

PERFORMANCE-BASED DISMISSALS



CROSS-SECTOR LESSONS FOR SCHOOL TURNAROUNDS



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Information Tools Training

Positive results for students will come from changes in the knowledge, skill, and behavior of their teachers and parents. State policies and programs must provide the opportunity, support, incentive, and expectation for adults close to the lives of children to make wise decisions.

The Center on Innovation & Improvement helps regional comprehensive centers in their work with states to provide districts, schools, and families with the opportunity, information, and skills to make wise decisions on behalf of students.

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Executive Summary

School turnarounds are, at their core, a people-driven strategy. Unlike many other reforms in public education, the success of a turnaround effort hinges to a large degree on the skills and capacity of a leader, and the talents and cooperation of his or her staff. In schools that have failed students for years, leaders must often replace staff members who are not willing or able to contribute to the turnaround.

Unfortunately, leaders of school turnaround efforts face critical challenges to successfully carrying out targeted dismissals. The first is a lack of knowledge: performance-based dismissals have been very rare in public education, and many principals lack the know-how they need to carry out dismissals well. Second, the policy environment in most states and districts is stacked against performance-based dismissals of teachers. Even if education leaders want to remove ineffective staff in failing schools, many policy impediments stand in the way.

This report addresses both of these challenges. We first examine the research on performance-based dismissals outside of education—where the experience base is much richer—to inform strategies for turnaround leaders in public education. We then examine the ways in which state and district policies enable—or more often impede—targeted staff replacement and provide policy recommendations for local and state education leaders.

Effective Staff Dismissals in a Turnaround

In other sectors, successful turnaround leaders quickly use both voluntary and involuntary dismissals to remove underperformers. Their early communications foster a results-oriented environment in which all staff members are held to a high standard of excellence and positively contribute to the turnaround. As a result, many staff members who are unwilling or unable to carry out necessary changes leave these organizations voluntarily, often quite early in turnaround efforts. At the same time, turnaround leaders gather a variety of information about their staff to inform decisions about who should stay and who

should go. Both strategies, if deployed in schools, would enable principals to turn around student performance rapidly.

The specific strategies that emerge from cross-sector experience (summarized in Figure 1) include communicating a compelling vision, gathering and analyzing a variety of data, conducting targeted evaluations, and examining performance improvements to spur voluntary departures and assist in making informed decisions about dismissals.

While a significant number of performance-based dismissals in a turnaround school are voluntary on the part of the teacher, many are not. Several policies hinder leaders' ability to formally dismiss teachers for performance reasons. State and district policies frequently require long timelines for evaluations, dismissal decisions, and termination hearings making it difficult for a principal to dismiss even an untenured teacher for unsatisfactory performance within the course of one school year.

Policy Reforms to Enable Performance-Based Dismissals in Turnaround Schools

Our recommendations for state and local policymakers (summarized in Figure 2) focus on providing greater flexibility and support for leaders in turnaround schools. They include negotiating expedited processes for performance-based dismissals in turnaround schools; enabling greater flexibility over class sizes and classroom assignments; prioritizing recruitment, hiring, and placement for turnaround schools; and assembling teams to assist principals with dismissal procedures.

These recommendations focus on the most direct and expedient strategies for states and districts to support performance-oriented staffing decisions in turnaround schools. The research suggests that these actions in particular can support and enable smart decisions by successful turnaround principals and make possible the expedited dismissals that are critical in the urgent environment of a turnaround. In the longer term, however, there are additional steps that state and district leaders must take to enable responsible staff dismissals in turnarounds and all public schools. The cross-sector research suggests that a critical element in all staffing decisions is a strong performance management system, and yet almost all of the elements of a performance management system are sorely lacking in K-12 public education. Perhaps most importantly, evaluation tools and methods in most schools across the country are at best incomplete and at worst, irrelevant, with little to no connection with student learning. Ultimately, we must build stronger evaluation systems to support good decisions in all schools, while helping to ensure that students in every classroom across the country have access to a talented and highly-effective teacher.

Figure 1: Key Actions for School Leaders to Dismiss Unsuccessful Staff Members in Turnaround Schools

Communicate a Vision	Gather & Analyze Data	Conduct Targeted Evaluations	Examine Performance Improvements
<ul style="list-style-type: none"> ↪ Make goals and expectations clear. ↪ Describe what “success” is and what it will take to get there. ↪ Spur desirable staff turnover by making clear that change is not optional. 	<ul style="list-style-type: none"> ↪ Streamline evaluations by gathering relevant data in advance. ↪ Ask trusted, if informal, leaders to provide insight about their colleagues. ↪ Examine “hard” data about individual employees’ performances. 	<ul style="list-style-type: none"> ↪ Fill in information gaps during follow-up meetings with employees who have performance challenges. ↪ Place the burden of proof for continued employment on staff members with documented performance problems 	<ul style="list-style-type: none"> ↪ Hold frequent, transparent meetings that require all employees to share data and problem-solve. ↪ Make clear the consequences for failing to demonstrate improvements.

