soon.

The dismissal process for a tenured teacher is not only costly but is lengthy and is often intimidating to many administrators. A teacher must be a good fit for the particular school climate and culture and should not be transferred to schools as it has an effect on student achievement. Moreover, literature has shown there is a direct, lasting impact on student achievement when a child has a bad teacher that can affect him or her through adulthood, lifetime earnings and college potential.

In conducting a literature review, there has been an abundance of research and data gathered from a district perspective and state law, but limited opinions from teachers themselves, particularly through the examination of opinions from non-tenured versus tenured teachers, a gap that should be addressed by education researchers. This analysis and the literature information will help guide recommendations on tenure policy changes when revising policies and procedures for the State of Missouri Teacher Tenure Act.

Reform Discussion and Recommendations

Introduction

In November of 2014, Amendment 3 to the Missouri Constitution was on the ballot to decide if teacher tenure in public K-12 schools should be related to student performance instead of seniority (Griffin & Lloyd, 2014). The Amendment would have changed present tenure laws in Missouri to allow dismissal of teachers, retentions, demotions, promotions, and pay to be based primarily on student data; would have eliminated the ability to bargain collectively on the designing of evaluations or implementation of such; and put individuals on a three-year contract limit (Griffin & Lloyd, 2014). Union leaders and groups in Missouri raised over \$600,000 that year to fight the Amendment, ultimately leading to a 76.43% (1,100,628) vote of no among voters (Crouch, 2014).

In 2009, at a town hall meeting in Arnold, Missouri, President Barack Obama said, “ the single-biggest ingredient is the quality of our teachers; single most important factor – single most important factor in the classroom is the quality of the person standing at the front of the classroom” (White House Office of Press Secretary). The President’s statement and current research have stated that the variables associated with teacher quality appear to have a significant relationship on student achievement (Darling-Hammond, 2000).

Research continues to confirm, that the single most important variable to student achievement is effective teaching (Range, Finch, Young, Hvidston, 2014) and thus tenure and teacher quality are important components of educational quality. Therefore, it is important to examine how tenure policies can impact teacher quality and to look for ways

in which we can improve teacher quality through changes in tenure policy. Current policy and state statutes in Missouri place limitations on the processes and timing to remove tenured teachers who are not meeting acceptable levels. Leaders on all levels of national, state, and local, have initiated reforms focused on improving teacher quality, examining teacher preparation programs, and support school leaders with the needed tools to identify and remove ineffective teachers.

In the fall of 2011, 49.5 million public school students entered the schoolhouse doors and were greeted by 3.4 million teachers throughout the United States (National Center for Education Statistics, 2011-12). In the state of Missouri, the average number of teachers per school district is 132.1; and of those, on average, 0.2 tenured teachers were dismissed as a result of poor performance versus 0.9 nontenured teachers (National Center for Education Statistics, 2011-12).

The movement for tenure started during the late 19th century, at a time in our nation when many were fighting to improve working conditions. For teachers, tenure was designed to protect them from capricious parents or administrators, from being fired for teaching controversial material and/or being treated unfairly (Stephey, 2008). Teacher protections were needed at the time, as repeated cases of firing were occurring for reasons such as nepotism, political support, and cheaper labor.

In the State of Missouri, the “Teacher Tenure Act” was originally passed in 1970. The passage of this act became effective on July 1, 1970, under state statute RsMO 168.102 to 168.130. Since the original passage, the state legislature has amended the original statute in both 1991 and 2004. The Missouri Metropolitan School District statute 168.221.1, was amended in August of 2015, to allow for a local metropolitan school

district to be able to utilize a professional development plan for teachers which is known as the “St. Louis Plan.” In such plan, teachers can be terminated sooner, rather than being required to be allowed 18 weeks to improve.

With bi-partisan support in Congress, President George W. Bush signed into law the No Child Left Behind Act of 2001. The act placed an emphasis on educational reform in our nation. NCLB required all teachers to be “highly qualified,” as set forth by a set of standards within five years (Berk, 2002). All states had to change their licensing process to ensure teachers were demonstrating competence based on these standards.

In 2015, the United States Congress passed and President Barack Obama signed into law the newest education reform Act, the Every Child Achieves Act (ECAA) of 2015. The Act strengthened state and local control in several areas, while changing accountability systems for improvement of low-performing schools. The ECAA (found under the Senate Committee on Health, Education, Labor, and Pensions), stated federal mandates were eliminated as it related to teacher evaluations and highly qualified teachers, providing states with the freedom to define such terms.

Today, other concerns are leading education reform conversations: student outcomes, teacher equity in schools, budgetary constraints, teacher pay, and high stakes assessments. Due to this shift, leaders in many states, including Missouri, have begun to make changes to teacher evaluations. Thus having a possible impact on teacher tenure and with a goal of increasing student outcomes. With reform, the goal would be to streamline tenure protections, increase the rigor for receiving tenure, and implementing additional accountability measures throughout the review process.

As efforts to improve equitability, quality, and rigor of teacher's evaluations continue a shift is occurring. School leaders are beginning to focus decisions more on teacher performance. In 2014, in the state of Missouri, implemented Student Learning Objectives at the state level. However, waivers that were granted under NCLB, in 2012, required the inclusion of student growth to be incorporated in teacher evaluations. This measure includes accounting for student growth into a teacher's evaluation. State and local leaders are beginning to move the needle of reform to teacher evaluations. Questions have been raised on how and when we should reform tenure statutes in order to help make a better Missouri for our future.

A review of current tenure policy in the state of Missouri is needed. Options of reforms to the process and criteria for receiving tenure are needed, therefore, we can increase teacher quality to meet the needs of a success for a 21st century student and beyond. A review of teacher experience in relation to district accreditation status within North St. Louis County compared to the top ten performing districts within the region will be conducted. In addition, exploring student outcomes within North St. Louis County compared to the top performing districts of the region. Information will be gathered on the tenure process and design in civil service and institutions of higher education. Lastly, recommendations will be made for tenure reform while examining the Missouri Department of Elementary and Secondary Education pre-service teacher handbook for performance tasks.

Purpose of This Recommendation

Based on this information, and the need for improving instruction for our students' future; recommendations to reform tenure statutes in the state of Missouri will be made. I will be discussing the elements of tenure design: the tenure process; the protections; and the opportunities to strengthen tenure to reward for better teachers. In order for change to occur in the state of Missouri; the Department of Elementary and Secondary Education for Missouri (DESE), the voters along with the political leaders on all levels, will need to come together to support a reform effort through policy and state statute changes.

This is the opportunity for the Show-Me state to take the lead to help our future and provide new reforms that fit the 21st century teacher and classroom.

North St. Louis County Districts Compared to Region's Top Performing Districts

The story of teacher tenure begins by examining the school districts where teachers work. For purposes of this policy paper, St. Louis is used as example but it is also indicative of what's happening across the State and the country in terms of teacher quality and the issues of teacher tenure. Comparisons of low and high performing districts provides us with insight into the issues of elevating teacher quality through reforming teacher tenure and the ramifications of policy that is left unchecked and not changed to meet the demands of today's education system.

Seven school districts are located within north St. Louis County: Ferguson-Florissant, Hazelwood, Jennings, Normandy, Pattonville, Ritenour, and Riverview

Gardens. Combined, they serve approximately 52,000 students out of the approximately the 887,000 public K–12 school students in the state of Missouri.

One component of teacher quality is teacher experience. Table 1 highlights the average years of experience of teachers in these district and the percentage with advanced degrees.

Table 1: *Average Teacher Years of Experience and Professional Staff with Advanced Degrees in North St. Louis County Districts in 2015*

School District	Total Number of Students	Years of Experience of Professional Staff	Professional Staff with Advanced Degrees
Ferguson–Florissant	11,206	13.3	63.5%
Hazelwood	17,764	11.5	69.1%
Jennings	2,526	14.4	68.2%
Normandy	3,481	11.5	62.3%
Pattonville	5,562	13.7	76.0%
Ritenour	6,252	12.3	74.6%
Riverview Gardens	5,143	10.6	50.3%
Average	7,419	12.5	

Information retrieved from Missouri Department of Elementary and Secondary Education on January 16, 2016.

Within North St. Louis County, the average number of students per district is 7,419, with a professional staff experience average at 12.5 years. Chart 2, highlights the average years of experience and percentage of teachers with advanced degrees in the region’s top performing school districts.

Table 2: *Average Teacher Years of Experience and Professional Staff with Advanced Degrees in St. Louis Region Districts in 2015*

School District	Total Number of Students	Years of Experience of Professional Staff	Professional Staff with Advanced Degrees
Brentwood	788	13.1	85.6%
Clayton	2,548	16.7	92.7%
Francis Howell	16,959	13.8	80.3%
Kirkwood	5,595	14.3	82.6%
Ladue	4,156	14.2	77.3%
Lindbergh Schools	6,300	13.2	79.8%
Maplewood-Richmond Heights	1,198	10.7	75.2%
Parkway C-2	17,229	13.3	83.1%
Rockwood R-VI	21,360	13.6	78.8%
Webster Groves	4,438	14.9	75.9%
Average	8,057	13.8	81.1%

Information retrieved from Missouri Department of Elementary and Secondary Education on January 16, 2016.

Within the St. Louis region top performing districts, the average number of students per district is 8,057 with a professional staff experience average at 13.8 years. The suggestion can be made that within the St. Louis region, that years of experience and advanced degrees translate into higher performance for a school district. Consideration should be taken into account, when examining equity of experienced professional staff members within school districts across the entire state. The information gathered could suggest better performing districts have professional staff members with more experience and have taken initiative to advance their own educational career.

It is important to consider other factors that account for student achievement and to examine the student outcomes in North St. Louis County compared to the region's top

performing public school districts. Therefore, table 3, highlights information about students eligible for free or reduced-price lunch, five-year graduation rates, students entering a 4 year college or university, English Language Arts and mathematics percent proficient or advanced for 2015, ACT average composite score, and accreditation status.

Table 3: School Districts Comparing Student Achievement Levels in 2015

School District	Free or Reduced-Price Lunch	Five-Year Graduation Rates	Students Entering a 4yr College or University	ELA Percent Prof./Adv. 2015	Math Percent Prof./Adv. 2015	ACT Composite Score	Accreditation Status
Ferguson–Florissant	100.0%	74.7%	34.1%	39.4%	20.5%	17.3	Accredited
Hazelwood	61.5%	91.4%	35.4%	54.6%	36.8%	17.8	Accredited
Jennings	100.0%	92.9%	28.2%	40.5%	26.8%	15.5	Provisional
Normandy	97.9%	65.5%	30.4%	24.4%	12.3%	15.4	Unaccredited
Pattonville	48.8%	92.6%	40.2%	65.4%	50.8%	22.2	Accredited
Ritenour	77.9%	84.2%	21.1%	45.6%	31.1%	18.5	Accredited
Riverview Gardens	98.1%	83.53%	21.8%	23.0%	12.3%	15.2	Unaccredited
Average	83.5%	83.5%	30.2%	41.8%	27.2%	17.4	

School District	Free or Reduced-Price Lunch	Five-Year Graduation Rates	Students Entering a 4yr College or University	ELA Percent Prof./Adv. 2015	Math Percent Prof./Adv. 2015	ACT Composite Score	Accreditation Status
Brentwood	30.0%	98.4%	66.7%	79.3%	71.0%	22.7	Accredited
Clayton	15.5%	96.7%	86.3%	81.3%	74.9%	25.2	Accredited
Francis Howell	19.2%	96.0%	46.3%	75.4%	63.6%	22.3	Accredited
Kirkwood	15.9%	99.5%	72.3%	82.1%	71.6%	23.0	Accredited
Ladue	12.6%	99.1%	82.2%	82.7%	73.3%	25.7	Accredited
Lindbergh Schools	17.4%	96.5%	55.0%	82.1%	73.1%	24.0	Accredited
Maplewood-Richmond Heights	46.4%	98.8%	41.7%	71.9%	55.2%	22.4	Accredited
Parkway C-2	20.3%	95.7%	67.3%	77.3%	67.6%	22.9	Accredited
Rockwood R-VI	14.7%	97.7%	68.0%	79.1%	66.4%	23.8	Accredited
Webster Groves	17.9%	96.9%	62.1%	77.4%	67.9%	23.1	Accredited
Average	21.0%	97.5%	64.8%	78.9%	68.5%	23.1	

Information retrieved from Missouri Department of Elementary and Secondary Education on January 16, 2016.

