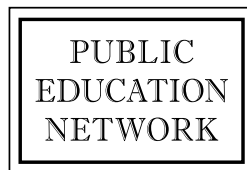


Hiring Practices in the Newborough Unified School District



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This case was commissioned by Public Education Network (PEN) and prepared by the Rennie Center for Education Research and Policy. Written by Jill Norton and Paul Reville, the case was designed for use at PEN's 2006 annual conference. In preparation and development of this case, we made use of the report "Toward an Open Hiring Process" published by the Boston Plan for Excellence in the Public Schools. However, the case represents a hypothetical situation and is not based on actual events. All names and locations are fictional.

Hiring Practices in the Newborough Unified School District

“This could be political dynamite,” Jeff Taylor said to himself as he reviewed the first draft of *Improved Hiring for Improved Achievement*, the report his research director had just produced. Jeff, the executive director of the Newborough Education Fund (NEF), and his board of directors had commissioned the report to analyze the Newborough Unified School District’s teacher hiring practices.

Several months ago, Evelyn Carlo, the Newborough Unified School District superintendent, sat down with Jeff to discuss the personnel problems the district was experiencing. Cumbersome policies at the central office, an under-resourced human resources department, and contractual mandates on hiring practices were preventing the district from attracting and retaining top candidates. Jeff presented these challenges to the NEF board and suggested that NEF conduct research and produce a report that included recommendations for improving the district’s hiring practices. The board agreed and NEF spent the next several months conducting interviews and collecting data. As expected, the finished report was quite critical of the district’s policies – especially of the seniority practices mandated in the current contract. As Jeff read the report, he worried about the contentious discussions it would spark.

It was February 15, 2006; Jeff and his staff were working to publish the report by March 1st so that the report’s findings and recommendations could influence ongoing teacher contract negotiations as well as the district’s hiring practices for the upcoming 2006–2007 school year. The NEF board was scheduled to meet to discuss the draft of the report the following week. However, Newborough Teachers Association President Phil Buckley had requested an opportunity to review the report in advance. As Jeff emailed him the report, he braced himself for Phil’s reaction.

Newborough

Newborough is a coastal city located in the western United States and was considered one of the nation’s foremost hubs of technology and innovation. During the dot-com boom in the late 1990s, startup companies were a boon to Newborough’s economy. Large numbers of entrepreneurs and computer application developers moved into the city, followed by marketing and sales professionals who changed the social landscape as poorer neighborhoods became gentrified. When the bubble burst in 2000, Newborough was especially hard hit. The population shrank to 740,000 in 2005 from a high of 790,000 in 1999. Many of the companies upon which the city’s economy relied folded and most of their employees left the

area. High technology and entrepreneurship continued to be mainstays of the Newborough economy, but the dot-com bust sent the city into a debilitating downturn that affected many of its citizens, and nearly doubled the unemployment rate from 7 percent to 13 percent in two years.

During this time, the mayor and other community and corporate leaders became more interested in sparking change in the school district. They saw the improvement of Newborough’s public schools as a way in which to entice the city’s current residents to stay and new companies to locate in Newborough.

Newborough Unified School District

The Newborough Unified School District educates over 60,000 students annually in over 160 pre-school, elementary, middle, and high schools. By 2002, student achievement in the district was lagging significantly behind state averages. On the state’s standardized assessment, Newborough students scored 11 to 32 percentage points below the state average at various grade levels. Worse yet, student achievement between 1998 and 2002 had remained almost completely flat. The lack of any evidence of improvement worried Newborough’s business leaders and frustrated its community groups.

In 2002, the district hired Evelyn Carlo as its new superintendent. In Evelyn, the community saw the change agent for whom they had been waiting. She was an experienced superintendent with a national reputation for her work in improving urban student achievement as a district superintendent in New York City. As soon as Evelyn took over as Newborough superintendent, she began meeting and working with community organizations throughout the city to assess their needs and enlist their input in the development of a comprehensive plan for reform in the NUSD. Evelyn worked very closely with NEF during this time, tapping into the local education fund’s network of community and business groups to gather input and shape the plan. She sensed the potential that NEF held as an external organization that could provide her with the leverage she needed to initiate substantive reform within the district.

In 2003, her second year as Newborough superintendent, Evelyn launched a comprehensive reform plan titled *Quality Education for All*, which was designed to improve the quality of education for all students in the district, especially low-income and minority students. The new plan targeted three core areas of reform: improving instruction and teacher quality, ensuring equitable distribution of resources, and engaging the community as partners in reform.

