

# Making Teacher Tenure Meaningful



**PUBLIC IMPACT**



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Adapted from *Teacher Tenure Reform:  
Applying Lessons from the Civil Service and Higher Education*  
(Public Impact, 2011)

**\*\*Please see the original paper for full citations. Select citations included here.\*\***

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Public Impact is grateful to  
**TheJoyceFoundation**  
for supporting the development and production  
of both this slide deck and the underlying paper.

# Overview

**Why Does Tenure Reform Matter?**

**Tenure Design Elements**

**Tenure Reform: Two Paths**

**Major Design Options: Elite and Inclusive Tenure**

# Why Does Tenure Reform Matter?

Tenure affects teacher quality, which affects how much children learn . . .



Who Gets  
Tenure

Teacher  
Quality

Student  
Learning

# Why Does Tenure Reform Matter?

## Tenure affects teacher quality

- Tenure can affect:
  - Who enters teaching
  - Who remains in teaching
  - Who leaves teaching
  - What teachers do at work, both before and after tenure.

## Teacher quality affects how much students learn

- Teachers have a bigger impact on student learning than any other school-based factor.<sup>1</sup>
- Top 20% teachers produce 3X the learning gains of bottom 20%.<sup>2</sup>
- Students who consistently have top 20–25% teachers learn enough to close most achievement gaps within half a decade.<sup>3</sup>

# Design Elements of Tenure

Tenure (or its equivalent) includes five core design elements:

**1. Time to tenure** = time on the job until a candidate is eligible for tenure

**2. Criteria to earn tenure** = evaluation categories + difficulty of standards

**3. Process for conferring tenure** = levels of review + presumption of tenure/non-tenure + who makes final decision

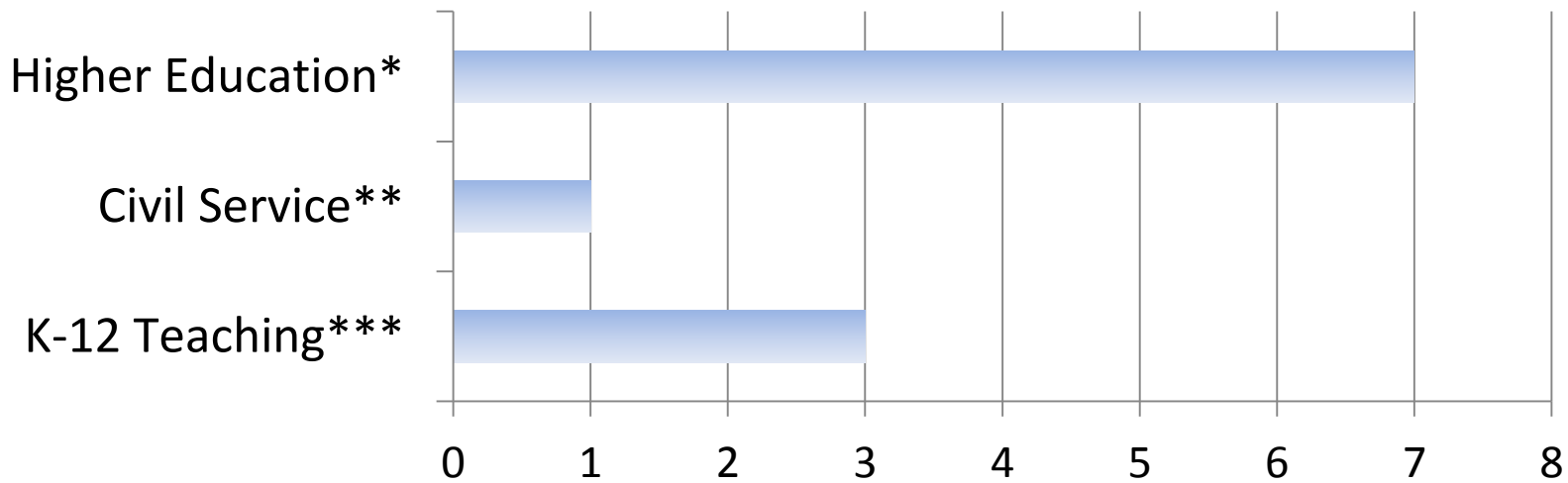
**4. Tenure protections** = rights to certain grounds, steps, and timing for dismissals

**5. Other career and reward opportunities** = number, timing, and nature of other promotion, pay, and recognition opportunities that act in concert with tenure

# Design Elements: Time to Tenure

Employees must serve a certain number of years before they are eligible to earn tenure.