Figure 2: Key Actions for State and District Leaders to Enable Performance-Based Dismissals in Turnaround Schools

Negotiate Expedited Dismissal Processes	Enable Greater Staffing Flexibility	Prioritize Recruitment, Hiring, & Placement	Assemble Support Teams
<ul style="list-style-type: none"> ↪ Pursue special terms for turnaround schools that empower leaders to make targeted decisions about their staff. ↪ Reform tenure protections, seniority rights, and other job protections to enable quick performance-based dismissals. 	<ul style="list-style-type: none"> ↪ Provide turnaround principals greater flexibility over staffing decisions. ↪ Waive class size mandates so leaders may expose the maximum number of children to proven high-progress teachers and rid school of low-progress staff quickly. ↪ Remove unnecessary scheduling constraints in low-performing schools. 	<ul style="list-style-type: none"> ↪ Give turnaround leaders first dibs on high-quality applicants by holding recruiting fairs for low-performing schools earlier than fairs for other district schools. ↪ Offer special performance incentives in priority schools for teachers who demonstrate great results. ↪ Exempt low-performing schools from policies that allow senior teachers to “bump” less experienced teachers to other schools without regard to effectiveness. 	<ul style="list-style-type: none"> ↪ Form teams of specialists who are familiar with the rules and regulations that govern staff dismissals. ↪ Make them available to provide hands on help to principals as they deal with underperforming employees to maximize principal time spent on successful teachers and minimize time spent dismissing low performers.



Introduction

2009 has heard several calls from the new federal administration to dramatically improve public education, including turning around 5,000 of our nation's lowest-performing schools. With billions of dollars flowing to states and districts to fill budget holes and spur innovation, education leaders will have an opportunity to choose from innumerable strategies to fix failing schools and provide a better education for our students. Alongside extended learning time and improved academic standards, the federal administration has also called for an increased focus on teacher quality—particularly in our nation's chronically underperforming schools. Key to improving quality, as Obama, Duncan, and Duncan's team have pointed out, is taking steps to move ineffective teachers out of classrooms.

To translate this call into action, leaders of school turnaround efforts face a pair of stiff challenges. The first is a lack of knowledge. Performance-based teacher dismissals have been very rare in public education, even in failing schools. With such a limited experience base, many turnaround principals lack the know-how they need to carry out targeted staff replacement well. The second set of challenges arises from the policy environment in the majority of schools and districts—one reason that performance-based dismissals are so uncommon is that state and local policies are stacked against them. Even if education leaders want to move forward with targeted staff replacement in failing schools, many policy impediments stand in the way.

In this report, we address each of these challenges in turn. We turn first to the extensive base of cross-sector experience and research on performance-based dismissals—both in general and in the context of declining or failing organizations. Though our experience with these strategies in public education is scant, the knowledge-base from the private, public, and non-profit sectors is much richer, offering valuable insights that can also be applied in education. We then examine the policy environment, surveying the critical ways in which state and district policies enable, or more often impede, targeted staff replacement.

Staff Dismissals in the Turnaround Context

Across sectors, the term “turnaround” describes a dramatic improvement in the performance of a previously failing organization in a very short period of time. In education, the term most often refers to the parallel situation: a rapid, dramatic improvement in a previously failing school, executed without school closure.¹ Many reforms in education focus on instruction, curriculum, or other structural improvements without regard for the will or capacity of the people making changes. In contrast, turnarounds are at the outset a people-driven strategy.² The reform hinges on both the organization’s leader and his or her staff. Successful turnarounds are typically driven by a new—or newly accountable and empowered—leader. In successful turnarounds across sectors, the turnaround leader frequently dismisses a small number of staff members early in the turnaround effort. These targeted dismissals focus on employees who cannot or will not make the types of radical changes that are necessary to dramatically improve performance.³

To-date, state and district turnaround efforts have used a mix of dismissal strategies: in 2004-05 (the most recent national data available), 14% of all schools restructuring under No Child Left Behind replaced some or all members of their staff.⁴ Some of these schools reconstituted, dismissing all of their staff and allowing teachers to reapply for their jobs. In others, principals have been given greater flexibility to remove or transfer only those underperforming employees who cannot contribute to the turnaround. Early assessments of staffing efforts in education suggest that there can be benefits both to reconstitution and selective dismissals. We do not have a clear answer about which dismissal strategy will yield the best results for children.

In this paper, however, we focus on the targeted staff dismissals that most commonly occur in successful turnarounds across sectors. The lessons in this paper also may inform staff replacements in wholesale reconstitutions. But in many locations, over-reliance on reconstitution will severely limit the number of schools where dramatic improvement is possible. Thus, it is our hope that the cross-sector lessons will empower more education leaders to use targeted dismissals successfully to improve student learning in chronically failing schools.

The remainder of this paper includes the following sections:

Cross-Sector Lessons—findings and examples from research outside education about the practices that underlie successful staff dismissals in healthy organizations and the turnaround context, including performance appraisal systems, upper management support, performance improvement opportunities, and swift exits when decisions are final.

Implications for Leaders in Turnaround Schools—research-backed approaches to targeted staff dismissals for successful turnaround leaders in low-performing schools.

Policy Review—an overview of the restrictions and freedoms that currently govern staffing decisions for education leaders in districts and states across the country.

Implications for State and District Policy—recommendations for state and local leaders to reform policies that limit principals’ ability to successfully manage their staff in the interest of students.



Cross-Sector Lessons

The education field as a whole offers very little research about the effectiveness of particular strategies for staff dismissals and little guidance for leaders about how to carry them out. Other sectors, however—the non-profit and medical fields, private industry, and federal and state governments—offer a much more robust research and experience base about successful approaches to employee dismissals. Dismissals within both successful organizations and those that are attempting dramatic improvement provide lessons for schools in turnaround mode.