The Newborough Education Fund

Founded in 1979, the Newborough Education Fund is a community-based nonprofit organization whose mission is focused on improving the quality of teaching and learning in Newborough public schools so that all students receive the education necessary for full participation in economic, civic, and cultural life.

NEF believes that strong public schools are critical to Newborough's viability and that the community must play a role in ensuring their success. NEF sees itself as a bridge between the community and the classroom and works to increase the availability and impact of resources for students and teachers throughout Newborough public schools.

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Over time, NEF had become the primary partner of the district in designing, piloting, refining, implementing, and institutionalizing elements of *Quality Education for All*, the district's reform initiative. In its partnership with the district, NEF focused on two areas:

1. Working with schools to support the improvement of instructional practice and student performance, and
2. Working with central office staff to modify policies that inhibited schools from doing the work that they were intended to do.

For the past six years, NEF has been led by Jeff Taylor. From his first days at NEF, Jeff worked hard to become a close partner with the district, recognizing that if NEF was to have a positive impact on students, it would be through reform in classrooms, across schools, and at district headquarters.

The Team Coaching Model (TCM) initiative is one example of this close NEF-NUSD partnership. In 2003, Jeff and his staff worked with Evelyn Carlo and the central office staff to develop this new initiative. The model consisted of trained coaches who observed a small group of teachers while they were teaching, engaged in structured meetings with the team to debrief and

analyze the observed lesson, and then worked with teachers to provide guidance and support for adjusting practice and improving teaching. The premise of the model was that if there was a supportive structure for adult learning at every school, and if teachers could see the effect of new teaching practices on their students, then they would improve their instruction.

NEF developed and piloted the TCM program in 26 schools during the 2003–2004 school year. In 2004–2005, an additional 24 schools voluntarily initiated the program. In 2006, the school board and the superintendent voted to have all 160 schools use TCM in the upcoming 2006–2007 school year. Outside funds were critical to getting coaching programs up and to keeping them running. To cover the cost of a district-wide coaching initiative, Jeff and Evelyn worked with a local family foundation to secure a three-year, \$3 million dollar grant for NEF, which would begin in September 2006.

Teacher Hiring in Newborough

When the dot-com bubble burst in 2000, many high-tech employees lost their jobs. The school district, however, actually benefited from this turn of events, experiencing a spike in the number of qualified applicants seeking teaching jobs in the public schools – especially in the number of candidates for the high-need subject areas of science, technology, engineering, and math. While the district was excited to have so many more high quality candidates for these hard-to-fill positions, it has only been able to hire a very few over the past three years. Competition from suburban districts with faster hiring timelines meant that Newborough missed out on many of the top candidates seeking teaching positions in the Newborough area.

The restrictions of the current teacher contract, together with burdensome district policies, made it difficult for principals and schools to hire and retain the quality teachers of their choice. The contract required that most of the teaching positions anticipated to be vacant in the coming year, as well as all positions held by first-year teachers, had to be offered to tenured NUSD teachers in two hiring rounds that usually ran from March through May.

The first round began in March, when all open positions were posted internally. Tenured teachers were able to select from almost any of the vacant positions posted. If a tenured teacher wanted a position held by a first-year, non-tenured teacher, the tenured teacher could “bump” the first year teacher from the position. In April, the next phase began in which most vacancies left unfilled (including those held by first year teachers) were posted in the “surplus pool.” Tenured teachers losing their current positions because of staff reductions, and teachers seeking an opportunity to change schools, could bid for these positions. The contract mandated that each tenured teacher

had to be granted one of his/her choices, even if it was against the wishes of the school. In June, and many times much later, any positions left unfilled after these two rounds were then opened to other teachers, including first-year teachers. By this time, many of the highly qualified candidates had already taken jobs in surrounding suburban districts with faster hiring processes. The district was then forced to scramble to fill hundreds of positions through the summer, choosing from less qualified candidates who hadn't been selected by nearby suburban districts. Newborough was often left with many unfilled positions at the start of each new school year.

Sometimes the teachers hired through these processes matched the needs of a school well. However, teachers sometimes took positions without being committed or prepared to take part in a school's reform effort. Even worse, many valued and talented first-year teachers left the district or were shuffled into other schools because they were "bumped" by teachers with more seniority. Prospective teachers and new candidates often took positions in other systems rather than waiting until summer to hear from NUSD.