The gap between the districts in North St. Louis County compared to those who are top performing in the St. Louis region causes reason to dig deeper to discover why the gap exists. Chetty (2011), conducted a study and found that students assigned to a teacher with more than 10 years of experience earned more money later in life, on average, than those students who had less experienced teachers (Chetty, et., p. 1595).

The stark differences between the indicators of student outcomes must continue to be explored and cannot solely be contributed to fewer years of experience and professional staff members with fewer advanced degrees. Factors such as a poverty as measured by free and reduced-price lunches must be considered. A measurement tool should be incorporated while examining possible causes relating to teacher mindsets and efficacy. North St. Louis County is not performing as well as the region, on average; ways to improve instruction and student outcomes need to be evaluated.

What are the Purposes of Tenure?

Tenure was created to protect individuals from unjustifiable political forces and discriminatory factors for termination. Tenure refers to an employee who has satisfactorily completed a probationary period and was granted a contract as a career or permanent employee. When discussion of teacher quality is brought up, teacher tenure remains an important component. As state and federal accountability mandates continue to focus on the learning for all students and preparing them for success, it is vital that teacher quality must continue to be developed and enhanced.

Today, public K–12 school systems, institutions of higher education, and the civil service workforce all utilize tenure as a method to help attract and retain high-quality employees. Employee quality is directly relation to the performance of an organization. Tenure provides job security, which is a positive benefit in an industry that is typically associated with low pay. In addition, it provides protection from, sometimes very heavy, political forces that could critically impact the organizations desired outcomes.

For institutions of higher education, tenure plays a critical role in rewarding employees for significant milestones of achievement. It allows such institutions the ability to retain top faculty members in their field and increase one's performance. Within public K–12 schools, tenure began as a movement to improve working conditions, incorporate protections from capricious parents or administrators, and provide academic freedom of teaching controversial material, and ensure unfair treatment from supervisors (Stephey, 2008). In public schools, tenure started in 1909, to protect women for solely being terminated for taking maternity leave, getting married, or wearing pants (Educators 4 Excellence, 2015).

What tenure has to offer in the three fields: public K–12 schools, institutions of higher education, and the civil service has evolved over the century to incorporate additional protections, benefits, and at times, increased the processes required to remove ineffective or underperforming employees.

Job Security

Out of the 105 million American full-time workers, employees in the three fields of public K-12 schools, civil service, and institutions of higher learning do not all have the same job protections (Kosar, 2015). Public employees are offered greater benefits, protection against layoffs and terminations for cause than private-sector employees (Biggs et al. 2014). Individuals working in public K–12 schools, institutions of higher education, and the civil service are offered job security in order to attract good people as the pay is comparatively lower than the private-sector. The Congressional Budget Office in 2012, found that individuals with advanced degrees, on average, earned about 23 percent less, than their private-sector counterparts. Tenure, therefore, provides a crucial

benefit, as it lowers the risk against unemployment, and thereby helps attract employees who may go elsewhere.

Public K–12 schools, began to protect women and improve working conditions. After the completion of two years of teaching, on average, a teacher is granted tenure. Little must be completed during this time with the exception of receiving a contract each of those years. Criteria for evaluation of performance varies among states and districts. Generally speaking, teacher quality improves sharply during the first three years of experience, and then levels off (Rowland, 2015). The state of Missouri, along with the state of Indiana are the only two states that require five years of teaching in the same district prior to being awarded tenure (Jones, 2015).

In civil service, employees enjoy greater job security than they would likely enjoy outside of the government, and therefore, take less financial compensation in exchange (Biggs et al.). Job security has been found to be so beneficial to many, that it provides the government the opportunity to attract and retain top candidates. The United States Accountability Office in report to the Chairman of the, Committee on Homeland Security and Governmental Affairs, found it takes on average, 170 to 370 days to observe a performance issue leading to dismissal (2015). The timeframe to dismiss a civil service employee was significantly longer compared to the private-sector.

In institutions of higher learning, tenure provides an opportunity for advancement both financially, as well as, in terms of status among the institution. For many, tenure in institutions of higher learning provide the protections of academic freedom, and economic security. Tenure provides the needed benefit for some in a highly specialized

field to select institutions of higher learning for employment rather than a private-sector job with a higher pay (Euben, 2002).

Protection from Political Forces

When tenure started in the late 19th century, teacher protections were needed, as repeated cases of firing were occurring for reasons such as nepotism, political support, and cheaper labor. In our highly democratic society today, political forces can influence or affect an organization from achieving their goals and reaching their mission.

Therefore, another purpose of tenure is to provide protection to employees from political forces.

In public K–12 schools and civil service, tenure provides protection against nepotism, political support, cheaper labor, and appointments based on acquaintances and political supporters rather than one’s qualifications. In 1883, the Pendleton Civil Service Act was landmark legislation that helped to create permanent employment status based on merit rather than political party affiliation. The Title VII of the Civil Service Reform Act of 1978 provided employees the opportunity to organize, bargain collectively, and to participate through labor organizations of their choosing to help make decisions affecting their working lives.

In institutions of higher learning, tenure provides the “protection in order to be able to be free to search for truth and its free exposition,” according to the 1940 Statement on Principles on Academic Freedom and Tenure. It allows faculty to be able to pursue and search for new ideas, viewpoints, and research ideas freely without fear of losing their jobs based on the disagreement of administration, boards, or other political

figures. By providing faculty with the freedom to have classroom discussions relating to their subject, it allows him or her to be free from censorship.

Incentive for Performance

Upon the granting of tenure, there is a significant difference in financial incentives offered amongst public K–12 school systems and civil service employees in comparison to institutions of higher learning faculty. Public school systems and civil service, generally allocate the same pay raise for employees solely based on years of service and/or advancement in educational level. Whereas, institutions of higher learning, are much more selective on whom receives tenure and the status that is accompanied with this achievement. Not only does tenure in higher learning institutions provide political and academic freedoms, it offers significant additional financial incentives. Tenured faculty often have access to additional grants and research opportunities, as well as, paid significantly more and are allocated more time for research rather than teaching. Institutions of higher learning provide a level of prestige when awarding tenure, which ultimately provides another incentive for top quality candidates. Some argue, tenure allows the institution to advance their mission and desired outcomes.

Components to Tenure

It is important to understand that tenure is not a simplistic system where if one follows defined steps, he or she will be granted job security, known as tenure. Public K-12 school systems, the civil service, and institutions of higher learning all differ on the components to tenure and the protections provided. I am going to explore the various

components to tenure in each of the systems and protections it affords, including, but not limited to: time to tenure, criteria and process to earn tenure, job security, and other opportunities offered.

Time to Tenure

All three fields have a general requirement of a specific time period of service needed before an employee becomes eligible for tenure. The time period prior to tenure, is often known as probationary or temporary status. Once an employee is granted tenure, it is often known as career or permanent status. For public school system employees, the average number of years for eligibility of tenure is three years. Hawaii is the shortest years of service at one year, while Missouri is one of the highest with five years of service prior to the granting of tenure. According to the United States Government Accountability Office, the average civil service employee will serve one year prior to being eligible for tenure. Institutions for higher learning, often have the longest time period in which an individual must serve in a probationary period. This probationary period can last as long as seven years (Andrews, 2009). Extensions can be granted after the seven year period.

Criteria to Earn Tenure

The criteria for eligibility of tenure is very similar to the timeline to achieve this milestone. In public K–12 school systems, and civil service compared to institutions of higher learning, it differs significantly with higher learning having more rigorous standards for obtainment.

In public K–12 school systems, employees are granted tenure on the first day of the designated year. Thereby, by completing an appraisal each year accompanied with a contract, automatically grants such employees tenure. In 2007, only two percent of teachers in the United States were dismissed or failed to have their contract renewed and generally, less than one percent of probationary teachers were denied tenure (Jones, 2015).

Similar results are found in civil service. Once an employee has completed the designated probationary period, they are granted tenure automatically. In 2013, civil service agencies dismissed 2,442 employees during his or her probationary period, at a time period when approximately 80,000 employees were hired, according to the United States Government Accountability Office. Supervisors in both school systems and civil service, generally do not have to take any steps, unless they will be denying an individual a contract the following year.

However, in institutions of higher learning, the criteria is much more rigorous and outlined in detail. Tenure generally is found in governing documents, faculty handbooks, and collective bargaining agreements with the required steps. The majority of institutions of higher learning consider performance surrounded around the ideas of teaching, research, and service, according to American Association of University Professors.

Generally, when speaking about research it is interpreted as the ability to attract external funding, and the number and quality of publications in scholarly journals, books, and other types of recognition respected by peers in the field. In addition, tenure decisions are based upon teaching which may include the interactions of social skills relating to students (Good Practice in Tenure Evaluation, 2000, p. 5). Within this, it may

include course syllabi; student evaluations; classroom observations; and teaching awards or recognition. Lastly, the area of service is considered prior to granting tenure. The determination of helping the institution meet their mission while providing service to students, faculty members, school, and the community as a whole.

In institutions of higher learning, faculty are evaluated on rigorous criteria among these areas (teaching, service, and research) and judged among the standards. The number of faculty positions that are offered a tenure-track continue to decline, as more part-time and non-tenured track faculty are utilized at institutions. In 1970, approximately 22% of faculty members were part-time; by 1999, that number had grown to 43% of faculty in part-time positions (Euben, 2002).

Job Security of Tenure

Job security in all three fields offer a series of benefits, including job protection, upon receiving tenure. The procedural protections in dismissal cases are often one of the main benefits a tenured employee is granted. Prior to the granting of tenure, this job security benefit is not granted to probationary employees. Employees who are probationary in all fields, can be released at will or “just cause.” Rationale is not required in most situations for probationary employees. Probationary employees are covered by general laws which forbid discrimination as a cause for termination. However, particular steps must be followed for dismissal of a tenured or permanent employee.

An employer must prepare a case with evidence and specific justification for termination of any tenured employee. Many state statutes include specific language regarding the exact process for dismissal. Some districts allow teachers the option to

resign rather than go through the entire termination process. When a teacher decides on resignation instead of termination it provides him or her the opportunity to regain employment in other districts without having to acknowledge or falsify information about being terminated previously. Some districts, ask during the application process if one has resigned in lieu of being terminated. Currently, in the state of Missouri, an individual's certificate is not revoked for resigning for poor performance.

