

Research Article

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# Administrative Views on Teacher Tenure in Santa Clara, California

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## Abstract

Teacher quality has become a huge issue in almost every state. Every parent wants his/her child to be in a classroom with a caring, compassionate educator. This paper represents the results of a survey of administrators in Santa Clara, California. The survey was administered in 2017. Results have been tallied and are represented in this article.

**Keywords:** Teacher tenure; Vergara lawsuit; Teacher evaluation

## Introduction

"They" are well known throughout the faculty lounge, student lunchroom, and perhaps even the community. "They" are the teachers who come to work each day using the same lessons they've used for the last 20 years. "They" are the ones who refuse to participate in staff development fully. "They" will sit, some quietly and some not, and listen to the 'next thing' that leadership wants to implement, nod in agreement and then retreat into their classrooms, close the door, and continue to do what "they" have always done. "They" are those teachers who are no longer effective in the classroom yet "they" are tenured and next to impossible to remove.

## Main Body

Teacher quality gained national attention with the passage of No Child Left Behind in 2001. The Common Core State Standards were adopted by most of states to ensure that each student, regardless of his/her zip code, would receive the same high-quality education in 2012. Despite these two national measures, the issue of teacher quality remains, and there have been questions bubbling to the surface about how teachers are evaluated, retained, and released. As a result, the subject of teacher tenure has become a point of controversy in many states. With the help of Students Matter, nine students in California sued Vergara vs. California (filed in May 2012) brought numerous issues to light: "The judge is right

in noting that children at schools in low-income and minority areas don't do as well. He is right in noting that it is hard to fire a teacher in California once that teacher has tenure. And he is right that administrators in poor school districts aren't aggressively weeding out bad teachers. But the reasons are much more complicated than some teacher protection mob theory [1].

[2] reports that Florida, Kansas and North Carolina have attempted to eliminate tenure or are phasing it out. Sixteen states are requiring teacher evaluations be used in making decisions regarding granting tenure or non-probationary status. Seven states now have laws which can return tenured or non-probationary teachers back to probationary status if evaluations place them in the 'ineffective rating. Eleven states require school districts to consider performance in deciding which teachers to lay off when declining enrollments or economic factors necessitate reductions in force. And 10 states explicitly prohibit the use of tenure or seniority as a primary factor in making lay-off decisions: Arizona, Florida, Georgia, Idaho, Michigan, Nevada, New Hampshire, Ohio, Utah and Virginia. In 2012, only five states had such prohibitions in law.

[3] proposes the tenure system needs to be changed around and that teachers will support these changes if they will strengthen the profession and improve opportunities for students. So, what should be done? Change the current structure of tenure or remove it altogether?

The current laws in California are inflexible regarding the 'hiring/firing' procedures of newly hired teachers, with March 15th of each school year determined as the cutoff date for notification of returning the next school year; therefore, school administrators only have approximately 18 months in which to decide if a teacher should be granted tenure. Tenure is "automatically granted" to a teacher on his/her 1st day of that teacher's 3rd year within the same school district. Once granted, the removal of a tenured teacher is a cumbersome process, is incredibly expensive and, therefore, rarely happens. This allows for many ineffective 'tenured teachers' to remain in the classroom with little to no consequences regarding their impact on students' academics. This current practice requires administrators to make difficult decisions. Gary Bloom, former superintendent of schools for the city of Santa Cruz, CA stated: "I often had to decide if a teacher would receive 'permanent' status after only 18 months of work, knowing that once 'permanent' it was virtually impossible to remove an ineffective teacher. Sometimes we had to release promising teachers. And sometimes we had to keep teachers we wouldn't want teaching our own kids. It's too bad that it has taken a court challenge to share this tree, but I am thankful the tree has been shaken" [4].

Vergara has since been overturned and the controversy over tenure laws continue. However, Vergara wasn't the first attempt in California to overhaul the education system. In 1996, Gov. Pete Wilson led a push to replace tenure with 5-year contracts. Despite sending three separate bills to the legislature, all were defeated. Gov. Arnold Schwarzenegger also attempted education reform in 2005, endorsing the 'Excellence in Teaching Act' which would establish performance pay for teachers, and 'Put the Kids First Act' which would have extended the probationary period for new teachers to 5 years. All these initiatives were fiercely opposed by the California Teachers Association (CTA) [5] Yet the problem persists.