We first explored the modest amount of research on staff dismissals that arise from organizations that have faced imminent failure, many of which have initiated dramatic reforms to rapidly improve their performance. This literature provides evidence about the unique actions that must be taken in the urgent setting of a turnaround, where even a handful of unsuccessful employees can pose a severe threat to the leader's ability to turn the organization around. The actions that arise from this literature take into account (and make use of) the short time span in which changes must occur and foster strong leadership decisions even in the absence of strong organizational policies.

We also explored the research about successful dismissals that arises from settings in which an organization is already performing relatively well—it is not in a state of crisis or undergoing radical change. The lessons that arise from these settings provide a framework within which to discuss the options for leaders in failing organizations. They also offer guidance about the underlying systems and policies that we should strive for in the longer-term to enable successful performance-based dismissals in all schools.

In the following sections, we explore each of the lessons that arise from this literature, taking care to point out those policies that we should strive for in high-functioning settings, as well as those actions that are more immediately applicable to a failing school that is attempting to turn around its performance.

The Benefits of Performance-Based Dismissals

Research and experience from across sectors not only offers specific lessons about how to carry out performance-based dismissal successfully, it also offers ample evidence that dismissals are well worth the trouble. Beyond ridding the organization of low-performing employees, dismissals can impact:

- ↪ *The work habits of other employees.* Research suggests that actively addressing poor performance sends a clear message to other employees that the organization has high expectations for performance and is committed to achieving excellence.⁵ At the same time, failing to address poor performance sends an equally clear message to employees that the organization has unique standards for poor performers, and that they will not be required to meet performance expectations. If employees perceive unique standards, even the most capable may feel diminished motivation and have fewer incentives to work efficiently and effectively.⁶
- ↪ *Employee morale.* Survey research consistently suggests that most employees can accurately identify their underperforming colleagues.⁷ In many cases, these employees also know that the organization's top leadership can identify underperformers. So, as one human resource specialist explains, "every day the top team fails to address the problem, it's sending a message: we're not up to managing this outfit. Refusing to deal with underperformers not only makes your best employees unhappy, but it also makes them think the company is run by bozos."⁸ In an environment where leaders are not actively committed to excellence, many high-performing employees are likely to leave in search of an environment where their contributions will be more highly valued.⁹ Particularly in the context of turnarounds, dismissals send a message to the staff and external community that the organization is committed to dramatic change, and unsatisfactory performance will no longer be tolerated in any part of the organization.¹⁰
- ↪ *Recruiting*—and thus, the future success of the organization.¹¹ The recruiting literature suggests that job seekers often develop beliefs about a sector or an organization's culture long before they enter it, based on the conditions in the organization while they are contemplating their career options.¹² Given the effect of persistent low-performers on the performance and morale of an organization overall, the company that fails to dismiss them may also be inadvertently losing high-quality applicants before it even receives an application. This often serves to perpetuate a culture of underperformance.

Performance Appraisal Systems

The literature from across sectors makes clear that one of the bedrocks underlying sound personnel decisions is a strong performance appraisal system. In any organization, employees benefit greatly from knowing what is expected of them and where they need to improve. Leaders rely upon information about the strengths and weaknesses of their staff to guide the organization. In the context of staff dismissals, performance appraisal systems and tools are even more important—to document performance problems over time, ensure fairness and notice to affected staff, and allow stakeholders within and outside the organization to examine the work history that leads to termination.¹³

A more subtle benefit of performance evaluation systems is to create greater will and motivation for leaders to actively contend with their underperforming employees.¹⁴ The cross-sector literature is replete with anecdotes of supervisors and executives who fail to terminate even the most ineffective employees, choosing instead to ignore the problem and focus their energies on higher-performing members of their staff.¹⁵ Strong performance appraisal systems empower organizational leaders with useful information, leading them to more fully examine their employees' performance, give staff members an opportunity to reflect on their own achievement, and help to build a case that supports their dismissal when necessary.¹⁶

An in-depth discussion of performance appraisal systems is outside the scope of this report; here, we examine only those elements that are critical specifically for informing decisions about dismissal. The literature makes clear that in any organizational setting, strong evaluation systems share several common elements:

- ☞ *Expectations are aligned with organizational goals.* Supervisors need to know how each employee contributes to the organization's objectives—not whether they have skills that contribute to irrelevant tasks or an outdated mission.¹⁷ The evaluation process should give both leaders and employees information about the specific skills and talents that the employee is able to offer for the current initiatives and goals of the organization.
- ☞ *Leaders communicate clear expectations for performance.* Organizational policies that set out specific performance expectations for each employee provide both leaders and employees a definition of “satisfactory” work. When expectations are clear and an employee still fails to meet them, it is less likely to be due to a misunderstanding than to true lack of ability or will. Clear expectations make it possible for leaders to recognize an employee's specific strengths and shortcomings and make evidence-based decisions about dismissal.¹⁸
- ☞ *Evaluations are based on relevant actions and skills for each employee's role.* Supervisors who are faced with a decision about whether to dismiss an underperforming employee are ideally able to rely upon evaluations that judge the employee's performance specifically within the realm of his or her job role. This enables leaders to be more confident that unsatisfactory performance in any position is relevant both to what the employee has been asked to do and to the ultimate success of the organization.¹⁹
- ☞ *Evaluation tools and procedures are accurate and fair.* Regardless of the precision with which performance is defined or the specific consequences linked to evaluations of performance, leaders and employees alike are more likely to use and trust a system that has built-in checks and balances.²⁰ Systems that include objective performance data and feedback from various levels of an organization can help minimize subjectivity and bias. In addition, evaluation procedures that result in thorough documentation—more than a pat on the back or check marks on a boilerplate form—help ensure transparency and accountability while building the case for and justifying necessary dismissals.²¹ As one expert explains, “it is often supervisors themselves who bear much of the blame when [the Human Resources office] says [an employee] can't be shown the door... because most fail to give the kind of regular and candid evaluations that will allow a company to prove poor performance. Frequently, the work that the manager suddenly claims is intolerable is accompanied by years of performance evaluations that say ‘meets expectations.’”²²
- ☞ *Performance reviews are transparently linked to consequences.* In strong management systems, employees and organization leaders are aware from the beginning that evaluations are not merely a formality, but meaningful assessments of contributions and progress that