Joyce (2000) outlines the steps for dismissal, after various forms of remediation have been attempted:

- Step One: Superintendent's decisions and presents notice to teacher
- Step Two: Teacher's response to superintendent's notice
- Step Three: Optional case manager hearing
- Step Four: Hearing before local board of education
- Step Five: The board's decision
- Step Six: Appeal by teacher and review by courts

Each step has a lengthy detailed process that must be followed including strict timelines and neutral party agreements. In addition, the local board of education must make its final decision in an open meeting. A teacher deciding to appeal through the courts may do so, thereby delaying the entire process even further until a final ruling has been made. The final decision to deliver notice of charges to a teacher should never be taken lightly. It can tarnish the reputation not only of the teacher but also of the administrator, and the cost is high while taking into consideration whether it is the best use of a school's time or administrator's energy (Permuth & Egly, 2002). If the teacher

appeals to the courts and the board's decision is overturned, the teacher is entitled to lost wages and possibly other damages.

The average number of teachers per district in the United States in 2007 was 211.4, and only 2.1% of those teachers were dismissed or did not have their contracts renewed (Jones, 2015). In terms of dismissing a tenured teacher, the Education Law text written by Imber, Geel, Blokhuis, and Feldman in 2014, stated the categories for dismissal are generally related to:

1. Job performance
2. Conduct or character
3. Physical or mental capacity
4. Licensure
5. Concerns regarding citizenship
6. Reduction in force

At all levels, often individuals will be offered another position within the organization, institution of higher learning, or school system rather than going through the dismissal process. When an administrator has concluded it is time to improve his or her school, it is often painful, time consuming, and legally difficult to fire a tenured teacher (Permuth & Egly, 2002).

Other Opportunities

In the fields of public K–12 school systems, civil service, and institutions of higher learning, tenure is a useful tool for recruiting and retaining top-quality candidates. Often, salaries are calculated strictly by years of service and education level. The

opportunity to advance within the institution or organization, and various recognitions or the ability to take on various leadership roles, often with additional pay or prestige.

Currently, in public school systems, the state of Missouri, times of reduction of force, employees with the least amount of time, are the first ones who are let go.

Tenure Reform in Public K–12 Districts Recommendations

After the movie *Waiting for Superman* was aired in 2010, New York City came under major fire for having so-called rubber rooms. These were places where approximately 600 tenured teachers out of a system with over 70,000 teachers, were receiving daily pay yet reported to this room instead of a classroom or instead of being terminated. These teachers were accused of “incompetence and wrongdoing” and were awaiting their due process hearings (Brill, 2009). Further, opponents maintain that state statutes and federal laws provided the needed protections of academic freedom, as “public employees do not give up their First Amendment rights in exchange for their paychecks” (Garden, 2012, as cited in *Garrity v. New Jersey*, 1967).

Often good teachers can be burned out, discouraged, and emotionally drained from colleagues who are viewed as bad or ineffective teachers. Due to outdated tenure policies, frequently teachers who are in urban schools teaching students who need the most help are taught by teachers who are forced to be there and not a good fit traditionally through a transfer process of districts (Levin, Mulhern, and Schunck, 2005). Public school districts in America, on average, dismiss under 1 percent of teachers who are underperforming, compared to a rate of 4.9 percent in charter schools, where many teachers are at-will employees (Hess, 2004).

Under current state statute and Missouri Constitution, teachers currently employed may not have their tenure removed unless the lengthy process is followed through or an employee leaves a district. We must develop systems for our future that will meet the demands of the next century and beyond. A new model for tenure and post-tenure evaluation is urgently needed. Ineffective teaching can have a lasting effect on students. Ineffective teachers as defined as not making “any measurable contribution to their advancement” (Winters, 2012). Students in these classrooms face numerous obstacles. For example, students with poor teachers are more likely to have an early pregnancy, are less likely to go to college, and earn less in adulthood (Winters, 2012).

As an education system, we must strongly consider the criteria for earning tenure. In order to increase the level of prestige, status, and respect of a tenured teacher; we must take lessons from institutions of higher learning in terms of faculty titles. By enhancing the criteria and rigor, it will limit the number of teachers who earn tenure and review all aspect of job performance, rather than the granting of an annual contract for five years.

In table 5, it will outline a story of an imaginary teacher’s journey of a teaching career in Missouri under the current system versus the proposed system of tenure.

Table 5: Two Lives of Mr. Micahels

A simplified story of a teacher in Missouri from the perspectives of two different tenure systems. The story highlights the major features of Mr. Michaels’ professional journey as a public k-12 school district teacher. His story is told through the workings of the current system compared to a proposed recommended system. The goal of the proposed system is to elevate teacher quality by focusing on a continual professional

growth model, incorporating a tier tenured system, and identifying teacher leadership opportunities.

Current System

Mr. Michaels completes his degree and certification requirements.

He hears the good news; he has just been hired. He is excited to be starting his teaching career as a 7th grade teacher in the St. Louis region.

He receives induction training and two years of mentoring. His mentor volunteers or is recruited and may not have any training or experience as a mentor. The mentor may or may not be in Mr. Michaels' content area or grade level.

Proposed System

No change.

No change.

He receives induction training and two years of a targeted mentorship from a highly effective teacher. In addition, to foster growth he completes portfolio tasks relating to knowledge of students, assessment and data, designing of instruction, and implementing and analyzing instruction to promote student learning rated by a third party. A highly effective teacher provides peer observations with specific feedback. His students and families complete perception surveys. Mr. Michaels has annual evaluations with feedback to promote growth and development.

Mr. Michaels no longer receives a mentor; is only offered district and school professional development; and an annual evaluation with limited feedback is conducted. If he has a high drive, he will continue to seek out feedback from others; look for professional development opportunities; and get an unofficial mentor. If he feels like his first year of teaching is repeated each year from years three to six, he will have limited feedback or a mentor, and probably will leave the profession. If he feels success and has limited classroom management issues, he will be issued a contract until he is granted tenure. However, he may leave the profession from lack of support and feedback that helps spur his continual growth and development.

Mr. Michaels has made it to his sixth year of teaching and is excited about receiving tenure. He receives an annual evaluation. He is granted tenure because he has received a contract for five years. As long as he is not rated “below basic” he will keep his job. He will continue to be offered limited feedback, if he actually gets an evaluation. Mentoring will no longer be an option and professional development will be offered whenever the district or school has it scheduled.

Mr. Michaels will be offered targeted professional development from colleagues who are in the field and knowledgeable. He will have his highly effective colleagues supporting him through observations with feedback on a regular basis. In addition, he can have a mentor to help continue his support and growth to ensure he remains in the profession.

In his sixth year, he is ranked on a tiered system. If he ranks in the “basic” category, he will receive an extra year to improve. His ranking and the granting of tenure are based on the recommendation of the committee (i.e., principal, highly effective teacher, etc.)

Mr. Michaels is now in his eighth year of teaching. He continues to be granted an annual contract and annual classroom observations. He is offered limited feedback, no mentoring, and often can find himself lacking growth or leadership opportunities.

POST TENURE REVIEW: Over the next three years, he will continue to set goals for growth and development. Student and family perception surveys will be completed; student learning outcomes, peer evaluations, annual evaluations, and the completion of selected tasks will be incorporated. He presents his record of success and is evaluated for a new tier status. If he now scores at the basic level, he will be given targets to complete within one year.

Based on his initial and post-tenure review, Mr. Michaels can be placed on various tiers with the following teacher leadership opportunities. Refer to table 6.

Mr. Michaels finds after fifteen years of teaching to leave the profession because he doesn't feel supported or that he is growing.

Mr. Michaels stays in the profession until he retires because he feels supported, opportunities to grow, and was able to take on leadership roles, as outlined in table 6 below.

Table 6: Tiered Tenured Status with Growth and Development Opportunities

Tier	Growth and Development Opportunities
Traditional	<ul style="list-style-type: none"> ➤ Receives additional mentoring ➤ Provided targeted professional development
Highly Effective	<ul style="list-style-type: none"> ➤ Serves a mentor for new teachers ➤ Provides professional development ➤ Serves on various school committees, including tenure committee
Distinguished Teacher Leader	<ul style="list-style-type: none"> ➤ Serves a mentor for tenured teachers ➤ Provides professional development ➤ Conducts peer observations ➤ Serves on various school and district committees, including tenure committee ➤ Serves as a model teacher for instructional growth ➤ Supports and provides instructional feedback (i.e. instructional coach)

The current political state of Missouri, is not willing to support the complete elimination of tenure, as evident by the recent ballot initiative in 2014. However, many would support a reform to the current system to help support more highly effective teachers in front of every student in order to increase student outcomes. Through a reform, these areas are recommended for change:

1. Time to tenure,
2. Criteria and process to tenure,
3. Job security,
4. A tiered tenured system,
5. Performance tasks, and
6. Post-tenure three-year review.

Recommendation #1: Time to Tenure

Currently, Missouri is one of the few states that requires the most number of years of service (5 years) prior to eligibility of tenure. It is important to note that Missouri also requires that service to be within the same district, with the flexibility to have one year of service counted towards eligibility transferring from other districts. The current time of five years is suggested as a well-established amount of time before an employee should be eligible. However, additional support of extension or delay of making such decision should be included to allow administrators the opportunity to adjust such decision to ensure the decision is based on relevant factors. This would allow employees to truly demonstrate their contributions to not only the professional but also the school and community.

In 2015, Missouri added student growth to be used in teacher evaluations. Some districts have adopted the Student Learning Objectives (SLOs) as their measurement for student growth. The Department of Elementary and Secondary Education for Missouri, suggests a teacher's evaluation is based approximately one-third on the growth outcome of student learning on Student Learning Objectives. First year teachers are often not nearly as effective as more experienced teachers. However, research has suggested that after three years of teaching, teacher growth begins to flatten and not grow nearly as rapidly (Rowland, 2015).

By reviewing five years of SLOs, it would provide administrators and districts, more consistent data to factor into a tenure decision. In addition, through a five year window for tenure, it allows teachers the opportunity to earn other recognitions for teaching and service.

Recommendation #2: Criteria and Process to Tenure

In order to increase the rigor and criteria for tenure, we must place meaningful emphasis on performance measurements that are carefully outlined and detailed, as it is in institutions of higher learning.

For example, in Hazelwood School District, St. Louis, Missouri, the teacher evaluation tool contains nine standards of professional practice: content knowledge; understanding encouragement of student learning; curriculum implementation; teaching for critical thinking; positive classroom environment for learning; utilizing effective communication; use of student assessment data; professional practice; and professional collaboration. However, probationary teachers are only evaluated on three standards a

year. With the elimination of rigorous standards, a teacher's performance rating is impacted and not able to be fully assessed as to his or her contributions to the school, community, and profession.

The use of Student Learning Objectives, in conjunction with more complex student work, must be incorporated to allow for a balanced approach to measuring student growth. Incorporating peer evaluators, from someone who is a high-performing, experienced teacher have been found to have positive effects on teacher growth and student achievement (Taylor et al., 2012). Through the incorporation of high-performing, experienced teachers in the annual evaluation process of probationary teachers offers another insight to the full measure of consistency of performance.

