Understanding the attack on teacher tenure – Guest blog by Doug Mann

written by Lois Weiner | June 18, 2014

Guest blog: This week I have a commentary by a reader. Doug Mann provides background about the issue of tenure for teachers in Minneapolis. His analysis, identifying how the Right has pushed this issue and why systemic racism has to be named in defending teachers' rights to due process, applies in most respects to other urban school districts. Doug is the Green Party candidate for Minneapolis School Board, citywide, and an education activist.

The Vergara decision, if upheld on appeal, will strip away key union job protections for teachers, including tenure rights. Teachers will become at-will employees. "Job protection unionism" will become a crime for public school teachers.

Minneapolis Public School superintendents, going at least as far back as Thandiwe Peebles, have been lobbying the legislature to take tenure and seniority rights away from teachers, and have gotten some concession on these issues from the teachers union in recent collective bargaining agreements.

School board member Carla Bates was a founder and chief spokesperson for Put Kids First Minneapolis, and former School Board member Chris Stewart became a leader in that organization after leaving the Minneapolis School Board. The mission of Put Kids First Minneapolis is to strip away key union job protections for teachers, arguing that bad teachers who get tenure can't be fired.

In my opinion, a lot of public support for eliminating teacher job protections from those who are poorly served by the public schools represents misdirected anger about bad teaching in the public schools. The problem is too

much job protection for "bad teachers," according to corporate school reformers. As I will outline in detail in the following paragraphs, teachers are being used as scapegoats for problems created by actions of the School Board and policy makers at the state and federal level. The Board has played a role in segregating students by race and income, and undermining the quality of education provided to most students of color and many poor whites. Rather than pitting parent and students against the teachers union by word and deed, I am appealing to the teachers union to take the side of parents and students who are poorly served by the school district, and demand changes in policy that can make a quality, public education available to all on an equal basis.

The Separate but Equal doctrine resurrected in Minnesota

The Minneapolis School Board passed a resolution in 1995, entitled "Closing the gap: Ensuring that all children can learn. The strategy proposed was to establish a system of "community schools" in which students within a defined area were guaranteed enrollment. The idea was to assign students closer to home, which would reduce the cost of transporting them to schools, and increase parent involvement. The Closing the Gap resolution promised to use money saved on bus transportation to upgrade the quality of education in high poverty schools, and to minimize the segregative effect of the Community School Plan: Two promises never kept. The Minneapolis City Council passed a resolution in support of the Community School Plan, and the State Board of Education (since dissolved by the legislature) granted the district a waiver from Desegregation Rules.

In the fall of 1997, the school district began to promote part-time ability-grouping for reading and / or math, where students were assigned to

separate classrooms for reading or math instruction according to ability at the beginning of first grade. Instruction for "high ability" students was based on a standard academic curriculum with varying degrees of enrichment. The curriculum for a majority of students was watered-down to varying degrees. The district did not formally evaluate the effects of its ability-grouping practices on students, as required under Title 6 of the Civil Rights Act of 1964, according to the US commission on Civil Rights. First hand observation of the effects of ability-grouping practices and reviews of student test score data broken down by race and poverty indicated that the district's ability grouping practices were harmful to the majority of students.

The high concentration of inexperienced teachers in high poverty schools was brought to my attention after I joined the National Association for the Advancement of Colored People (NAACP) in December 1997 and soon thereafter became a member of the Education Advocacy committee of the Minneapolis branch of the NAACP and a plaintiff in Xiong et al vs. Minnesota, a lawsuit merged with NAACP's education adequacy lawsuit against the state of Minnesota. In the spring of 2004, the district noted that about 25% of regular Ed teachers and about 33% of special Ed teachers had not completed their 3 year, post-hire probationary period. At that time the district sent lay off notices to all probationary teachers every spring. Under the Teacher Tenure Act for Cities of the First Class, a layoff notice to a probationary teacher is a notice of termination of employment. The district is free to replace any and all probationary teachers the next fall. Tenured Teachers in Cities of the First Class must be offered continuing employment before they can be replaced by newly hired teacher. All teachers covered by the Teacher Tenure Act that applies to the rest of the State of Minnesota have the same recall rights as Tenured Teachers in Minneapolis.