will impact their employment in real ways.²³ These consequences might include rewards such as bonuses, salary increases, or promotions for employees who exceed expectations. A handful of large US corporations use a “forced rating” system, through which managers evaluate employees’ performance against other employees, reward the top 10 or 20%, and automatically dismiss those at the bottom.²⁴ Whether through forced ranking or another system, meaningful evaluations impact leaders as well: when consequences are real, supervisors are required to think more deeply about the quality of their talent than rote appraisal systems would require. The ability to conduct accurate and thorough assessments becomes a critical leadership skill.²⁵

In a failing organization, the types of systems described above may not exist at all, and as part of the turnaround initiative, the leader will have to communicate expectations and carry out evaluations in a more rapid and targeted manner. In the turnaround context, the literature suggests that performance appraisals tend to play out in three particular ways:

- ↪ *Clear communication about the organization’s new goals and expectations can spur desirable staff turnover.* As described above, a critical element of a performance appraisal system in any organization is providing clear expectations for employees’ performance. In the turnaround setting, this type of communication is especially critical. In many cases, the organization undergoing a turnaround is entirely remaking itself, becoming a very different place for employees to work. When the old ways of doing business have clearly been ineffective, it is incumbent upon the leader to institute new goals and strategies—and make clear to their staff that making the necessary changes to carry out those strategies will not be optional.²⁶

One of the leader’s most important initial actions in a turnaround is to clarify for all employees what “success” will be and what is needed to get there.²⁷ In organizations on the brink of failure, up-front communication about

the organization’s new goals not only informs employees about what is expected of them; it also serves as a highly effective starting point for building a capable and committed staff. With clear expectations from the start, employees are able to judge for themselves if they are willing or able to meet the new standards. Many of those who cannot will leave voluntarily.²⁸

During Continental Airlines’ turnaround effort in the 1990s, for example, one of leader Greg Brenneman’s key goals was to carry out a series of plane and terminal upgrades in a six-month period. He informed maintenance employees who did not believe the upgrades were possible that he would find someone else to do the work. In other words, their jobs were negotiable—the goal was not. In response to a dramatic downturn at Novell, a software development firm, CEO Eric Schmidt set up individual meetings with each of his employees to explain the new expectations he held for them to improve the firm’s performance, and make clear that he wouldn’t bend on his goals.²⁹ Similarly, at the start of the turnaround of the Medical Education Collaborative in Denver, CO, CEO Steven Lewis held an open meeting with all of the staff to discuss the company’s deficits and the new goals for the turnaround. During this meeting, Lewis made clear to all employees that they would have to work in new ways to dramatically improve their performance. Some employees were reportedly uncomfortable with the changes Lewis described and began their exit from the organization then and there.³⁰

- ↪ *Performance evaluations can be streamlined by gathering relevant data in advance.* It is clear from the broad cross-sector literature that a performance appraisal system in any organization must include some method for evaluating employees. The same is true in the turnaround setting, although the methods and tools typically look quite different from those in higher-functioning organizations.

Most employees in a failing organization are likely to perceive that they are working hard and doing the best they can under the

School

circumstances. This does not mean, of course, that they have the skills and capacity to undertake the very difficult work required in a turnaround.³¹ Turnaround leaders must begin the turnaround effort with as much information as possible to help them determine which staff members are willing and able to meet the new performance expectations.³² But failing organizations that are undertaking a turnaround do not have the same luxury of time as a higher-functioning organization. So in the turnaround setting, it is critical that evaluation methods enable leaders to accurately assess employees quickly.

Across sectors, successful turnaround leaders begin the turnaround effort by gathering and analyzing data, including a variety of data about their employees.³³ For example, to evaluate employees' ability and will to successfully participate in the change effort, leaders may ask each of their employees to identify their skills, knowledge, and abilities and describe how their work contributes to the success of the organization.³⁴ Others may ask employees to write their own job descriptions.³⁵ At the start of William Bratton's dramatic turnaround of the New York Police Department, he asked a veteran officer who was familiar with the Department's staff to identify those members who were likely to oppose or undermine the turnaround effort.³⁶ Similarly, Novell CEO Eric Schmidt began his evaluation process by asking two highly-successful and respected employees at the company to identify ten of their most talented colleagues. He then set up meetings with each of the employees they named, and asked each of them to do the same.³⁸

This data alone does not typically lead to rewards or dismissal—instead, it serves to help turnaround leaders get up to speed on the dynamics of their organization quickly. As one expert explains of this strategy, “answers are far more revealing when the stage is set with facts.”