The goal of granting tenure should be based on improving teacher quality, while increasing student outcomes. Teachers would need to successfully complete five years of teaching, meeting the detailed criteria and the incorporation of peer-review observations annually, and Student Learning Objectives consisting of multiple measures of complex student work.

Institutions of higher learning, often incorporate student surveys and a committee into the decision of tenure. Based on this model, public K–12 school systems should incorporate student perception surveys into the process for granting tenure. This would provide a more comprehensive gauge and perspective into the inclusion of all stakeholders when considering tenure and professional growth. By gaining insight from students, it would allow a committee to make a decision about tenure or provide an evaluator with additional details to focus on certain areas for improvement or as a strength. In addition, a committee with an administrator, at least one colleague ranked at

least highly effective or higher, and other stakeholders would be involved in the decision for granting tenure.

The Missouri Department of Elementary and Secondary Education instituted in 2015, a new bar of rigor and standards to pre-service teachers, called the Missouri Pre-Service Teacher Assessment (MoPTA). Institutions of higher learning had to quickly adapt their practices and address a new set of tasks and requirements prior to a candidate receiving their license. This rigorous process includes a multitude of exams and incorporates four tasks that must be met covering all nine professional standards. Public K–12 school educators, should be required to demonstrate the same knowledge and pedagogy for such standards in order to receive tenure and this continuum of educator quality should be expanded.

Recommendation #3: Job Security

Missouri opened the conversation to tenure reform in 2014, with a ballot initiative. The time to reform tenure with all voices at the table will assist the Show-Me state in moving forward and setting the trend for others. Generally, the Constitutional rights, and procedural processes are the minimum level of protection needed for employees. With that, state and district boards and political figures must come together to change tenure job security by reforming the dismissal process. Specifically looking at the process layers, the timing, and grounds for dismissal must be examined and reformed.

If an administrator makes the decision that a teacher is ineffective, it takes an extraordinary amount of time for him or her to build a case against the teacher. Part of the reason it is so time consuming is the required amount of time for remediation and

improvement. Often it takes two to five years to fire a bad teacher (Sullivan, 2011). A study found an ineffective teacher could cost students \$1.4 million in lifetime earnings per classroom (Chetty, Friedman, Rockoff, 2011). Therefore the right blend must be considered of burden of proof and the number of ineffective teachers getting dismissed.

Policymakers must consider the harm ineffective teachers have on our students. Currently, there are six steps to dismissing a tenured teacher, after various forms of remediation have been attempted. A study found that students would gain approximately \$25,000 in total lifetime earnings from having a high value-added teacher rather than a median teacher (Chetty, et. 2011). A recommendation of fewer levels of review and less time between each review of the remediation process.

The dismissal grounds should be based on the interests of students and the school's performance. This could include ineffectiveness in the classroom, lack of student knowledge and understanding, failure to meet ethical standards, and conduct that interferes with student learning and/or the operations or culture of the school. By providing administrators and districts more discretion in removing an ineffective, tenured teacher, the process would assist the burden of proof on the employer, when commonsense would prevail not to have such individual working with children.

Tenure is giving an employee permanent status, therefore, granting them property that may not be taken away without due process. By allowing the grounds to be expansive, it allows the employer more opportunities to collect documentation needed for burden of proof. Ultimately, as a State, we must ensure every student has access to an effective teacher.

Recommendation #4: A Tiered System Including Teacher Leaders

Literature points to high-quality classroom observations lead to their potential value for improving instruction; an approach that relies on multiple, highly structured classroom observations conducted by experienced peer teachers and administrators (Taylor, et. 2012). Inclusion of teacher leadership is a method to offer employees additional opportunities and incentives. Similar to institutions of higher learning, I recommend the creation of a tiered tenure system. The tenure tiers recommended, would be:

- traditional,
- highly effective, and
- distinguished teacher leader.

Under this tiered system, tenure would be reserved for individuals rating above the basic level and demonstrating professional practices beyond basic on quality indicators for task performances.

Teachers ranked in the basic level at the conclusion of their five years, would have the opportunity to be granted a one-year extension by the committee. During the extension period, if teachers do not move above the basic level, they would not be granted tenure and dismissed from the school district. By removing the least effective teachers, it could lead to a positive impact on student learning and the school culture. Teacher burnout could also be reduced through this process.

Tenure at the traditional tier would be for individuals who have met all criteria established between the basic and third level, essentially performing between 25%-75% of each level descriptor. These teachers would be monitored closely and offered

additional layers of support, including but not limited to, peer observations. Peer observations, also known as peer assistance and review, is the brainchild of Dal Lawrence, former president of the Toledo Federation of Teachers. The Harvard Graduate School of Education reported in their study of Peer Assistance and Review programs that districts have found this to be an effective way to attract, support, and retain teachers.

Tenure at the highly effective tier would be offered to teachers meeting all criteria established, earning between markings of 75% to 90% of each level descriptor. Teachers at this level, would have the opportunity to serve as mentor for new teachers to the profession. In addition, the opportunity to mentors and support for teachers who have earned traditional tenure. Teachers earning this status, would have the opportunity to lead professional development for areas receiving the highest rating.

Tenure at the distinguished teacher leader tier would be reserved for teachers meeting all criteria established in the top 10% of each level descriptor. Teachers at this tenure tier would serve as a peer observer and mentor. In addition, these teachers would provide targeted professional development. Through coaching and mentoring of other teachers, they could earn release time from a normal teaching schedule to assist with the improvement of instruction. Lastly, these individuals would serve on committees for tenure decisions.

By having a tier tenured system, it promotes continual improvement and could assist with teacher retention. School culture and climate could also be affected in a positive manner as the lowest performing teachers would be removed.

In financially tough times, providing a tiered tenure system could still be offered with limited to no financial costs. Taylor and Tyler (2012), found that, “greater teacher

performance as measured by student achievement gains strongly suggest that teachers develop skills or otherwise change their behavior in a lasting manner as a result of undergoing performance evaluation” (83).

Recommendation #5: Performance Tasks

The implementation and expansion of the Missouri Pre-Service Teacher Assessment (MoPTA) to include Missouri teachers. With the incorporation of such performance tasks, it allows a neutral, outside party to evaluate a teacher’s performance against a set criterion and the continuum of educator quality to expand from pre-service through retirement stages. Such tasks would be integrated into the overall portfolio of a teacher’s performance when deciding on granting initial tenure with identifying the appropriate tenure tier and during the post-tenure three-year review. These tasks would be mirrored and further in depth to the MoPTA, to include:

Task 1: Knowledge of Students and the Learning Environment

Task 2: Assessment and Data Collection to Measure and Inform Student Learning

Task 3: Designing Instruction for Student Learning

Task 4: Implementing and Analyzing Instruction to Promote Student Learning

The Missouri Department of Elementary and Secondary Education would be charged with managing this process for all public K-12 school districts. Teachers would be required to complete all four of the tasks before the granting of initial tenure. As outlined in MoPTA, designations for criteria would be established and used for rankings.

A tenure committee would review the rankings from the various tasks to identify the appropriate tenure tier. Table 4 outlines the required number of tasks to be completed and at which level for each tenure tier during the initial granting and post-tenure review:

Table 4: *Task Performance Rankings Related to Tenure Tiers*

Tenure Tier	Number of Tasks (minimum)	Tasks Rating Level
Traditional	1	25% - 75%
Highly Effective	2	76% - 90%
Distinguished Teacher Leader	3	91% - 100%

Recommendation #6: Post-Tenure Review

According to the Association of American Universities, post-tenure review policies have been increasing over the last two decades. Teacher evaluation tools should be designed to help identify and measure the instructional strategies, professional behaviors, and delivery of content knowledge that affect student learning (Dixon, 2011). The incorporation of post-tenure review would help ensure teachers remain effective at such measures. Modeled after institutions of higher learning, post-tenure review, I recommend be instituted for all tenured teachers. This model would be implemented every three years and the re-designation of tier level tenure status would be identified. By implementing three year cycles, it allows for targeted teacher growth and opportunity for improvement.

During this review, it would present an opportunity for teachers to demonstrate their contributions to teaching and service to the school and community. A review of observations, student outcomes, task rankings, and student perception surveys would be

conducted by a tenure committee. During this review artifacts would be submitted to support the contributions. This process would be known as a post-tenure review; separate from the annual evaluations of performance and conducted every three-years. Teachers would be ranked on a tenure tier during this time as well. The rationale behind needing post-tenure review is to reward and further develop teachers, while addressing substandard performance. Substandard would be quantified as scoring in the lowest rating (i.e. Basic) of any outlined criteria.

If a teacher is identified as not meeting standards, then a detailed action plan would be created in a collaborative setting comprised of the tenure committee. Depending on the areas identified for growth, a teacher would be given a certain timeline for completion of meeting objectives and have offered layers of additional support such as mentoring or peer review. At the end of the agreed timeline, a teacher would then go through a review of performance. If the teacher has not met the objectives or rated at the 25% indicator levels or above, the review committee could recommend the teacher be terminated to the school board.

Conclusion

Effective leaders need to have the autonomy to identify those who are performing at effective levels and those who need to improve. It is important that every student has a teacher who is achieving strong student outcomes. In order for our state and nation to continue to progress we must place heavy emphasis on access to quality education. Literature has pointed that children of an ineffective teacher, can have lasting effects from lower wages later in life, to less likely to go to college, and even early pregnancy.

By implementing the right size and fit accountability plan in conjunction with tenure, it would be become more transparent for the public and possibly increase teacher retention.

We must find ways to identify and reward top performing teachers and empower them to help spread their impact to others to reach more children. Distinguished teacher leaders could spread their effectiveness, stay longer in the classroom, and be rewarded and recognized for their contribution to the teaching and service of the school and community. It is time to make a decision. The Show-Me state needs to become a leader in tenure reform, so we can improve student outcomes and teacher effectiveness regardless of political party.

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ELEVATING TEACHER QUALITY: TEACHER TENURE REFORM

Applying Lessons from Other Fields

By: Kevin M. Martin



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Credits of Photos

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ELEVATING TEACHER QUALITY: REFORMING TEACHER TENURE*Applying Lessons from Other Fields*

By: Kevin M. Martin

INTRODUCTION

In November of 2014, Amendment 3 to the Missouri Constitution was on the ballot to decide if teacher tenure in public K-12 schools should be related to student performance instead of seniority (Griffin & Lloyd, 2014). The Amendment would have changed present tenure laws in Missouri to allow dismissal of teachers, retentions, demotions, promotions, and pay to be based primarily on student data; would have eliminated the ability to bargain collectively on the designing of evaluations or implementation of such; and put individuals on a three-year contract limit (Griffin & Lloyd, 2014). Union leaders and groups in Missouri raised over \$600,000 that year to fight the Amendment, ultimately leading to a 76.43% (1,100,628) vote of no among voters (Crouch, 2014).

In 2009, at a town hall meeting in Arnold, Missouri, President Barack Obama said, “the single-biggest ingredient is the quality of our teachers; single most important factor – single most important factor in the classroom is the quality of the person standing at the front of the classroom” (White House Office of Press Secretary). The President’s statement and current research have stated that the variables associated with teacher quality appear to have a significant relationship on student achievement (Darling-Hammond, 2000).