As a former principal, the author has direct experience of what it takes to remove ineffective teachers. Changing grades/subjects, frequent classroom visits with write-ups and 'tough' conversations about teaching quality helped the author remove 10 of 15 ineffective teachers from the school site over a two-year period. Some transferred to other sites, and some retired, and some went to other districts. That doesn't solve the problem. For that one school site, things were better, but these ineffective teachers mainly just went to another site and continued to be ineffective. Tenure is sacred for most teachers, and anyone messing with it can expect holy hell from them [6].

The 8th annual Education Next poll, overseen by the Harvard Program on Education Policy was conducted in May and June 2014, by the polling firm Knowledge Networks and the results were not that surprising

- About 22% of public-school teachers are not performing adequately (based on a "C" grade)
- Parents say 56% of teachers in local schools do a good job ("A or B"), but 13% get a "D" and 10% receive an "F"

- Even teachers reported that 8% of their colleagues deserve a "D" and 5% get an "F"
- Survey respondents favored ending tenure by a 2-to-1 ratio [7].

But what if there was a way in which in the credentialing/licensing of teachers could be tied to performance evaluations? Since credentials/licenses must be renewed every 5 years in California, would it be possible to link the renewal of the credential/license to the evaluation process, thus removing tenure from the process of keeping an ineffective teacher employed? If a teacher does not possess the proper credential/license, she/he cannot be allowed to teach in a public California school classroom. A survey link was sent to public school administrators within the Santa Clara County's 31 school districts in the fall of 2017. These districts serve over 265,000 K-12 students in its geographic location. The intent was to gather information about the quality of teachers at the school sites, and to see if there would be administrative support to link the teacher evaluation process to the renewal of teacher credentialing. Email addresses were taken from the public website on Santa Clara County Office of Education. A survey monkey was sent to 479 email addresses. There were 29 emails that bounced back as no longer valid. It is unknown how many emails went to spam/junk and were never seen. A total of 59 individuals responded to the survey (13%). While this is not a high number of responses, again, not knowing how many surveys ended in junk mail cannot be established. IRB exempt status was received on 8/17/2017.

The results were interesting:

Gender: 43 females responded; 16 males

- Years in Education
  - 5-10 2
  - 10-15 11
  - +15 46
- Years in Administration
  - 1-3 9
  - 4-7 10
  - 5-10 24
  - +15 16
- Current Assignment
  - Elementary 28
  - Middle 14
  - Comp HS 6
  - Alt HS 0
  - District 11
- Enrollment

- 0-500 16
- 501-1000 22
- 1001-1500 5
- 2001-2500 7
- Over 2500 8
- Economic Status of Site
  - Lower SES 12
  - Low SES 16
  - Middle SES 12
  - Higher SES 6
  - High SES 13
- English Learners
  - Lower ELL 15
  - Low ELL 17
  - Average ELL 18
  - High ELL 7
  - Higher ELL 2
- Size of Teaching Staff
  - 1-20 12
  - 21-35 23
  - 36 -55 5
  - 55 -85 5
  - Over 85 14
- How Many Teachers Would You Replace (If You Could) Due to ineffective Teaching
  - 1
  - 1-2 21
  - 3-4 18
  - 5-8 9
  - 9-13 2
  - 14 -18 2
  - 19 -25 1
  - Over 25 2
- Is 18 Months Long Enough to determine if a Teacher Should be Given Permanent Status
  - S Disagree 32
  - Disagree 17
  - Neutral 2
- Agree 6
- S Agree 1
- Would You Support the Revamping of the Current Teacher Tenure Laws in California?
  - S Disagree 2
  - Disagree 1
  - Neutral 2
  - Agree 15
  - S Agree 39
- Would You Support A Way to link The Issuance of a Teacher's Credential This/Her Performance in The Classroom During The 5-Year Credential Period, Thus Removing Tenure from The Situation?
  - S Disagree 4
  - Disagree 5
  - Neutral 10
  - Agree 20
  - S Agree 20
- The Majority of Complaints Received from Students/ Parents and Others Revolve Around Ineffective Teachers
  - S Disagree 1
  - Disagree 11
  - Neutral 10
  - Agree 26
  - S Agree 11
- Should Tenure be Completed Removed and Other Factors Be Used to determine Continued Employment of Teachers?
  - S Disagree 3
  - Disagree 15
  - Neutral 14
  - Agree 12
  - S Agree 14
- Additional Comments
  - Teachers union may feel its management vs. teacher labor being sneaky. So, equalize and neutralize their position. Principal and admin credentials should also have the same 5-year review policy in place. We are already nonunion and at will employees, sit will be a non-issue for us, but a BIG deal to ensure those who have the most impact on kids are held accountable. I would also say there is something to be said to what happens in