- ☞ *Follow-up meetings fill in information gaps.* Successful turnaround leaders quickly follow this data-gathering with individual employee

meetings.³⁹ With a variety of data at the ready, leaders are able to focus these meetings on filling information gaps in their appraisals.⁴⁰ Frequently during these evaluations, much of the burden of proof for continued employment is placed on the employee—for example, they are required to delineate their skills, responsibilities, or contribution to the organization. When Malaysia Airlines Systems initiated its turnaround plan, CEO Idris Jala took a similar approach. He required all employees whose jobs were on the line to develop their own strategy to improve their division's performance. “We [pull together] salespeople, pricing, operations, and scheduling staff and tell them that [their division] is losing x-million. They then have some time to consider how to cut costs and improve performance, or that [division] will be closed,” says Jala. This strategy resulted not only in continued employment for the individuals whose proposals were approved but yielded specific strategies for organization improvement as well.⁴¹

Upper Management Support

A clear theme arises from the cross-sector literature on successful employee dismissals: they can be difficult in any setting. Even in sectors without many of the job protections so common in public education, managers often struggle to identify low-performing employees and successfully show them the door.⁴² In addition to the time, resources, and fortitude required to carry out a dismissal, one of the most commonly cited reasons for failing to deal with poor performers is a lack of management support.⁴³ The research literature suggests that a commitment from top leadership—CEOs, board members, senior managers, or similar leaders—can move an organization a significant distance along the road to successful dismissals. These leaders can create an environment in which strong performance is lauded and, on the flipside, managers and supervisors are encouraged to dismiss underperforming employees and are supported throughout the process.⁴⁴

Case studies and research from across many industries offer three specific strategies to help

foster this commitment and support from the top. In an ideal setting, all of these strategies would be present.

↪ *Management makes an outward commitment to a performance culture.* As one expert points out, US companies “are in the middle of a vast and dangerous wave of non-firing.” A 2001 survey of large US corporations by McKinsey & Company found that only seven percent of employees believed their companies were successfully dealing with underperformers.⁴⁵ Many organizations tolerate poor performance, choosing to focus instead on developing the skills and contributions of their star employees. But when leaders know that their supervisors are concerned about underperforming employees and committed to improving the overall performance of their staff, they have more incentive to take action.⁴⁶ One way top leaders can communicate this commitment is to include managing dismissals as an integral part of managers’ job descriptions, rather than an add-on responsibility to be undertaken only when an employee poses a severe threat, or when time allows.⁴⁷ A related strategy is to improve oversight of the process for identifying and dealing with problem employees. This might include collecting data about how cases of poor performance are being resolved, or how long it takes a manager to deal with performance problems. With this type of information available, it becomes possible to identify problem areas, hold supervisors accountable, and learn where they need more assistance.⁴⁸

↪ *A designated team actively assists with difficult terminations.* In any organization, dealing with poor performers can consume a great deal of time and energy—time that many managers may find difficult to redirect from their day-to-day responsibilities. The clearest solution to this problem is to simplify the process for removing employees as much as possible. In addition, it is often helpful to centralize expertise with terminations in an office that is on-call to leaders who need assistance.⁴⁹ One could imagine a “rapid response” team that is dedicated to overseeing the employee dismissal proceedings.

↪ *Leaders receive training in evaluation and termination processes.* Because performance problems are relatively uncommon in most

organizations, supervisors often lack the skills and knowledge to deal with all of the procedures and requirements to dismiss an underperforming employee.⁵⁰ This is particularly true in the context of public education, where myriad due process protections, local and state policies, and collective bargaining agreements create a complex web of requirements for dismissing a single employee. The literature suggests that in addition to the centralized support outlined above, organizations can support the dismissal process by providing leaders targeted training about their options and responsibilities regarding dismissals.⁵¹

In the turnaround context, these types of support, technical assistance, and training can be particularly valuable to help leaders make many critical staffing decisions in a very short time frame. But, given the extent of failure in these organizations and the urgency for success, it is possible—perhaps likely—that these elements will not be in place for the turnaround leader. The literature from across sectors makes clear, however, that successful turnaround leaders do not let the absence of these supports prevent them from making important staffing decisions and carrying out necessary dismissals. These leaders are typically driven by “reform press” and will relentlessly pursue their goals for the organization even in less-than-ideal circumstances.⁵²

Performance Improvement Opportunities

Research and case studies from successful organizations across sectors suggest that performance improvement opportunities are a



necessary part of any management system that supports responsible dismissals. In general, unless employees' failures or actions pose an immediate threat to the company or other staff members, they are entitled to a defined period in which they have an opportunity to demonstrate meaningful improvements in performance.⁵³ This improvement period is not only fair to the employee, but also helps ensure that the organization does not lose a capable member of its team. In some cases, if underperforming employees are motivated to change, they may be able to turn their performance around once they know what they are doing wrong and have some guidance about how to improve.⁵⁴

In successful organizations, the cross-sector literature suggests two components are typically part of these "probationary" or performance improvement periods:

- ⌚ *Clear goals and measures for employees' performance.* During the period immediately after an unsatisfactory evaluation or warning, leaders in successful organizations communicate to the employees exactly what will be expected of them, including how "acceptable performance" will be measured and defined. Leaders may provide specific examples of poor performance and suggest ways that performance can be improved. Employees are told exactly what is expected of them, how much time they will have to demonstrate improvements, and what the consequences will be if they are not able to get up to par.⁵⁵
- ⌚ *Targeted training or assistance.* During the evaluation process, if a supervisor determines that an underperforming employee is capable of meeting expectations with a reasonable amount of training and assistance, he or she may pair the employee with a higher-performing colleague, offer special professional development, or provide closer supervision during the probationary period.⁵⁶ These types of assistance give problem employees an opportunity to learn the necessary skills and employ them on the job while their supervisor continually evaluates their improvement. For example, when Sun Microsystems employed the forced ranking system described above, the company alerted employees in the bottom ten percent immediately about their tenuous status and provided one-on-one coaching to help improve their performance. As CEO Scott

McNealy put it, "the bottom ten percent is where we love them to death."⁵⁷

Of course, the specific goals and assistance that employees receive during this period—as well as the length of the improvement period itself—vary widely among sectors and individual organizations.⁵⁸ As with performance appraisal systems, highly-functional organizations may have established sophisticated policies to help supervisors and employees make best use of the performance improvement period. In a failing organization, however, there may be very little capacity to implement these elements well. **In the turnaround context**, in particular, the urgency for immediate action and short timeline for results often demand that leaders use innovative methods with their employees to accomplish similar results.

- ⌚ *Leaders hold frequent and transparent problem-solving sessions with all employees.* This strategy recurs in the turnaround literature to enable leaders to spur, monitor, and evaluate performance improvements in a short timeframe. Successful turnaround leaders often gather their staff in "open-air" meetings, during which all employees are required to publicly report on their results and actively problem solve to improve.⁵⁹ For example, when CEO Steven Lewis initiated the turnaround of the Medical Education Collaborative, he held regular meetings during which staff members compared the company's goals to its areas of weakness and discussed specific actions that employees would need to carry out to improve. These meetings not only led to strategies for improvement, they also helped Lewis assess which staff members were willing to get on board with the necessary changes, and who were unwilling or unable to contribute to the turnaround.⁶⁰

During his turnaround effort, former New York City Police Chief William Bratton set up semi-weekly strategy meetings with top department officials and precinct commanders. During each of these mandatory meetings, officers appeared before a panel of senior staff to present data and face tough questions about their precinct's performance. Leaders who were unprepared or failed to present coherent strategies to reduce crime were reportedly "stripped of their command."⁶¹

These types of meetings meet many of the same goals described above: they give leaders frequent opportunities to reiterate the new goals and strategies of the turnaround, and allow staff to problem solve together to improve their performance. But, as these two examples show, they also allow turnaround leaders to evaluate employees' ability to meet new goals in a much shorter timeframe than the performance improvement periods in a more stable or high-functioning organization, which typically last anywhere from 90 to 360 days. In a turnaround setting, change cannot successfully take hold if underperforming employees are permitted to stay on for such a long period of time. Customers, shareholders—and, in the case of turnaround schools, students—cannot afford to wait for months or an entire year for an employee to improve his or her performance. An intense schedule of informal performance reviews, together with regular “open air” meetings, provides both information and motivation to support rapid performance improvements and targeted, informed dismissals.

Swift Exits when Termination Decisions are Final

Research and case studies from across sectors suggest that once a supervisor has determined that a poorly-performing employee must be dismissed, there are many benefits to communicating the decision quickly.⁶² As one human resources specialist suggests, “if the problems are important enough to fire someone for,” then they are “important enough to do so promptly.”⁶³ This is true in high-functioning organizations as well as in the turnaround context, where swift exits minimize further damage caused by underperforming employees and open the door for higher-quality replacements. During the turnaround at the Medical Education Collaborative, Steven Lewis carried out a number of dismissals within his first year. He explains, “instead of fighting a long, losing battle to change culture, we opted to change staff and positions where appropriate. In 11 months, we eliminated 13 of 17 staff positions.”⁶⁴ Letting problem employees go as soon as possible also minimizes their impact upon their higher-performing peers. The sooner these employees depart, the less drain they cause for all of their colleagues.⁶⁵

Cultivation of Replacement Pipelines

Reallocation or elimination of a terminated employee's job responsibilities can pose an important challenge, especially when leaders let an employee go quickly. The broad cross-sector literature suggests that in an ideal situation, supervisors are engaged in succession planning and recruiting on an ongoing basis, so there is a pool of high-potential recruits available to fill empty positions in a relatively short period of time.⁶⁶ Of course, in many organizations—particularly those that are in decline or have a history of failure—this pool of replacements may not exist. Under these circumstances, a leader's best option is often to reassign as much of the former employees' responsibilities as possible over the term that the position remains unfilled.⁶⁷ At the same time, the vacancy may prompt leaders to re-evaluate the importance of the post in the context of the organization's new goals and direction, and eliminate or reduce the need for the position entirely.