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The district's policies were equally to blame for the problem of retaining first-year teachers. Each year the district indiscriminately issued layoff notices to most untenured teachers at the end of the year. These notices were not issued as a result of poor performance, but because of disorganization and a lack of quality data at the central office, which meant the district was unable to adequately predict the number of openings it would have at the start of the next school year. In May 2005, the district issued 311 layoff notices to first-year teachers, only to rescind 174 of them three months later, when it realized those positions were, in fact, open. By that time, many of the best first-year teachers had already accepted jobs in other districts.

The collection of information on leaving and/or entering the Newborough teaching ranks was not a priority for the district central office. Because it lacked this kind of information, the

district was unable to make precise, advance projections of school needs thus leading to the large number of unnecessary layoffs. As a result of Newborough's protracted and inefficient hiring practices, the district was unable to hire and retain the most desirable candidates. The net result of the seniority practices and inefficient district policies was that Newborough's teaching force was much less effective than it could have been.

The Improved Hiring for Improved Achievement Report

In its role as a critical friend to the district, the NEF board decided to conduct research into the hiring processes of the Newborough Public School System. The report was intended to identify what challenges existed in attracting and retaining the most qualified teachers and to make recommendations aimed at improving the district's hiring policies and practices.

The report found that Newborough faced a huge barrier to improving the quality of its teaching force and, ultimately, the quality of the education it provided. It highlighted a cumbersome, seniority-driven hiring process that prevented the district from hiring top quality candidates and schools from building the best teams of teachers. The report analyzed the problems in teacher hiring and proposed a clear-cut solution: the creation of a hiring process in which school-level hiring teams were empowered to choose the most appropriate teacher for each vacancy early in the hiring season.

The report found that approximately 230 NUSD teachers changed schools the previous spring, filling vacancies through a contractual process that barred schools from considering new teachers or experienced teachers from other districts. Because the contractual and administrative processes were so prolonged, NUSD was advertising 315 open positions in June 2005, after many suburban districts had already completed their teacher hiring. In mid-August, NUSD was still listing 125 vacancies at a time when almost all of the surrounding suburban district had finished hiring. This year, as every year, the district's 487 first-year teachers would have their positions declared "vacancies" and offered to senior teachers as required by the teachers' contract. A first-year teacher could be given expedited tenure – a virtual lifetime job guarantee – but that was highly unlikely after only four or five months on the job.

The report also cited a 49 percent attrition rate among teachers in their first three years of teaching. It pointed to the district's layoff policy as one contributing factor to this high rate of attrition and noted that the cost of replacing these teachers, who had received professional development and training from the district, totaled about \$3 million annually. Another factor in the high attrition rate was the current hiring practices, which

prevented teachers and school principals from being selective in their hiring, and resulted in teachers and schools being poorly matched – further contributing to an increased rate of new teacher attrition.

To speed school improvement, the NEF report urged NUSD and the Newborough Teachers Association to allow principals to hire the best candidates for their open positions. The report recommended that all teacher candidates, regardless of seniority, be able to compete equally for jobs and that principals be allowed to refuse to hire tenured teachers who had lost jobs at other schools. Those teachers would still have the right to their full salaries but would be placed in substitute teaching positions or administrative jobs. If these teachers weren't selected by schools within three years, they would be moved out of the system. The rationale underlying the report's recommendations was that the level of student achievement would not improve in Newborough until the quality of teaching improved.

The report cited experiences with teachers and principals across the city as they implemented school-wide changes as part of the district's *Quality Education for All* campaign. It reported that hiring and keeping the best team of teachers was an essential part of each school's improvement process. Teachers, the report noted, were vital players in building expertise in the school's reform strategies and creating a common culture of learning. The report recommended that schools be allowed to select the teachers that were best suited for their schools, noting that when schools were required to take teachers who were not prepared to engage in the school's reform strategies, it put the entire district-wide reform plan at risk.

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The report also pointed to the need to move up the hiring process timeline much earlier in the year, to give the district access to the best candidates before they accepted positions elsewhere. The report emphasized the need to increase the capacity of the human resources department and encouraged the district to make better use of technology to collect and organize higher quality data about the district's teaching force, and to use that data more accurately to predict the district's staffing needs and lead to less attrition and better matches between teachers' skills and schools' needs.

Reactions to the Report

Jeff emailed the draft of the report to Teachers Association President Phil Buckley and Superintendent Evelyn Carlo on the morning of February 15th. That afternoon, Jeff received a call from Evelyn. She expressed her support for the report and its findings saying, "This is terrific. It gives us exactly the kind of leverage we need to change our hiring practices. Releasing this report now, during contract negotiations, will garner just the kind of public support we need to spark a discussion between us and union management about changing some of these inane and harmful seniority-based practices that have been hamstringing our reform efforts for years."