Typical Time to Tenure (years)<sup>4</sup>



\* Average across four-year colleges; varies by institution.

\*\* Within most federal agencies.

\*\*\* States range from one to five years (Ohio is seven); in 2010, 34 states had three-year probationary periods.

# Design Elements: Criteria to Earn Tenure

The **evaluation categories** and **difficulty** of meeting standards to earn tenure differ significantly across higher education institutions, civil service, and K–12 public education.

Setting	Difficulty	Evaluation Categories (examples)
Higher Education	High (Varies widely)	<ul style="list-style-type: none"> <li>• The number, quality, and prestige of scholarly publications</li> <li>• Presentations, workshops, and conferences</li> <li>• Recognition including awards, fellowships, and external grants</li> <li>• Successful teaching as measured by classroom observations, student evaluations, syllabi, and contributions to new courses</li> <li>• Service via committees, civic groups, or professional associations</li> </ul>
Civil Service	Low	<ul style="list-style-type: none"> <li>• Continued service during the probationary period</li> </ul>
K–12 Education	Low	<ul style="list-style-type: none"> <li>• Continued service during the probationary period</li> <li>• Evidence of student learning (in a small number of states)</li> </ul>



# Design Elements: Process for Conferring Tenure

The levels of review, who makes tenure decisions, and presumption of tenure/non-tenure also differ significantly across sectors.

Setting	Intensity	Process (examples)
Higher Education	Extensive; multifaceted	<ul style="list-style-type: none"> <li>• Multiple reviewers including peers, supervisors, and school and institution leaders</li> <li>• Reviews include scholarly work, evidence of performance, and candidate statements</li> <li>• Tenure denial is the default; candidates bear the burden of proving their qualifications to reviewers</li> </ul>
Civil Service	Minimal; automatic	<ul style="list-style-type: none"> <li>• Evaluations conducted but viewed as mere formalities</li> <li>• Few dismissals during probationary period</li> <li>• Granting tenure-like job protections is the default</li> </ul>
K–12 Education	Minimal; automatic	<ul style="list-style-type: none"> <li>• Evaluations not typically part of tenure-granting process</li> <li>• Few dismissals during probationary period</li> <li>• Granting tenure is the default</li> </ul>



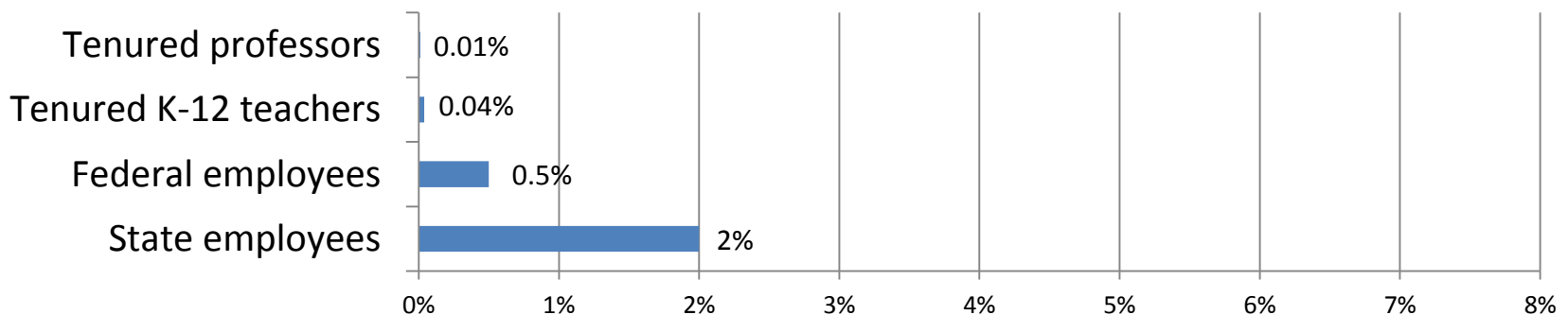
# Design Elements: Tenure Protections

Across sectors, the grounds and steps required for dismissals together form the level of job protection tenure provides.