Implications for Leaders in Turnaround Schools

The cross-sector literature about both successful organizations and ones in successful turnaround mode reveal common actions that leaders take to dismiss employees for low performance. In both cases, organizational leaders:

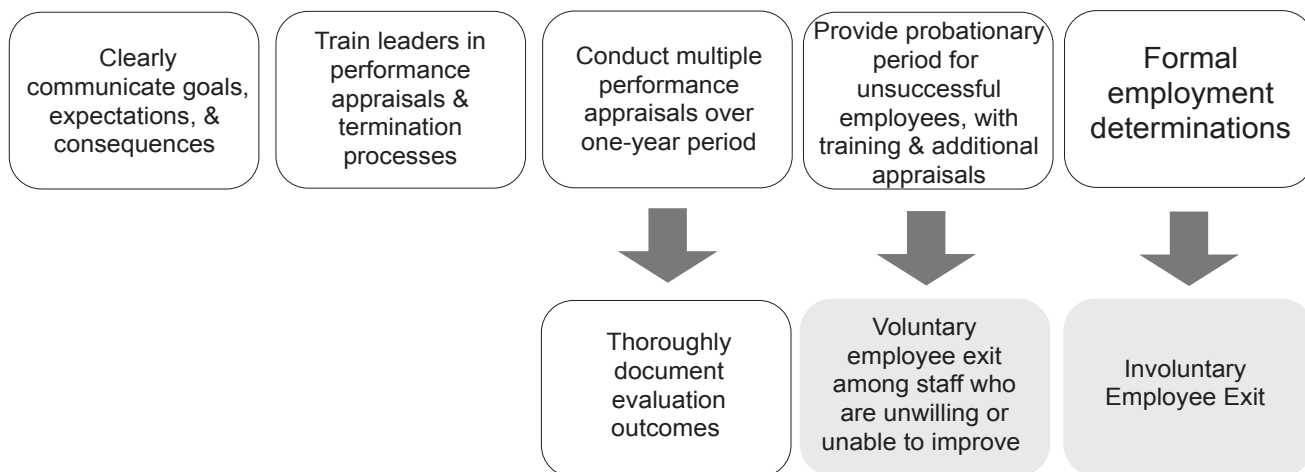
- ↳ Clearly communicate the goals that they have for the organization and for each employee;
- ↳ Gather the best information possible about each employee's skills, capacity, motivation, and will;
- ↳ Watch carefully as problem employees try to improve; and
- ↳ Make swift decisions when unsatisfactory performance cannot be improved.

As shown in Figure 3, there are also differences in the actions leaders must take in the two contexts. First, turnaround leaders must act much more quickly to remove underperformers. Highly-functioning organizations can often spare six to 20 months of underperformance while an employee is thoroughly evaluated and trained, but turnarounds are defined by success in a very short timeframe. Second, turnaround leaders must gather data about performance more rapidly and informally. In the turnaround context, leaders must use every opportunity—meetings about the goals of the turnaround, data-analysis, staff meetings, and formal evaluations—to assess each of their employees and inform decisions about dismissal. Third, successful turnaround leaders foster involuntary turnover by clearly articulating mandatory performance expectations. In many cases, a turnaround leader's first "terminations" are actually voluntary on the part of employees, who recognize early in the turnaround process that they cannot or will not carry out the changes required. This is good news for turnaround leaders in public education, where dismissals can be limited by tenure and seniority protections, and the process often takes several months. The key in successful turnarounds, as shown in Figures 3A and 3B, is for leaders to create several exit points for employees along the way, instead of relying on one method or timeframe for dismissal.

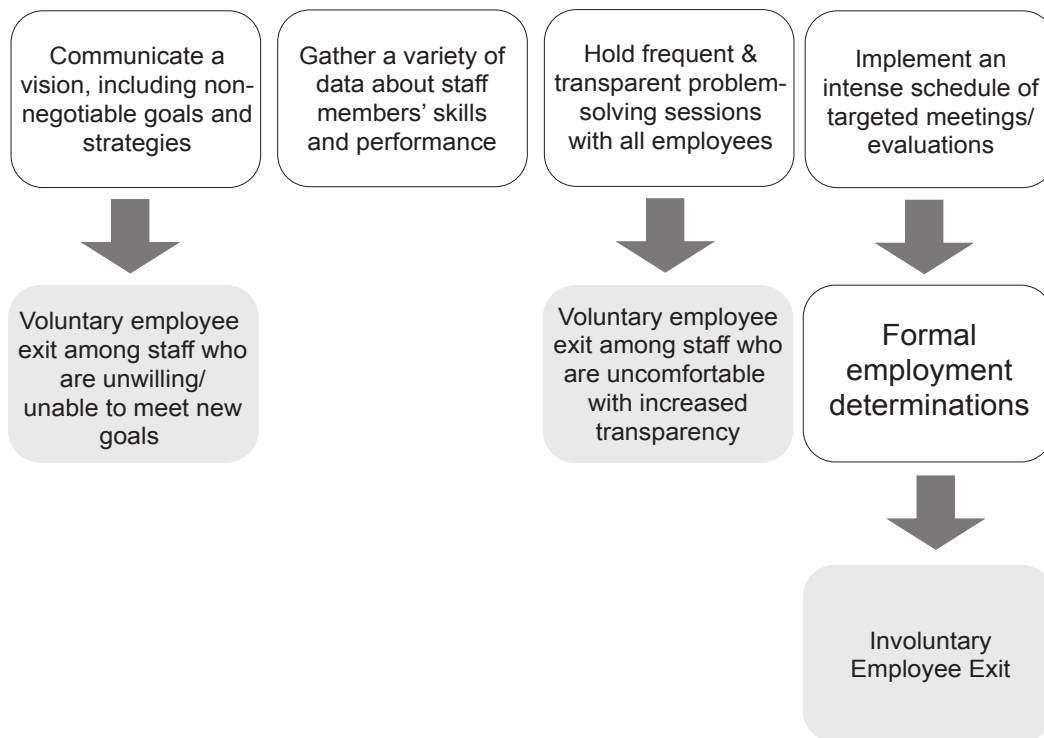


Figure 3: Example Steps Leading To Dismissal

3A: High-Functioning Organization



3B: Turnaround Context



Lessons from the cross-sector research and experience suggest the following five steps that turnaround principals can take to build a capable and committed staff, while relieving the school of employees who are not willing or able to contribute to the turnaround. These actions recur in the literature about a wide range of organizations attempting dramatic performance improvement and translate quite well to the public education setting. They fit very well with the critical actions that leaders take in successful bad-to-great turnarounds, documented in our earlier work on this topic.⁶⁸