- Year 3-5 and 5-10, 10-15, etc. How can we hold them accountable too?
- There must be some protection of academic freedom and the sharing of unpopular opinions (ex. Conservative in a Liberal state). However, we must also find a way for teachers to continually renew their practice to continue their employment.
- Tenure on other states is in 4th year. I think it should be in 4th year in same location.
- I strongly agree that 2 years is not enough time to coach teachers to see if they will be effective teachers. Tenure also allows teachers to no longer be effective because they are protected which gives them the, "I can do anything I want" mentality.
- In my tenure as a principal, I have worked toward the dismissal of three teachers who were ineffective. All of them quit before being fired. The process did not prevent them from being hired in another district. I think what you are suggesting works toward the good for all children instead of perpetuating the "lemon dance".
- I think a longer probationary time (3-4 years) is important, not necessarily the removal of tenure.
- I would love it if tenure were three years instead of two. Sometimes, we need that little extra bit of time to see if any growth has occurred.
- The tenure system is one of the primary reasons that it's difficult to move a district into 21st learning environments. Other reasons are large class sizes, too much administrator workload, and ineffective top-level management (e.g. Board and Superintendent).
- The system works as is when administrators do their job and fairly evaluate out teachers whose performance is not up to the standard. The biggest issue I see are principals who do not move their unsuccessful hires out during the temporary or probationary status years and then transfer them to their sites who have a much more difficult (though not impossible) job of removing them. I have moved 4 teachers out of employment in our district in the last three years. You just have to take the time to follow the contractual timelines.
- In what other profession do we give lifetime status to? Doctors, pilots, etc. continually must prove their worth and even if holding credentials doesn't guarantee the job. You can hold the qualifications and still lose your job.
- Tenure is good and has a place, but it needs to be harder to achieve and not an absolute
- I would like more time to evaluate a teacher before providing tenure
- I think there should be some protection for teachers, but the current system is not it. Teachers take 5-7 years to really

learn the craft and they should be provided an effective system of support as they are learning to teach. Not all principals really understand or recognize effective pedagogical practice (at a deep level). There should be a system in place where administrators conduct observations with other administrators and follow up with discourse focused on analyzing what was observed with ideas for how to follow up with the teacher (Coaching points, crucial conversations, highlights, etc.).

- Education needs to be about student learning, not just teaching. It needs to be student centered and decisions need to be about positively impacting student learning.
- It is important to consider the fact that we already face a shortage of those willing to become teachers. Punitive measures at the outset of their career without support may exacerbate larger issues facing public education's survival in today's challenging context. Balancing the ability to safeguard our children's access to quality teachers against modeling support for ALL learners, including the adults is nuanced and incredibly difficult. Blunt instruments on either side will no doubt have unintended consequences, some bigger than others. Clear processes and safeguards against abuse would be advised in such a policy shift.
- Another key area of concern are veteran teachers who have not shifted their practice to current CCSS practices or who refuse to embrace new curriculum and research-based strategies. It is hard to manage expectations when they have union support because they are tenured and protected and they are not the most effective educators.
- Thanks for considering this important issue. Inability to get rid of ineffective tenured teachers is one of the most difficult issues facing administrators.
- The problem with teacher quality stems from how poorly we recruit and educate beginning teachers. Demanding that teachers pay for their own training in addition to unpaid student teaching lowers diversity in the teaching profession and deters many applicants from going into a profession that is already lower paying for an advanced degree. Extending the probation period with additional support before tenure is a good option to avoid driving even more quality applicants away from teaching.

## Conclusion

The survey respondent administrators have varied backgrounds, experience, and school site demographics, there was some consensus on certain topics

- The majority (83%) of respondents agreed that more time was needed to make the determination of whether tenure would be granted
- The majority (91.5%) of respondents said they would be in support of revamping tenure laws

- All but one respondent (98%) said they would replace at least one, if not more, ineffective teachers at their site if tenure wasn't an issue.

The results of this survey are not surprising. As a former district administrator and principal, removing ineffective teachers is a difficult task at best. However, rethinking ways in which to reimagine employment protections. [3] states: "If we want to attract the best and brightest and those with the biggest hearts into the profession that educates all others, we must show today's college graduates they have something to look forward to if they choose to be a teachers...This could be achieved if instead of vanquishing tenure we reimagine it as a system that would have these traits: Identifies a distinct role for states with local flexibility; set a minimum for years of experience; requires demonstration of growth and development; revisits tenure determinations; and invests in mid-to-late career development" (p.22).

### Acknowledgment

None.

### Conflict of Interest

No conflict of interest.

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