Setting	Level of Protection	Protections (examples)
Higher Education	Very high	<ul style="list-style-type: none"> <li>• Dismissal only for “just cause” or specified reasons</li> <li>• Right to be represented by counsel</li> <li>• Right to notice, hearing, written decision, and appeal</li> </ul>
Civil Service	Very high	
K–12 Education	Very high	

The result: very few protected employees get dismissed each year.

Percent dismissed for performance<sup>5</sup>



# Other Career and Reward Opportunities

Across sectors, tenure may be the only or one of many performance recognitions available to high performers.

Setting	Other Career and Reward Opportunities
Higher Education	Tenure is part of a dynamic array of performance-based rewards and opportunities (e.g., compensation, promotion, chaired positions)
Civil Service	High performers can receive promotions and raises; other agencies provide opportunity for new responsibilities and challenges
K–12 Education	Teachers have few opportunities for performance-based promotion or pay advancement (beyond salary schedule), unless they leave instruction to become administrators

# Summary: The State of K–12 Tenure

Design Element	State of K–12 Teacher Tenure Today, in Most States
Time to Tenure	Short, before career-lasting performance level is demonstrated
Criteria to Earn Tenure	Few criteria and easy or no standards
Process for Conferring Tenure	Minimal process, typically automatic
Tenure Protections	Very high protections
Other Career and Reward Opportunities	Few opportunities for promotion or pay advancement in teaching roles

**Conclusion:** Teacher tenure today does little to promote a focus on student learning, and much to undermine it.

# Tenure Reform—Two Paths

Changing tenure to improve student learning requires policy and education leaders to follow one of two paths:

## Option 1: Redesign tenure

- Design to increase entry, retention, power, and pay of better teachers, and to reduce retention and impact on children of worst teachers
- Preserve job protections for some but not all teachers

## Option 2: Eliminate tenure

- Eliminate tenure systems that negatively affect ability to provide pay and career opportunities to better teachers
- Use phased-in approach to replace tenure with other recognition, rewards, and career opportunities that attract, keep, and empower better teachers

# Option 1: Redesign Tenure

To redesign tenure that better supports student learning, state leaders could adopt any one or more of the following:

## Lengthen the time to tenure

- Lengthen the probationary period to at least five years to capture growth during the time when most teachers improve significantly
- Longer probationary period can increase the completeness, reliability, and predictive value of evaluations

## Adopt multiple criteria

- No single measure can give a complete picture of a teacher's effectiveness
- Criteria for tenure should reflect needed contributions, e.g., impact on student learning, skills, and competencies correlated with student learning, and other contributions to the school community and profession
- Weight objective measures of student learning most heavily

# Redesign Tenure

## Thoughtfully evaluate every candidate

- Use selective review by experts with a stake in teacher effectiveness
- Make tenure denial the default, instead of a rarity

## Streamline procedural protections

- Decrease levels of review; institute mandatory timelines and hold reviewers accountable for timely reviews
- Include ineffective teaching among grounds for dismissal

## Increase other career and reward opportunities

- Help great teachers reach more students, using job redesign and technology
- Tie decisions about promotion and pay to contributions to student learning

# Redesigned Tenure—Major Options

When redesigning tenure, education leaders can consider two distinct options, which reflect different values and will likely generate different outcomes:

## “Inclusive” Tenure

- Reserved for approximately the top 75 percent of teachers
- Awarded based on student learning and quantitative ratings of teachers by others; no need for extensive, rigorous review
- Tenure automatically denied to teachers not meeting threshold
- Eases dismissal of least effective teachers, but provides no distinct opportunity for most effective

## “Elite” Tenure

- Reserved for consistent high performers (top 10–25%)
- Awarded based on student learning, others’ ratings of teachers, and subjective judgment; requires extensive, rigorous review to ID best
- Tenure automatically denied to teachers not meeting very high bar
- Increased rewards; opportunity for top teachers to take on new roles that affect more students; increased top-teacher power over selection, development, and tenure of other teachers