Research continues to confirm, that the single most important variable to student achievement is effective teaching (Range, Finch, Young, Hvidston, 2014) and thus tenure and teacher quality are important components of educational quality. Therefore, it is important to examine how tenure policies can impact teacher quality and to look for ways in which we can improve teacher quality through changes in tenure policy. Current policy and state statutes in Missouri place limitations on the processes and timing to remove tenured teachers who are not meeting acceptable levels. Leaders on all levels of national, state, and local, have initiated reforms focused on improving teacher quality, examining teacher preparation programs, and support school leaders with the needed tools to identify and remove ineffective teachers.

In the fall of 2011, 49.5 million public school students entered the schoolhouse doors and were greeted by 3.4 million teachers throughout the United States (National Center for Education Statistics, 2011-12). In the state of Missouri, the average number of teachers per school district is 132.1; and of those, on average, 0.2 tenured teachers were dismissed as a result of poor performance versus 0.9 nontenured teachers (National Center for Education Statistics, 2011-12).

The movement for tenure started during the late 19th century, at a time in our nation when many were fighting to improve working conditions. For teachers, tenure was designed to protect them from capricious parents or administrators, from being fired for teaching controversial material and/or being treated unfairly (Stephey, 2008). Teacher protections were needed at the time, as repeated cases of firing were occurring for reasons such as nepotism, political support, and cheaper labor.

In the State of Missouri, the “Teacher Tenure Act” was originally passed in 1970. The passage of this act became effective on July 1, 1970, under state statute RsMO 168.102 to 168.130. Since the original passage, the state legislature has amended the original statute in both 1991 and 2004. The Missouri Metropolitan School District statute 168.221.1, was amended in August of 2015, to allow for a local metropolitan school district to be able to utilize a professional development plan for teachers which is known as the “St. Louis Plan.” In such plan, teachers can be terminated sooner, rather than being required to be allowed 18 weeks to improve.

With bi-partisan support in Congress, President George W. Bush signed into law the No Child Left Behind Act of 2001. The act placed an emphasis on educational reform in our nation. NCLB required all teachers to be “highly qualified,” as set forth by a set of standards within five years (Berk, 2002). All states had to change their licensing process to

ensure teachers were demonstrating competence based on these standards.

In 2015, the United States Congress passed and President Barack Obama signed into law the newest education reform Act, the Every Child Achieves Act (ECAA) of 2015. The Act strengthened state and local control in several areas, while changing accountability systems for improvement of low-performing schools. The ECAA (found under the Senate Committee on Health, Education, Labor, and Pensions), stated federal mandates were eliminated as it related to teacher evaluations and highly qualified teachers, providing states with the freedom to define such terms.

Today, other concerns are leading education reform conversations: student outcomes, teacher



equity in schools, budgetary constraints, teacher pay, and high stakes assessments. Due to this shift, leaders in many states, including Missouri, have begun to make changes to teacher evaluations. Thus having a possible impact on teacher tenure and with a goal of increasing student outcomes. With reform, the goal would be to streamline tenure protections, increase the rigor for receiving tenure, and

implementing additional accountabilities measures throughout the review process.

As efforts to improve equitability, quality, and rigor of teacher's evaluations continue a shift is occurring. School leaders are beginning to focus decisions more on teacher performance. In 2014, in the state of Missouri, implemented Student Learning Objectives at the state level. However, waivers that were granted under NCLB, in 2012, required the inclusion of student growth to be incorporated in teacher evaluations. This measure includes accounting for student growth into a teacher's evaluation. State and local leaders are beginning to move the needle of reform to teacher evaluations. Questions have been raised on how and when we should reform tenure statutes in order to help make a better Missouri for our future.

A review of current tenure policy in the state of Missouri is needed. Options of reforms to the process and criteria for receiving tenure are need, therefore, we can increase teacher quality to meet the needs of a success for a 21st century student and beyond. A review of teacher experience in relation to district accreditation status within North St. Louis County compared to the top ten performing districts within the region will be conducted. In addition, exploring student outcomes within North St. Louis County compared to the top performing districts of the region. Information will be gathered on the tenure process and design in civil service and institutions of higher education. Lastly, recommendations will be made for tenure reform while examining the Missouri Department of Elementary and Secondary Education pre-service teacher handbook for performance tasks.



PURPOSES OF THIS RECOMMENDATION

Based on this information, and the need for improving instruction for our students’ future; recommendations to reform tenure statutes in the state of Missouri will be made. I will be discussing the elements of tenure design: the tenure process; the protections; and the opportunities to strengthen tenure to reward for better teachers. In order for change to occur in the state of Missouri; the

Department of Elementary and Secondary Education for Missouri (DESE), the voters along with the political leaders on all levels, will need to come together to support a reform effort through policy and state statute changes.

This is the opportunity for the Show-Me state to take the lead to help our future and provide new reforms that fit the 21st century teacher and classroom.

North St. Louis County Districts Compared to Region’s Top Performing Districts

The story of teacher tenure begins by examining the school districts where teachers work. For purposes of this policy paper, St. Louis is used as example but it is also indicative of what’s happening across the State and the country in terms of teacher quality and the issues of teacher tenure. Comparisons of low and high performing districts provides us with insight into the issues of elevating teacher quality through reforming teacher tenure and the ramifications of policy that is left unchecked and not changed to meet the demands of today’s education system.








Seven school districts are located within north St. Louis County: Ferguson-Florissant, Hazelwood, Jennings, Normandy, Pattonville, Ritenour, and Riverview Gardens. Combined, they serve approximately 52,000 students out of the approximately the 887,000 public K–12 school students in the state of Missouri.

One component of teacher quality is teacher experience. Table 1 highlights the average years of experience of teachers in these district and the percentage with advanced degrees.



Source: North County Incorporated Service Area (2014).

Table 1: Average Teacher Years of Experience and Professional Staff with Advanced Degrees in North St. Louis County Districts in 2015

						
Ferguson-Florissant	Hazelwood	Jennings	Normandy	Pattonville	Ritenour	Riverview Gardens
Students: 11,206	Students: 17,764	Students: 2,526	Students: 3,481	Students: 5,562	Students: 6,252	Students: 5,143
Years of Exp. Avg.: 13.3	Years of Exp. Avg.: 11.5	Years of Exp. Avg.: 14.4	Years of Exp. Avg.: 11.5	Years of Exp. Avg.: 13.7	Years of Exp. Avg.: 12.3	Years of Exp. Avg.: 10.6
% w/Adv. Degrees: 63.5%	% w/Adv. Degrees: 69.1%	% w/Adv. Degrees: 68.2%	% w/Adv. Degrees: 62.3%	% w/Adv. Degrees: 76.0%	% w/Adv. Degrees: 74.6%	% w/Adv. Degrees: 50.3%

Information retrieved from Missouri Department of Elementary and Secondary Education on January 16, 2016.

Within North St. Louis County, the average number of students per district is 7,419, with a professional staff experience average at 12.5 years.

Chart 2, highlights the average years of experience and percentage of teachers with advanced degrees in the region’s top performing school districts.



Table 2: Average Teacher Years of Experience and Professional Staff with Advanced Degrees in St. Louis Region Districts in 2015

Brentwood	Clayton	Francis Howell	Kirkwood	Ladue	Lindbergh	Maplewood Richmond Heights	Parkway	Rockwood	Webster Groves
Total Students: 788	Total Students: 2,548	Total Students: 16,959	Total Students: 5,595	Total Students: 4,156	Total Students: 6,300	Total Students: 1,198	Total Students: 17,229	Total Students: 21,360	Total Students: 4,438
Years of Exp. Avg.: 13.1	Years of Exp. Avg.: 16.7	Years of Exp. Avg.: 13.8	Years of Exp. Avg.: 14.3	Years of Exp. Avg.: 14.2	Years of Exp. Avg.: 13.2	Years of Exp. Avg.: 10.7	Years of Exp. Avg.: 13.3	Years of Exp. Avg.: 13.6	Years of Exp. Avg.: 14.9
% w/Adv. Degrees: 85.6%	% w/Adv. Degrees: 92.7%	% w/Adv. Degrees: 80.3%	% w/Adv. Degrees: 82.6%	% w/Adv. Degrees: 77.3%	% w/Adv. Degrees: 79.8%	% w/Adv. Degrees: 75.2%	% w/Adv. Degrees: 83.1%	% w/Adv. Degrees: 78.8%	% w/Adv. Degrees: 75.9%

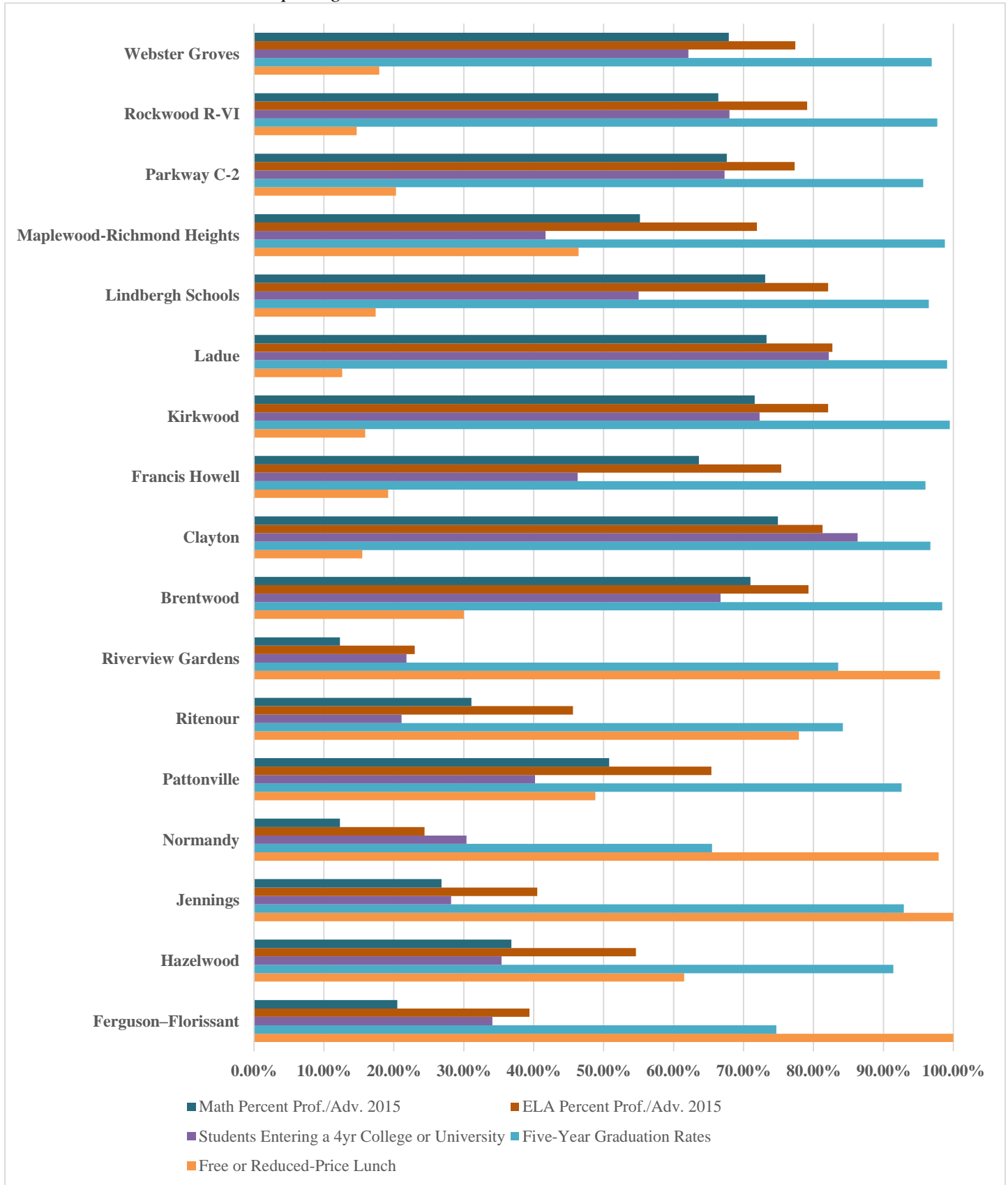
Information retrieved from Missouri Department of Elementary and Secondary Education on January 16, 2016.

