

'Last hired, first fired' under attack

Should California change its current teacher-layoff law?

by Kelly St. John Regier



Each spring, school districts across California issue pink slips to teachers they may not hire back the following year. Many are ultimately rehired. But with state budget cuts to education forcing many school districts to raise class sizes and cut down on staffing and programs, about 32,000 teachers have lost their jobs in the past four years. That's 11 percent of the California's teacher workforce, according to state officials.

What is more galling to some parents is which teachers have lost their jobs. California law requires that teacher layoffs be based on seniority, not teacher effectiveness. And that, says Julie Collier, has forced schools to lose some of their best and brightest teachers.

"These policies need to change," says Collier, executive director of the Parents Advocate League, a South Orange County group that advocates changes to public schools. "They're letting go of the newer teachers trained in the newest education methods, regardless of how good they are. This system is not working for the kids."

California law requires that, when districts lay off teachers, they use inverse-seniority order. (It provides some exceptions for deviating to

protect specialized teachers.)

Dawn Urbanek, whose daughter attends a Spanish-immersion program in the Capistrano Unified School District, says this so-called "last hired, first fired" or LIFO ("last in, first out") approach to teacher layoffs is particularly hard on efforts such as immersion programs, which require teachers with specific skills.

In the two-way immersion program, kindergarten teachers spend 90 percent of their instruction time speaking Spanish. Urbanek says that, thanks to the LIFO policy, several years ago a teacher who was highly regarded by parents was laid off. The following year, she was replaced by a more senior teacher who, though she had the required bilingual-education credential, was so rusty with her Spanish skills that the principal ultimately moved the children out of her classroom.

Urbanek argues that the same thing is happening at the high school level.

"Every decision is based on who has worked here the longest. No decision is based on what the curriculum requires," says Urbanek. "The number one priority should be that the teacher is qualified for the job they're teaching. We can't protect teachers just because they are teachers."

"Look at all the teachers of the year who are losing jobs and being replaced by

people who haven't been in a classroom in 15 years," continues Urbanek. "I don't know of any profession where you're guaranteed a job. Why is it that teachers are able to keep their jobs no matter how good or bad they are, while younger teachers are locked out. It's not a good system?"

The issue of seniority-based teacher layoffs is getting national attention, in part because of the work of reform groups such as StudentsFirst, a Sacramento-based advocacy organization founded by former Washington, D.C., public school chief Michelle Rhee.

StudentsFirst points out that California is one of only 11 states nationwide that mandates seniority-based teacher layoffs, which it argues disproportionately hurts students in low-income, high-minority schools.

Most states do not prescribe seniority-based layoffs but allow school districts themselves to decide how to lay off their staff in times of budget cuts.

Research has shown that schools serving the highest-need students tend to have newer teachers, who are the first forced out in times of budget shortfalls.

Some studies have estimated that the highest-poverty schools in California lose about 30 percent more teachers than do

wealthier schools, while schools with the highest percentage of minority students lose 60 percent more teachers than schools with the lowest minority populations, says Jessica Hsiang Ng, spokesman for StudentsFirst.

"Ensuring that every student is taught by a great teacher is not just a moral imperative; it's a matter of educational equality and social justice," says Ng. "Research shows that seniority-based layoffs rob our schools of some of their most effective teachers and disproportionately hurt minority, low-income and English Language Learner students."

StudentsFirst cites studies indicating that teachers with seniority earn an average of \$15,000 more per year than do newer teachers. As a result, more teachers need to be let go to achieve the same cost savings, disrupting more students and leaving fewer effective teachers in the classroom, says Ng.

Last year, the non-partisan Legislative Analyst's Office (LAO) in Sacramento reviewed California's teacher layoff process. In addition to recommendations



Warren Nagano, 65, became a teacher after three decades of practicing law. He now teaches at Las Flores Middle School in Rancho Santa Margarita.

about the timing of when teachers should be notified about layoffs and suggestions about streamlining appeals, LAO recommended that California consider allowing districts to take into account factors other than seniority when making layoffs, such as student performance, teacher quality

and contributions to school community.

LAO's report noted that while seniority-based layoffs are transparent and easy to implement, the method can lead to a lower-quality teacher workforce.

The reason seniority-based layoffs have emerged as an issue at all is

PHOTO BY HANCOCK DESIGN SERVICES FOR CALIFORNIA POLICY CENTER

because of the dramatic budget cuts to hit education in recent years and the resultant loss of more than 30,000 teaching jobs, says Michael Stone, a board member of the California Teachers Association and a math teacher at Aliso Viejo Middle School.

"The debate shouldn't be focused on adding more teachers to the unemployment rolls," says Stone, who notes that the passage of Proposition 30 last fall will give school districts much-needed revenue. "Hopefully we're looking at fewer layoffs going forward. We can't afford to lose more folks. The more we invest in the education of our kids, the better society we're going to be."

Stone says that the debate about seniority-based layoffs is a "distraction" from the bigger priority of recovering from devastating cuts, which sent class sizes ballooning from student-teacher ratios of 20-to-1 up to 31-to-1 in the youngest grades.

"We're not opposed to accountability, but we want to broaden the



Chemistry teacher Amy Ferricchio, left, reviews equations work with tenth-grader Allie Wood during a morning tutorial.

conversation," says Stone. "We need to hold politicians in Sacramento accountable to give schools the dollars they need to educate our children for the needs of tomorrow. We need to hold districts responsible to make


sure that the money they spend goes into the classroom and not administrative overhead. For all students to thrive, we need everyone to be accountable." 

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