Later that afternoon, Jeff received the call he had anticipated from Phil Buckley. Phil immediately launched into a diatribe:

This report can't see the light of day. This goes right at the heart of teachers seniority rights and there is no way the teachers' association will support it. The danger of this recommendation to giving principals the authority to hire "the best person for the job" is that principals are going to want to cut costs by hiring the youngest, least experienced teachers. That's not good for the school, the district, or the kids. This is a core issue for us. We fought for seniority protection in the first place because without it we were defenseless against school boards and principals who wanted to eliminate more expensive, experienced teachers or to intimidate teachers who resisted favoritism and corruption. I won't allow this report to undermine these protections, which we fought for and deserve.

Jeff replied, "Phil, you've got to acknowledge the facts that are highlighted here. We are simply losing too many qualified and talented candidates to the suburban schools because of this excruciating, drawn-out process of hiring. We absolutely can't afford to wait until June to recruit external candidates."

Phil responded, "I agree that the process takes too long, but it's the district administration that needs to get its act together. If the district used technology like every other 21st century organization, we wouldn't have half the problems with attrition

that we do now. I am willing to work with the district to move the schedule back so that all positions can be posted for external candidates earlier in the spring. But, let's take care of the roadblocks at the central office before blaming all the problems of the hiring process on seniority policies. That's ridiculous and just not accurate."

Jeff agreed, "Clearly, the district needs to play a role here in streamlining their administrative policies and we've noted that in the report. However, the district can't fix this problem alone. We certainly can't afford to continue to miss out on top teaching candidates because of the seniority-based restrictions. The current process results in teachers forced into positions they don't want, and schools forced to accept teachers they don't want. A school being forced to hire a teacher who is not willing to support a school's reform strategies is a serious blow to all of our reform efforts. Making changes to the contract language that address these problems needs to be part of the solution."

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With that, Jeff encouraged Phil to spend more time looking over the report and to discuss it with some of his members before the board meeting the following week.

Phil said, "Listen, I can look this over until kingdom come, but that's not going to change my mind. We can't publish this report without re-writing the recommendations. It's my job to protect my membership and I can't, in good conscience, allow their seniority rights to be put on the chopping block like this. Jeff, if the NEF board votes to publish this report, I can tell you that it will be very hard for me to recommend that all my teachers work closely with NEF on the Team Coaching Model project this coming fall. You know as well as I do that participation in the coaching program is entirely voluntary, it's not mandated by anything in the contract. You'd better believe that if this report comes out attacking our seniority rights, I will make damn sure that all of my teachers know they are under no obligation to participate in the coaching project. I can't imagine your funder will be pleased when you tell them the program only has the participation of a tiny fraction of the district's teachers."

Jeff assured Phil that the entire NEF board would discuss the release of the report at the board meeting the following week and that together they would decide how to proceed with the release of the report on March 1st.

As Jeff hung up the phone, he thought about his plan for the board meeting the following week. He had anticipated that Phil would be upset by the report's recommendations, but he hadn't realized the extent to which it might jeopardize NEF's work with the district. If the teachers' union came out against the Team Coaching Model, he worried that many teachers would withdraw from the program and worse, many school faculties might vote against having the program in their schools. This would endanger the good work that NEF and the district were doing with the coaching initiative and put a stop to the substantive cultural changes occurring in schools across the district.

It would also put NEF in a bad position with its donors, who would not look kindly on a program that didn't have the promised impact on classroom practice. Current donors would surely be disappointed and upset, but it would also be hard to attract future funders after such a public failure with the TCM program. A failure like this could put the entire future of NEF in jeopardy, making it look ineffective and irrelevant to current and potential donors, the district, and the community.

On the other hand, Jeff felt that the report was accurate. The problems it highlighted were real and they had to be addressed or they would continue to hamper the district's efforts at improvement year after year. Jeff thought about the NEF role as a critical friend to the district and its mission to help improve instructional practice in the district and improve the achievement of all students. He knew that the report was fully in line with those goals. Jeff couldn't reconcile the choice between protecting the coaching program and its funding and advocating for the long-term best interests of the district's reform efforts.

Jeff wondered how he should advise the board to proceed. Should NEF release the report? Was there a way to get the contract changed without taking on the union so publicly? Or, would the public release of the report generate exactly the type of pressure that was necessary to push the union to agree to a change in its seniority policies? All of this weighed on his mind as he sat down at his desk to write his recommendation to the board.