Within the St. Louis region top performing districts, the average number of students per district is 8,057 with a professional staff experience average at 13.8 years. The suggestion can be made that within the St. Louis region, that years of experience and advanced degrees translate into higher performance for a school district. Consideration should be taken into account, when examining equity of experienced professional staff members within school districts across the entire state. The information gathered could suggest better performing districts have professional staff

members with more experience and have taken initiative to advance their own educational career.

It is important to consider other factors that account for student achievement and to examine the student outcomes in North St. Louis County compared to the region’s top performing public school districts. Therefore, table 3, highlights information about students eligible for free or reduced-price lunch, five-year graduation rates, students entering a 4 year college or university, English Language Arts and mathematics percent proficient or advanced for 2015, ACT average composite score, and accreditation status.

Chart 1: School Districts Comparing Student Achievement Levels in 2015



Information retrieved from Missouri Department of Elementary and Secondary Education on January 16, 2016.

The gap between the districts in North St. Louis County compared to those who are top performing in the St. Louis region causes reason to dig deeper to discover why the gap exists. Chetty (2011), conducted a study and found that students assigned to a teacher with more than 10 years of experience earned more money later in life, on average, than those students who had less experienced teachers (Chetty, et., p. 1595).

The stark differences between the indicators of student outcomes must continue to be explored and

cannot solely be contributed to fewer years of experience and professional staff members with fewer advanced degrees. Factors such as a poverty as measured by free and reduced-price lunches must be considered. A measurement tool should be incorporated while examining possible causes relating to teacher mindsets and efficacy. North St. Louis County is not performing as well as the region, on average; ways to improve instruction and student outcomes need to be evaluated.



WHAT ARE THE PURPOSES OF TENURE?

Tenure was created to protect individuals from unjustifiable political forces and discriminatory factors for termination. Tenure refers to an employee who has satisfactorily completed a probationary period and was granted a contract as a career or permanent employee. When discussion of teacher quality is brought up, teacher tenure remains an important component. As state and federal accountability mandates continue to focus on the learning for all students and preparing them for success, it is vital that teacher quality must continue to be developed and enhanced.

Today, public K–12 school systems, institutions of higher education, and the civil service workforce all utilize tenure as a method to help attract and retain high-quality employees. Employee quality is directly relation to the performance of an organization. Tenure provides job security, which is a positive benefit in an industry that is typically associated with low pay. In addition, it provides protection from, sometimes very heavy, political forces that could critically impact the organizations desired outcomes.

For institutions of higher education, tenure plays a critical role in rewarding employees for significant milestones of achievement. It allows such institutions the ability to retain top faculty members in their field and increase one's performance. Within public K–12 schools, tenure began as a movement to improve working conditions, incorporate protections from capricious parents or administrators, and provide academic freedom of teaching controversial material, and ensure unfair treatment from supervisors (Stephey, 2008). In public schools, tenure started in 1909, to protect women for solely being terminated for taking maternity leave, getting married, or wearing pants (Educators 4 Excellence, 2015).

What tenure has to offer in the three fields: public K–12 schools, institutions of higher education, and the civil service has evolved over the century to incorporate additional protections, benefits, and at times, increased the processes required to remove ineffective or underperforming employees.

Job Security

Out of the 105 million American full-time workers, employees in the three fields of public K-12 schools, civil service, and institutions of higher learning do not all have the same job protections (Kosar, 2015). Public employees are offered greater benefits, protection against layoffs and terminations for cause than private-sector employees (Biggs et al. 2014). Individuals working in public K-12 schools, institutions of higher education, and the civil service are offered job security in order to attract good people as the pay is comparatively lower than the private-sector. The Congressional Budget Office in 2012, found that individuals with advanced degrees, on average, earned about 23 percent less, than their private-sector counterparts. Tenure, therefore, provides a crucial benefit, as it lowers the risk against unemployment, and thereby helps attract employees who may go elsewhere.

Public K-12 schools, began to protect women and improve working conditions. After the completion of two years of teaching, on average, a teacher is granted tenure. Little must be completed during this time with the exception of receiving a contract each of those years. Criteria for evaluation of performance varies among states and districts. Generally speaking, teacher quality improves sharply during the first three years of experience, and then levels off (Rowland, 2015). The state of

Missouri, along with the state of Indiana are the only two states that require five years of teaching in the same district prior to being awarded tenure (Jones, 2015).

In civil service, employees enjoy greater job security than they would likely enjoy outside of the government, and therefore, take less financial compensation in exchange (Biggs et al.). Job security has been found to be so beneficial to many, that it provides the government the opportunity to attract and retain top candidates. The United States Accountability Office in report to the Chairman of the, Committee on Homeland Security and Governmental Affairs, found it takes on average, 170 to 370 days to observe a performance issue leading to dismissal (2015). The timeframe to dismiss a civil service employee was significantly longer compared to the private-sector.

In institutions of higher learning, tenure provides an opportunity for advancement both financially, as well as, in terms of status among the institution. For many, tenure in institutions of higher learning provide the protections of academic freedom, and economic security. Tenure provides the needed benefit for some in a highly specialized field to select institutions of higher learning for employment rather than a private-sector job with a higher pay (Euben, 2002).

Protection from Political Forces

When tenure started in the late 19th century, teacher protections were needed, as repeated cases of firing were occurring for reasons such as nepotism, political support, and cheaper labor. In our highly democratic society today, political forces can influence or affect an organization from achieving their goals and reaching their mission. Therefore, another purpose of tenure is to provide protection to employees from political forces.

In public K–12 schools and civil service, tenure provides protection against nepotism, political support, cheaper labor, and appointments based on acquaintances and political supporters rather than one’s qualifications. In 1883, the Pendleton Civil Service Act was landmark legislation that helped to create permanent employment status based on merit rather than political party affiliation. The Title VII of the Civil Service Reform Act of 1978 provided employees the opportunity to organize, bargain collectively, and to participate through labor

organizations of their choosing to help make decisions affecting their working lives.



In institutions of higher learning, tenure provides the “protection in order to be able to be free to search for truth and its free exposition,” according to the 1940 Statement on Principles on Academic Freedom and Tenure. It allows faculty to be able to pursue and search for new ideas, viewpoints, and research ideas freely without fear of losing their jobs based on the disagreement of administration, boards, or other political figures. By providing faculty with the freedom to have classroom discussions relating to their subject, it allows him or her to be free from censorship.

Incentive for Performance

Upon the granting of tenure, there is a significant difference in financial incentives offered amongst public K–12 school systems and civil service employees in comparison to institutions of higher learning

faculty. Public school systems and civil service, generally allocate the same pay raise for employees solely based on years of service

and/or advancement in educational level. Whereas, institutions of higher learning, are much more selective on whom receives tenure and the status that is accompanied with this achievement. Not only



does tenure in higher learning institutions provide political and academic freedoms, it offers significant additional financial incentives. Tenured faculty often have access to additional grants and

research opportunities, as well as, paid significantly more and are allocated more time for research rather than teaching.

Institutions of higher learning provide a level of prestige when awarding

tenure, which ultimately provides another incentive for top quality candidates. Some argue, tenure allows the institution to advance their mission and desired outcomes.

COMPONENTS TO TENURE

It is important to understand that tenure is not a simplistic system where if one follows defined steps, he or she will be granted job security, known as tenure. Public K – 12 school systems, the civil service, and institutions of higher learning all differ on the components to tenure and the protections provided. I am going to explore the various

components to tenure in each of the systems and protections it affords, including, but not limited to:

- **time** to tenure;
- **criteria** and **process** to earn tenure;
- **job security**; and
- other **opportunities** offered.

Time to Tenure

All three fields have a general requirement of a specific time period of service needed before an employee becomes eligible for tenure. The time period prior to tenure, is often known as probationary or temporary status. Once an employee is granted tenure, it is often known as career or permanent status. For public school system employees, the average number of years for eligibility of tenure is three years. Hawaii is the shortest years of service at one year, while Missouri

is one of the highest with five years of service prior to the granting of tenure. According to the United States Government Accountability Office, the average civil service employee will serve one year prior to being eligible for tenure. Institutions for higher learning, often have the longest time period in which an individual must serve in a probationary period. This probationary period can last as long as seven years (Andrews, 2009). Extensions can be granted after the seven year period.

On average, how long does tenure take to earn?

CIVIL SERVICE - 1 YEAR

TEACHERS - 3 YEARS

INSTITUTIONS OF HIGHER LEARNING - 7 YEARS

Criteria to Earn Tenure

The criteria for eligibility of tenure is very similar to the timeline to achieve this milestone. In public K-12



school systems, and civil service compared to institutions of higher learning, it differs significantly with higher learning having more

rigorous standards for obtainment.

In public K–12 school systems, employees are granted tenure on the first day of the designated year. Thereby, by completing an appraisal each year accompanied with a contract, automatically grants such employees tenure. In 2007, only two percent of teachers in the United States were dismissed or failed to have their contract renewed and generally, less than one percent of probationary teachers were denied tenure (Jones, 2015).

Similar results are found in civil service. Once an employee has completed the designated probationary period, they are granted tenure automatically. In 2013, civil service agencies dismissed 2,442 employees during his or her probationary period, at a time period when approximately 80,000 employees were hired, according to the United States Government Accountability Office. Supervisors in both school systems and civil service, generally do not have to take any steps, unless they will be denying an individual a contract the following year.

However, in institutions of higher learning, the criteria is much more rigorous and outlined in detail. Tenure generally is found in governing documents, faculty handbooks, and collective bargaining agreements with the required steps. The majority of institutions of higher learning consider performance surrounded around the ideas of

teaching, research, and service, according to American Association of University Professors.

Generally, when speaking about research it is interpreted as the ability to attract external funding, and the number and quality of publications in scholarly journals, books, and other types of recognition respected by peers in the field. In addition, tenure decisions are based upon teaching which may include the interactions of social skills relating to students (Good Practice in Tenure Evaluation, 2000, p. 5). Within this, it may include course syllabi; student evaluations; classroom observations; and teaching awards or recognition. Lastly, the area of service is considered prior to granting tenure. The determination of helping the institution meet their mission while providing service to students, faculty members, school, and the community as a whole.

In institutions of higher learning, faculty are evaluated on rigorous criteria among these areas (teaching, service, and research) and judged among the standards. The number of faculty positions that are offered a tenure-track continue to decline, as more part-time and non-tenured track faculty are utilized at institutions. In 1970, approximately 22% of faculty members were part-time; by 1999, that number had grown to 43% of faculty in part-time positions (Euben, 2002).