The Minneapolis School District stopped firing all probationary teachers, and selectively rehiring and replacing them around 2010. However, the district invented a new class of layoffs: Performance Layoffs. A large proportion of teachers are "performance laid-off" before finishing their 3 year probationary period. These probationary teacher are heavily concentrated in high poverty schools. Since 2009, the district has also had a contract with Teach For America to supply provisionally licensed teachers with little formal teacher training to work in high poverty schools, including in licensure areas, such as early elementary education, where there is an abundant supply of regularly licensed teachers who are looking for a teaching job.

The high concentration of inexperienced teachers in high poverty schools is certainly a consequence of firing and replacing a large proportion of teachers before they finish their 3 year probationary period. Other probationary teachers quit or bid out of high poverty schools at the first opportunity due to lack of job security and inadequate support, including a lack of support for high needs students in the classroom. Educational Support Paraprofessionals should be helping Special Ed students who are assigned to mainstream classrooms as well as being assigned to Special Ed resource rooms.

In 2000, the Minneapolis School District was reprimanded by the Federal Department of Education for labeling 25% of all African-American students, and close to 40% of African American males as having Emotional Behavioral Disorders and enrolling them in Special Ed programs where they are not getting appropriate services. Things haven't changed much in this respect. Minneapolis enrolls a higher proportion of its students in Special Ed programs than any other school district in the United States of America.

Beginning in the late 1990s, the Minneapolis School District successfully carried out a plan to retain nearly all teachers at 2 elementary schools: Elizabeth Hall and North Star. The strategic goal of the 2002 District Improvement Plan was to bring teacher turnover rates to low levels in all schools. However, the District Administration actively sabotaged the plan by firing all probationary teachers every year, and by starving high poverty schools of the resources that they should be getting. The district has been getting substantial funding from federal Title 1 and state compensatory funds because a large proportion of the student population is eligible for free and reduced-price lunches.

At a School Board meeting in 2008, there was a discussion about a proposed covenant between the District and a coalition of African American parents, educators and other community members. The African American group asked for a non-binding promise by the district to establish two model schools for poor African American students. The only criterion for a model school identified by the African American group was a very low teacher turnover rate. Board member Lydia Lee stated that the district could not afford to increase teacher retention rates in high poverty schools, not even in just two schools, unless the district found new money for that purpose. High teacher retention rates in low poverty schools is not a problem, so why isn't there money to increase teacher retention rates in high poverty schools?

Maintaining a large pool of probationary teachers in the district makes no sense at all, except as a cost containment strategy. However, it is questionable that the district really saves very much, if any money by doing so. The increased cost of allowing most newly hired teachers to complete their

probationary period and to become tenured teachers would be negligible over a period of 5 years, when you consider money saved on recruitment of new teachers and the extra training they need. Performance evaluations should be focused on providing constructive criticism that can help teachers improve their practice. There should be more support for classroom teachers in high poverty schools in order to reduce job stress and facilitate their professional development. The co-teaching model used at Lucy Laney school right now is an example of the type of support that regular classroom teachers should be offered to motivate them to stay in high poverty schools. Educational Support Paraprofessionals in the Special Ed department should be in regular Ed classrooms to provide support for mainstreamed special Ed students.

The Minneapolis School District has a huge population of special Ed students not only because a large proportion of poor students experience toxic levels of stress outside of schools, but also because of toxic stress experienced inside of the schools. The District acknowledged that taking steps necessary to stabilize the teaching staff in high poverty schools makes a huge difference in outcomes for the students: Higher test scores, fewer student behavior problems, higher levels of parent satisfaction with the schools. But the District's leadership shows no inclination to bring teacher turnover rates to low levels in all schools.

K-12 students in the Minneapolis Public Schools are being damaged by malfunctioning regular Ed programs, and then assigned to special Ed programs where they often do not get appropriate services so they can stay in mainstream, regular Ed classrooms. At best, the District gets reimbursement for 40% of special Ed expenditures. Over-enrollment of students in Special Ed programs because of malfunctioning of regular Ed programs is an investment of

resources to remediate a problem that could be solved by taking the steps necessary to shrink the pool of probationary teachers and to achieve low teacher turnover rates in all schools. Maintaining a large pool of probationary teachers should not be tolerated as a cost containment strategy, in part because it has a disparate effect on the majority of students of color and many poor whites.