# “Elite” Tenure Design Example

Design Element	Reasoning
Time to Tenure • <b>6 years</b>	<ul style="list-style-type: none"> <li>• New-teacher learning curve flattens by year 5. Extra year allows gauging consistency, gathering input, making tenure decisions collaboratively</li> </ul>
Criteria for Tenure • <b>Rigorous</b> • <b>Many</b>	<ul style="list-style-type: none"> <li>• Restricting to top 10–25% provides job protection only for teachers who consistently achieve best student outcomes and enhance peer effectiveness</li> <li>• Many criteria provide a complete picture of contributions and allow reviewers to plot best career advancement paths</li> </ul>
Tenure Process • <b>3+ levels of review</b> • <b>Selective</b> • <b>Presume non-tenure</b>	<ul style="list-style-type: none"> <li>• Minimum three-level review preserves rigorous standards</li> <li>• Decision-makers, including elite-tenured teachers, are given strong incentives to hold high standards</li> <li>• Applicant must bear burden of proving worthiness for tenure</li> </ul>
Tenure Protections • <b>Few steps to dismiss</b> • <b>Short timelines</b> • <b>Many grounds</b>	<ul style="list-style-type: none"> <li>• Main purposes: conveying status and opening doors to opportunity and power</li> <li>• Job protections still significantly exceed those of at-will employees; burden remains on employer to demonstrate that dismissal is warranted</li> <li>• Broad grounds for dismissal hold teachers to high professional standards</li> </ul>
Other Career and Reward Opportunities • <b>Many</b> • <b>Reward excellence and contribution</b>	<ul style="list-style-type: none"> <li>• Tenure is one of numerous rewards and recognitions for teachers who make increasingly valuable contributions to student outcomes</li> <li>• Elite tenure review process can be part of formal career planning for top teachers, providing opportunity to extend their reach to more children, take on additional authority, and earn other rewards</li> </ul>

## Option 2: Eliminate Tenure

To replace tenure systems with opportunities and rewards that support student learning, state leaders could:

### Phase tenure out over time

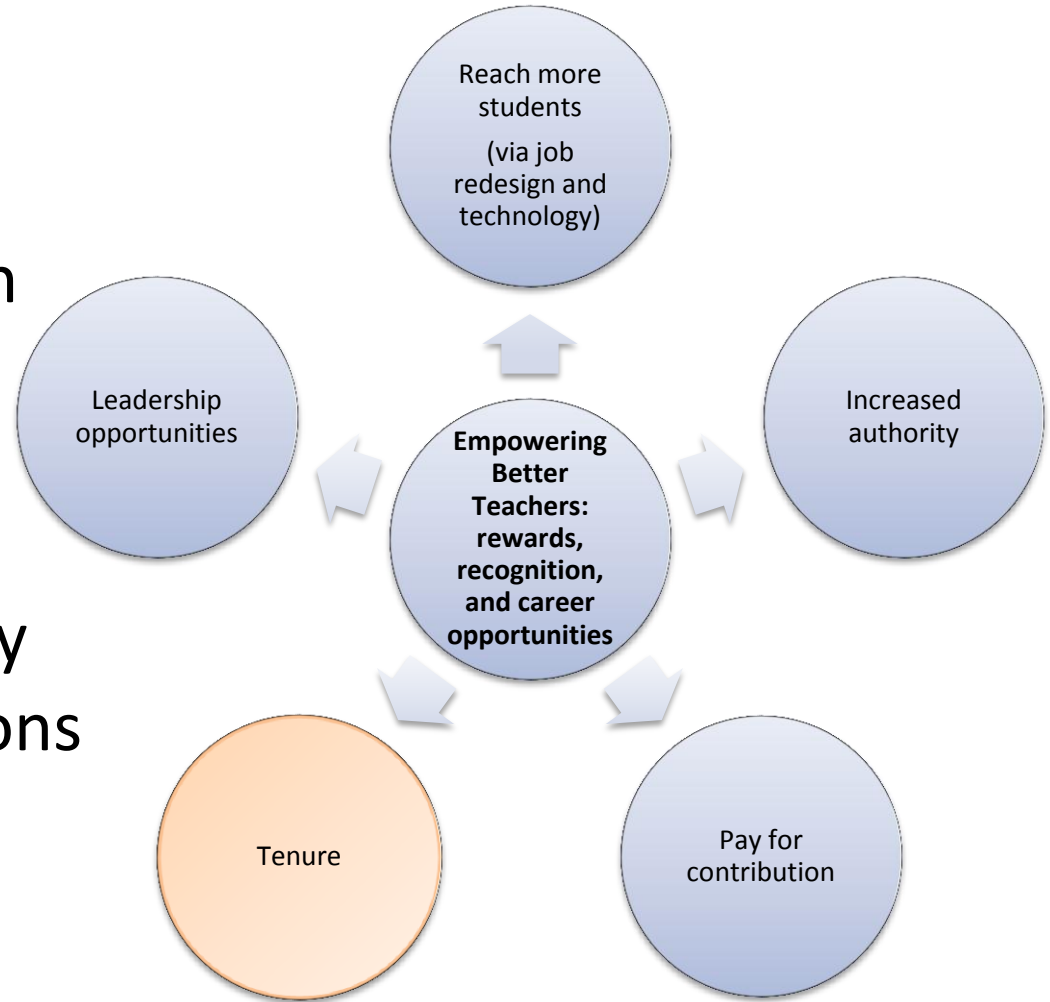
- To honor pre-existing commitments to teachers, tenure can be eliminated for *new* teachers
- Current teachers could opt out of tenure in exchange for the opportunity to earn higher pay