Job Security of Tenure

Job security in all three fields offer a series of benefits, including job protection, upon receiving tenure. The procedural protections in dismissal cases are often one of the main benefits a tenured employee is granted. Prior to the granting of tenure, this job security benefit is not granted to probationary employees. Employees who are probationary in all fields, can be released at will or “just cause.” Rationale is not required in most situations for probationary employees. Probationary employees are covered by general laws which forbid discrimination as a cause for termination. However, particular steps must be followed for dismissal of a tenured or permanent employee.

An employer must prepare a case with evidence and specific justification for termination of any tenured employee. Many state statutes include specific language regarding the exact process for dismissal. Some districts allow teachers the option to resign rather than go through the entire termination process. When a teacher decides on resignation instead of termination it provides him or her the opportunity to regain employment in other districts without having to acknowledge or falsify information about being terminated previously. Some districts, ask during the application process if one has resigned in lieu of being terminated. Currently, in the state of Missouri, an individual’s certificate is not revoked for resigning for poor performance.

Joyce (2000) outlines the steps for dismissal, after various forms of remediation have been attempted:

- Step One: Superintendent’s decisions and presents notice to teacher
- Step Two: Teacher’s response to superintendent’s notice
- Step Three: Optional case manager hearing
- Step Four: Hearing before local board of education
- Step Five: The board’s decision
- Step Six: Appeal by teacher and review by courts

Each step has a lengthy detailed process that must be followed including strict timelines and neutral party agreements. In addition, the local board of education must make its final decision in an open meeting. A teacher deciding to appeal through the courts may do so, thereby delaying the entire process even further until a final ruling has been made. The final decision to deliver notice of charges to a teacher should never be taken lightly. It can tarnish the reputation not only of the teacher but also of the administrator, and the cost is high while taking into consideration whether it is the best use of a school’s time or administrator’s energy (Permuth & Egly, 2002). If the teacher appeals to the courts and the board’s decision is overturned, the teacher is entitled to lost wages and possibly other damages.

The average number of teachers per district in the United States in 2007 was 211.4, and only 2.1% of those teachers were dismissed or did not have their contracts renewed (Jones, 2015). In terms of dismissing a tenured teacher, the Education Law text written by Imber, Geel, Blokhuis, and Feldman in 2014, stated the categories for dismissal are generally related to:

1. Job performance
2. Conduct or character
3. Physical or mental capacity

4. Licensure
5. Concerns regarding citizenship
6. Reduction in force

At all levels, often individuals will be offered another position within the organization, institution of higher learning, or school system rather than going through the dismissal process. When an administrator has concluded it is time to improve his or her school, it is often painful, time consuming, and legally difficult to fire a tenured teacher (Permuth & Egly, 2002).

THE AVERAGE NUMBER OF TEACHERS PER DISTRICT IN THE UNITED STATES IN 2007 WAS 211.4, AND ONLY 2.1% OF THOSE TEACHERS WERE DISMISSED OR DID NOT HAVE THEIR CONTRACTS RENEWED (JONES, 2015).

Other Opportunities

In the fields of public K–12 school systems, civil service, and institutions of higher learning, tenure is a useful tool for recruiting and retaining top-quality candidates. Often, salaries are calculated strictly by years of service and education level. The opportunity to advance within the institution or

organization, and various recognitions or the ability to take on various leadership roles, often with additional pay or prestige. Currently, in public school systems, the state of Missouri, times of reduction of force, employees with the least amount of time, are the first ones who are let go.



TENURE REFORM RECOMMENDATIONS IN PUBLIC K-12 DISTRICTS

After the movie *Waiting for Superman* was aired in 2010, New York City came under major fire for having so-called rubber rooms. These were places where approximately 600 tenured teachers out of a system with over 70,000 teachers, were receiving daily pay yet reported to this room instead of a classroom or instead of being terminated. These teachers were accused of “incompetence and wrongdoing” and were awaiting their due process hearings (Brill, 2009). Further, opponents maintain that state statutes and federal laws provided the needed protections of academic freedom, as “public employees do not give up their First Amendment rights in exchange for their paychecks” (Garden, 2012, as cited in *Garrity v. New Jersey*, 1967).

Often good teachers can be burned out, discouraged, and emotionally drained from colleagues who are viewed as bad or ineffective teachers. Due to outdated tenure policies, frequently teachers who are in urban schools teaching students who need the most help are taught by teachers who are forced to be there and not a good fit traditionally through a transfer process of districts (Levin, Mulhern, and Schunck, 2005). Public school districts in America, on average, dismiss under 1 percent of teachers who are underperforming, compared to a rate of 4.9 percent in charter schools, where many teachers are at-will employees (Hess, 2004).

Under current state statute and Missouri Constitution, teachers currently employed may not have their tenure removed unless the lengthy process is followed through or an employee leaves a district. We must develop systems for our future that will meet the demands of the next century and beyond. A new model for tenure and post-tenure evaluation is urgently needed. Ineffective teaching can have a lasting effect on students. Ineffective teachers as defined as not making “any measurable contribution to their advancement” (Winters, 2012). Students in these classrooms face numerous obstacles. For example, students with poor teachers are more likely to have an early pregnancy, are less likely to go to college, and earn less in adulthood (Winters, 2012).

As an education system, we must strongly consider the criteria for earning tenure. In order to increase the level of prestige, status, and respect of a tenured teacher; we must take lessons from institutions of higher learning in terms of faculty titles. By enhancing the criteria and rigor, it will limit the number of teachers who earn tenure and review all aspect of job performance, rather than the granting of an annual contract for five years.

IN MISSOURI...
AVERAGE TEACHERS PER
DISTRICT...132.1
0.2% TENURED TEACHERS
DISMISSED DUE TO POOR
PERFORMANCE IN 2011-12.

In table 5, it will outline a story of an imaginary teacher’s journey of a teaching career in Missouri under the current system versus the proposed system of tenure.

Table 5: Two Lives of Mr. Michaels

A simplified story of a teacher in Missouri from the perspectives of two different tenure systems. The story highlights the major features of Mr. Michaels’ professional journey as a public k-12 school district teacher. His story is told through the workings of the current system compared to a proposed recommended system. The goal of the proposed system is to elevate teacher quality by focusing on a continual professional growth model, incorporating a tier tenured system, and identifying teacher leadership opportunities.

Current System

Mr. Michaels completes his degree and certification requirements.

He hears the good news; he has just been hired. He is excited to be starting his teaching career as a 7th grade teacher in the St. Louis region.

He receives induction training and two years of mentoring. His mentor volunteers or is recruited and may not have any training or experience as a mentor. The mentor may or may not be in Mr. Michaels’ content area or grade level.

Proposed System

No change.

No change.

He receives induction training and two years of a targeted mentorship from a highly effective teacher. In addition, to foster growth he completes portfolio tasks relating to knowledge of students, assessment and data, designing of instruction, and implementing and analyzing instruction to promote student learning rated by a third party. A highly effective teacher provides peer observations with specific feedback. His students and families complete perception surveys. Mr. Michaels has annual evaluations with feedback to promote growth and development.

Mr. Michaels no longer receives a mentor; is only offered district and school professional development; and an annual evaluation with limited feedback is conducted. If he has a high drive, he will continue to seek out feedback from others; look for professional development opportunities; and get an unofficial mentor. If he feels like his first year of teaching is repeated each year from years three to six, he will have limited feedback or a mentor, and probably will leave the profession. If he feels success and has limited classroom management issues, he will be issued a contract until he is granted tenure. However, he may leave the profession from lack of support and feedback that helps spur his continual growth and development.

Mr. Michaels has made it to his sixth year of teaching and is excited about receiving tenure. He receives an annual evaluation. He is granted tenure because he has received a contract for five years. As long as he is not rated “below basic” he will keep his job. He will continue to be offered limited feedback, if he actually gets an evaluation. Mentoring will no longer be an option and professional development will be offered whenever the district or school has it scheduled.

Mr. Michaels will be offered targeted professional development from colleagues who are in the field and knowledgeable. He will have his highly effective colleagues supporting him through observations with feedback on a regular basis. In addition, he can have a mentor to help continue his support and growth to ensure he remains in the profession.

In his sixth year, he is ranked on a tiered system. If he ranks in the “basic” category, he will receive an extra year to improve. His ranking and the granting of tenure are based on the recommendation of the committee (i.e., principal, highly effective teacher, etc.)

Mr. Michaels is now in his eighth year of teaching. He continues to be granted an annual contract and annual classroom observations. He is offered limited feedback, no mentoring, and often can find himself lacking growth or leadership opportunities.

POST TENURE REVIEW: Over the next three years, he will continue to set goals for growth and development. Student and family perception surveys will be completed; student learning outcomes, peer evaluations, annual evaluations, and the completion of selected tasks will be incorporated. He presents his record of success and is evaluated for a new tier status. If he now scores at the basic level, he will be given targets to complete within one year.

Based on his initial and post-tenure review, Mr. Michaels can be placed on various tiers with the following teacher leadership opportunities. Refer to table 6.

Mr. Michaels finds after fifteen years of teaching to leave the profession because he doesn't feel supported or that he is growing.

Mr. Michaels stays in the profession until he retires because he feels supported, opportunities to grow, and was able to take on leadership roles, as outlined in table 6 below.

Table 6: Tiered Tenured Status with Growth and Development Opportunities

Tier	Growth and Development Opportunities
Traditional	<ul style="list-style-type: none"> ➤ Receives additional mentoring ➤ Provided targeted professional development
Highly Effective	<ul style="list-style-type: none"> ➤ Serves a mentor for new teachers ➤ Provides professional development ➤ Serves on various school committees, including tenure committee
Distinguished Teacher Leader	<ul style="list-style-type: none"> ➤ Serves a mentor for tenured teachers ➤ Provides professional development ➤ Conducts peer observations ➤ Serves on various school and district committees, including tenure committee ➤ Serves as a model teacher for instructional growth ➤ Supports and provides instructional feedback (i.e. instructional coach)

The current political state of Missouri, is not willing to support the complete elimination of the current system to help support more highly effective teachers in front of every student in order to increase student outcomes. Through a reform,

tenure, as evident by the recent ballot initiative in 2014. However, many would support a reform to these areas are recommended for change: time to tenure, criteria and process to earn tenure, job security, teacher leadership, and post-tenure review.

Recommendation #1: Time to Earn Tenure

Currently, Missouri is one of the few states that requires the most number of years of service (5 years) prior to eligibility of tenure. It is important to note that Missouri also requires that service to be within the same district, with the flexibility to have one year of service counted towards eligibility transferring from other districts. The current time of five years is suggested as a well-established amount of time before an employee should be eligible. However, additional support of extension or delay of making such decision should be included to allow administrators the opportunity to adjust such decision to ensure the decision is based on relevant factors. This would allow employees to truly demonstrate their contributions to not only the professional but also the school and community.

In 2015, Missouri added student growth to be used in teacher evaluations. Some districts have adopted the Student Learning Objectives (SLOs) as their measurement for student growth. The Department of Elementary and Secondary Education for Missouri, suggests a teacher's evaluation is based approximately one-third on the growth outcome of student learning on Student

Learning Objectives. First year teachers are often not nearly as effective as more experienced teachers. However, research has suggested that after three years of teaching, teacher growth begins to flatten and not grow nearly as rapidly (Rowland, 2015).

