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There is no war on teachers: column

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Why eliminating teacher tenure for K-12 schools will lift school performance



(Photo: Damian Dovarganes, AP)

Public schools are [constitutionally empowered](#) to educate our next generation, but they often stray from that path to over-emphasize the rights, pay, and benefits of their employees. In a stunning [decision](#), a judge in the California Superior Court has ruled that, because education is a fundamental right of California youth, the laws governing teacher tenure, teacher dismissal and rules for layoffs are unconstitutional. This ruling only applies to California – and surely [will be appealed](#) by the teachers union – but it could open up consideration of students' rights in a larger number of states.

The California laws addressed in the lawsuit advantage teachers at the expense of students. One law requires administrators to make essentially a lifetime employment decision within the [first 16 months](#) of a teacher's being hired, before the teacher has even finished an induction program. Another group of laws creates [procedural impediments](#) that make removing an ineffective teacher so onerous and costly that it is rarely done. And, when layoffs are required, a final law requires that decisions cannot take into account a teacher's effectiveness but must be [based entirely on seniority](#).

The [five statutes](#) in question were struck down because the State of California, helped by the California Teachers Association, could not show that the laws in any way supported the education of children. To the contrary, these laws have the effect of retaining and [protecting some grossly ineffective teachers](#) – thus, denying [equal protection](#) to the unfortunate students who are assigned to them. Moreover, the trial showed that the system is [stacked against](#) poor and minority students who are more likely to get the bad draw of teachers.

The teachers unions will undoubtedly fall back on the tired rhetoric that this is a "[war on teachers](#)." But there is no such war. These laws protect just a very small minority of teachers who are harming children and who should not be in the classroom. Indeed, protecting these grossly ineffective teachers seriously harms better teachers who are unfairly tarnished by association with unquestionably bad teachers [sheltered](#) by the unconstitutional statutes.

The decision brings into sharp focus the central policy issue of student achievement. As the court noted, students facing grossly ineffective teachers suffer [long term economic losses](#), amounting to [hundreds of thousands of dollars](#) for each classroom of students subjected to these teachers.

There is also a larger national interest in resolving this problem. The economic future of our nation rests on the skills of our population. My own research [suggests](#) that replacing just 5% to 8% of the least effective teachers with an average teacher would noticeably boost the achievement of our current students and would pay off lavishly in the future, through their enhanced productivity and faster economic growth. The gains according to historical economic patterns would be measured in [trillions of dollars](#) and would be sufficient to [solve our national fiscal problems](#) as well as the [vexing income distribution](#) issues currently being debated.

This is not a war on teachers but a straightforward move in what must be a concerted national effort to lift the performance of our students. It is something that the unions should be supporting. They should not be in the position of defending the worst teachers,

but instead should be rallying around a national effort to recognize the importance of our schools.

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