### Replace tenure with rewards and career opportunities that recognize excellence

- Link pay increases partly to teachers' contributions to student learning
- Advance excellent teachers into roles where they can reach more students and lead other teachers, rather than leaving the classroom

# The Future of Tenure

**Put tenure in its place:**  
With a renewed focus on student learning and empowering better teachers, tenure can become just one of many opportunities, recognitions and rewards for better teachers' contributions.



# Endnotes

1. Gordon, R., Kane, T., & Staiger, D. (2006). *Identifying effective teachers using performance on the job*. Washington, DC: The Hamilton Project: The Brookings Institution; Rivkin, S., Hanushek, E., & Kain, J. (2005). Teachers, schools, and academic achievement. *Econometrica*, 73(2), 417–458; Sanders, W. L., & Rivers, J. C. (1996). *Research project report: Cumulative and residual effects of teachers on future student academic achievement*. University of Tennessee Value-Added Research and Assessment Center; Hanushek, E. (2010). The difference is teacher quality. In K. Weber (Ed.), *Waiting for superman: How we can save America's failing public schools* (pp. 81–100). New York: Public Affairs.
2. Rivkin, Hanushek, & Kain. (2005).; Rockoff, J. E. (2004). The impact of individual teachers on students' achievement: Evidence from panel data. *American Economic Review* 94(2), 247–252. The Sanders & Rivers *Research project report* cited above, an early study of teacher effects, found that for students with low starting test scores, those exposed to top-quintile teachers improved their test scores by an average of about three times as much as those taught by bottom-quintile instructors.
3. Gordon, Kane, & Staiger. (2006).
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5. U.S. Merit Systems Protection Board. (2005, August); Move to dismiss a tenured professor is a first at Kansas. (1989, October 25). *The New York Times*, p. B7 (citing Jordan E. Kurland, assistant general secretary of the American Association of University Professors); Mooney, C. J. (1994, December 7). Dismissals 'for cause.' *The Chronicle of Higher Education*, 41(15), A17, 19–20; The Pew Center on the States. (2008). *Key people data points from Grading the States 2008*; Barrett, K., & Greene, R. (2008, March). Measuring performance: The state management report card for 2008. *Governing*; also see Selden, S. C. (2006). The impact of discipline on the use and rapidity of dismissal in state governments. *Review of Public Personnel Administration*, 26(4), 344; dismissal rates for tenured K–12 teachers are based on analysis of data from 10 U.S. districts from 2003–04 through 2007–08, showing no more than 0.04 percent of tenured teachers were dismissed for performance in these districts annually; Weisberg, D., Sexton, S., Mulhern, J., & Keeling, D. (2009). *The widget effect: Our national failure to acknowledge and act on differences in teacher effectiveness*. Brooklyn, NY: The New Teacher Project.

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