By reviewing five years of SLOs, it would provide administrators and districts, more consistent data to factor into a tenure decision. In addition, through a five year window for tenure, it allows teachers the opportunity to earn other recognitions for teaching and service.



Recommendation #2: Criteria and Process for Tenure

In order to increase the rigor and criteria for tenure, we must place meaningful emphasis on performance measurements that are carefully outlined and detailed, as it is in institutions of higher learning.

For example, in Hazelwood School District, St. Louis, Missouri, the teacher evaluation tool contains nine standards of professional practice: content knowledge; understanding encouragement of student learning; curriculum implementation; teaching for critical thinking; positive classroom environment for learning; utilizing effective communication; use of student assessment data; professional practice; and professional collaboration. However, probationary teachers are only evaluated on three standards a year. With the elimination of rigorous standards, a teacher's performance rating is impacted and not able to be fully assessed as to his or her contributions to the school, community, and profession.

The use of Student Learning Objectives, in conjunction with more complex student work, must be incorporated to allow for a balanced approach to measuring student growth. Incorporating peer evaluators, from someone who is a high-

performing, experienced teacher have been found to have positive effects on teacher growth and student achievement (Taylor et al., 2012). Through the incorporation of high-performing, experienced teachers in the annual evaluation process of probationary teachers offers another insight to the full measure of consistency of performance.

The goal of granting tenure should be based on



improving teacher quality, while increasing student outcomes. Teachers would need to successfully complete five years of teaching, meeting the detailed criteria and the incorporation of peer-review observations annually, and

Student Learning Objectives consisting of multiple measures of complex student work.

Institutions of higher learning, often incorporate student surveys and a committee into the decision of tenure. Based on this model, public K–12 school systems should incorporate student perception surveys into the process for granting tenure. This would provide a more comprehensive gauge and perspective into the inclusion of all stakeholders when considering tenure and professional growth. By gaining insight from students, it would allow a committee to make a decision about tenure or provide an evaluator with additional details to focus on certain areas for improvement or as a strength. In

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addition, a committee with an administrator, at least one colleague ranked at least highly effective or higher, and other stakeholders would be involved in the decision for granting tenure.

The Missouri Department of Elementary and Secondary Education instituted in 2015, a new bar of rigor and standards to pre-service teachers, called the Missouri Pre-Service Teacher Assessment (MoPTA). Institutions of higher learning had to quickly adapt their practices and address a new set

Recommendation #3: Job Security

Missouri opened the conversation to tenure reform in 2014, with a ballot initiative. The time to reform tenure with all voices at the table will assist the Show-Me state in moving forward and setting the trend for others. Generally, the Constitutional rights, and procedural processes are the minimum level of protection needed for employees. With that, state and district boards and political figures must come together to change tenure job security by reforming the dismissal process. Specifically looking at the process layers, the timing, and grounds for dismissal must be examined and reformed.

If an administrator makes the decision that a teacher is ineffective, it takes an extraordinary amount of time for him or her to build a case against the teacher. Part of the reason it is so time consuming is the required amount of time for remediation and improvement. Often it takes two to five years to fire a bad teacher (Sullivan, 2011). A

of tasks and requirements prior to a candidate receiving their license. This rigorous process includes a multitude of exams and incorporates four tasks that must be met covering all nine professional standards. Public K–12 school educators, should be required to demonstrate the same knowledge and pedagogy for such standards in order to receive tenure and this continuum of educator quality should be expanded.

study found an ineffective teacher could cost students \$1.4 million in lifetime earnings per classroom (Chetty, Friedman, Rockoff, 2011). Therefore the right blend must be considered of burden of proof and the number of ineffective teachers getting dismissed.

Policymakers must consider the harm ineffective teachers have on our students. Currently, there are six steps to dismissing a tenured teacher, after various forms of remediation have been attempted. A study found that students would gain approximately \$25,000 in total lifetime earnings from having a high value-added teacher rather than a median teacher (Chetty, et. 2011). A recommendation of fewer levels of review and less time between each review of the remediation process.

The dismissal grounds should be based on the interests of students and the school's performance. This could include ineffectiveness in the classroom, Elevating Teacher Quality: *Teacher Tenure Reform*

lack of student knowledge and understanding, failure to meet ethical standards, and conduct that interferes with student learning and/or the operations or culture of the school. By providing administrators and districts more discretion in removing an ineffective, tenured teacher, the process would assist the burden of proof on the employer, when commonsense would prevail not to have such individual working with children.

Tenure is giving an employee permanent status, therefore, granting them property that may not be taken away without due process. By allowing the

grounds to be expansive, it allows the employer more opportunities to collect documentation needed for burden of proof. Ultimately, as a State, we must ensure every student has access to an effective teacher.

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Recommendation #4: A Tiered System Including Teacher Leaders

Literature points to high-quality classroom observations lead to their potential value for improving instruction; an approach that relies on multiple, highly structured classroom observations conducted by experienced peer teachers and administrators (Taylor, et. 2012). Inclusion of teacher leadership is a method to offer employees additional opportunities and incentives. Similar to institutions of higher learning, I recommend the creation of a tiered tenure system. The tenure tiers recommended, would be:

- traditional,
- highly effective, and
- distinguished teacher leader.

Under this tiered system, tenure would be reserved for individuals rating above the basic level

and demonstrating professional practices beyond basic on quality indicators for task performances.

Teachers ranked in the basic level at the conclusion of their five years, would have the opportunity to be granted a one-year extension by the committee. During the extension period, if teachers do not move above the basic level, they would not be granted tenure and dismissed from the school district. By removing the least effective teachers, it could lead to a positive impact on student learning and the school culture. Teacher burnout could also be reduced through this process.

Tenure at the traditional tier would be for individuals who have met all criteria established between the basic and third level, essentially performing between 25%-75% of each level descriptor. These teachers would be monitored

closely and offered additional layers of support, including but not limited to, peer observations. Peer observations, also known as peer assistance and review, is the brainchild of Dal Lawrence, former president of the Toledo Federation of Teachers. The Harvard Graduate School of Education reported in their study of Peer Assistance and Review programs that districts have found this to be an effective way to attract, support, and retain teachers.

Tenure at the highly effective tier would be offered to teachers meeting all criteria established, earning between markings of 75% to 90% of each level descriptor. Teachers at this level, would have the opportunity to serve as mentor for new teachers to the profession. In addition, the opportunity to mentors and support for teachers who have earned traditional tenure. Teachers earning this status, would have the opportunity to lead professional development for areas receiving the highest rating.

Tenure at the distinguished teacher leader tier would be reserved for teachers meeting all criteria

established in the top 10% of each level descriptor. Teachers at this tenure tier would serve as a peer observer and mentor. In addition, these teachers would provide targeted professional development. Through coaching and mentoring of other teachers, they could earn release time from a normal teaching schedule to assist with the improvement of instruction. Lastly, these individuals would serve on committees for tenure decisions.

By having a tier tenured system, it promotes continual improvement and could assist with teacher retention. School culture and climate could also be affected in a positive manner as the lowest performing teachers would be removed.



In financially tough times, providing a tiered tenure system could still be offered with limited to no financial costs. Taylor and Tyler (2012), found that, “greater teacher performance as measured by student achievement gains strongly suggest that teachers develop skills or otherwise change their

behavior in a lasting manner as a result of undergoing performance evaluation” (83).

Recommendation #5: Performance Tasks

The implementation and expansion of the Missouri Pre-Service Teacher Assessment (MoPTA) to include Missouri teachers. With the incorporation of such performance tasks, it allows a neutral, outside party to evaluate a teacher’s performance against a set criterion and the continuum of educator quality to expand from pre-service through retirement stages. Such tasks would be integrated into the overall portfolio of a teacher’s performance when deciding on granting initial tenure with identifying the appropriate tenure tier and during the post-tenure three-year review. These tasks would be mirrored and further in depth to the MoPTA, to include:

Task 1: Knowledge of Students and the Learning Environment

Task 2: Assessment and Data Collection to Measure and Inform Student Learning

Task 3: Designing Instruction for Student Learning

Task 4: Implementing and Analyzing Instruction to Promote Student Learning

The Missouri Department of Elementary and Secondary Education would be charged with managing this process for all public K-12 school districts. Teachers would be required to complete all four of the tasks before the granting of initial tenure. As outlined in MoPTA, designations for criteria would be established and used for rankings. A tenure committee would review the rankings from the various tasks to identify the appropriate tenure tier. Table 4 outlines the required number of tasks to be completed and at which level for each tenure tier during the initial granting and post-tenure review:

Table 4: *Task Performance Rankings Related to Tenure Tiers*

Tenure Tier	Number of Tasks (minimum)	Tasks Rating Level
Traditional	1	25% - 75%
Highly Effective	2	76% - 90%
Distinguished Teacher Leader	3	91% - 100%

Recommendation #6: Post-Tenure Review

According to the Association of American Universities, post-tenure review policies have been increasing over the last two decades. Teacher evaluation tools should be designed to help identify and measure the instructional strategies, professional behaviors, and delivery of content knowledge that affect student learning (Dixon, 2011). The incorporation of post-tenure review would help ensure teachers remain effective at such measures. Modeled after institutions of higher learning, post-tenure review, I recommend be instituted for all tenured teachers. This model would be implemented every three years and the re-designation of tier level tenure status would be identified. By implementing three year cycles, it allows for targeted teacher growth and opportunity for improvement.

During this review, it would present an opportunity for teachers to demonstrate their contributions to teaching and service to the school and community. A review of observations, student outcomes, task rankings, and student perception surveys would be conducted by a tenure committee.



During this review artifacts would be submitted to support the contributions. This process would be known as a post-tenure review; separate from the annual evaluations of performance and conducted every three-years. Teachers would be ranked on a tenure tier during this time as well. The rationale behind needing post-tenure review is to reward and further develop teachers, while addressing substandard performance. Substandard would be quantified as scoring in the lowest ranking score (i.e. Basic) of any outlined criteria.

If a teacher is identified as not meeting standards, then a detailed action plan would be created in a collaborative setting comprised of the tenure committee. Depending on the areas identified for growth, a teacher would be given a certain timeline for completion of meeting objectives and have offered layers of additional support such as mentoring or peer review. At the end of the agreed timeline, a teacher would then go through a review of performance. If the teacher has not met the objectives or rated at the 25% indicator levels or above, the review committee could recommend the teacher be terminated to the school board.

CONCLUSION

Effective leaders need to have the autonomy to identify those who are performing at effective levels and those who need to improve. It is important that every student has a teacher who is achieving strong student outcomes. In order for our state and nation to continue to progress we must place heavy emphasis on access to quality education. Literature has pointed that children of an ineffective teacher, can have lasting effects from lower wages later in life, to less likely to go to college, and even early pregnancy. By implementing the right size and fit accountability plan in conjunction with tenure, it

would be become more transparent for the public and possibly increase teacher retention.

We must find ways to identify and reward top performing teachers and empower them to help spread their impact to others to reach more children. Distinguished teacher leaders could spread their effectiveness, stay longer in the classroom, and be rewarded and recognized for their contribution to the teaching and service of the school and community. It is time to make a decision. The Show-Me state needs to become a leader in tenure reform, so we can improve student outcomes and teacher effectiveness regardless of political party.



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