Communicate a Vision

Research and experience indicate that successful turnaround leaders typically begin their change efforts by articulating a clear and compelling vision for the future of the organization. Turnaround principals should make their goals and expectations clear from the start of the year by creating a vivid picture of what success will look like and what it will mean long-term for children. In a school that has been failing for years, staff members may not remember or believe that student learning success is possible. The leader's vision includes committing to bold, specific learning goals for students—not merely promising that the school will “improve” or students will benefit from a new strategy or program.

As part of this vision, principals should clearly describe the specific steps staff members must take to achieve the new goals. Successful turnaround principals reform their schools in the interest of students, not adults, and many changes may involve behaviors that are difficult or unfamiliar to staff. Being very specific about required steps and the necessary actions to carry them out helps capable staff members make the change, and puts those who do not change on notice.

Turnaround principals should also make clear that the changes that will be required to carry out their vision are not optional. Staff members should know that they will not be permitted to “fly below the radar” to avoid making uncomfortable changes. Some staff members may be skeptical or take a few weeks to buy into the vision and may require encouragement and support during that time. Others will resist change consistently, or attempt to perpetuate the status quo while they wait out this wave of reforms. Turnaround principals can spur desirable departures among these staff members

by remaining committed to their vision and the new behaviors expected of staff. Leaders may also candidly suggest that these staff members might be more comfortable—and perhaps more successful—in a different school environment.

Gather and Analyze a Variety of Data

Successful turnaround principals begin their turnaround effort by absorbing every relevant detail about the school environment, including end of year and interim test scores, grade reports, teacher and student attendance data, staffing patterns, survey results, and so on. Turnaround principals can gather a great deal of information about their staff by examining data about their skills and performance. Some of this may be “soft” data—as described above. Many successful turnaround leaders gather insight from trusted, if informal, leaders within the organization through impromptu meetings and private conversations. Principals will also want to observe teachers and other staff in action. An intense schedule of informal classroom observations during the first days and weeks of the school year is one method for this. Leaders who have articulated specific behaviors for teacher success in the turnaround setting will be able to more accurately identify those who are not making needed changes.

Principals can supplement this “soft” data with hard data about individual employees' performance. Assessing student progress early and often is essential in a turnaround school. Leaders must examine the progress that each teacher is helping students to achieve—both in previous years and from data collected during the turnaround. If interim data on standardized assessments are not available, progress reports and teacher-designed assessments may also provide information about how well students are progressing.

As described in the previous section, these data can help a turnaround leader—particularly one who is new to the school—understand the strengths and weaknesses of the school's staff. It may also be used to focus later evaluations on filling gaps in leaders' understanding of teachers' skills and performance.

Conduct Targeted Evaluations

Turnaround principals can build on this hard and soft data by meeting individually with those teachers who are not contributing effectively to the turnaround. These meetings should involve clear, direct conversations in which the principal

asks tough questions of staff members about their skills, behaviors, and willingness to change. As the research described above suggests, during these meetings many successful leaders place the burden of proof for continued employment on the employee. Principals may wish to ask staff members to describe what they see as their job; explore their commitment to students; or ask them to develop individual action plans to improve their students' performance, consistent with the new behaviors expected of all staff.

These meetings also provide an opportunity for principals to communicate individually with staff members about what will be expected of them during the turnaround. At the end of the meetings, some staff members may decide for themselves that it is not in their best interest to continue working at the turnaround school. The principal may also determine, as a result of his or her conversations, that a handful of individual staff members will require a more formal evaluation and performance improvement plan following official school and district policy.

Examine Performance Improvements

Turnaround principals can gather valuable additional data about their employees by observing their ability to publicly share results and problem-solve with their colleagues. As described above, regular “open-air” meetings are a recurrent element of successful turnarounds. Principals can use whole-school, grade level, or subject-specific staff meetings for these open-air discussions. During these meetings, leaders may require teachers to report their interim assessment results and engage in active problem solving with their colleagues to improve.

The literature from across sectors suggests that successful turnaround leaders do not view progress as ultimate success, but they recognize staff who have made significant improvements. In these meetings, therefore, principals should recognize and highlight success. At the same time, the meetings should remind all staff members about the urgent need for continued improvement and impose a positive pressure for all staff members to contribute. After only a few meetings, it often becomes clear which staff members are committed to progress

and which are not willing or able. A relentless focus on results will often convince these employees that they are not well-suited to the turnaround school. School leaders will also be in a better position to act swiftly when it becomes clear that a teacher will not contribute successfully to the turnaround.

Access District Support

The following section describes a number of improvements and policy changes that states and districts can implement to help support turnaround principals in their efforts to build the best staff for their schools. At the same time, principals should take advantage of existing supports in their district or region. In particular, research suggests that principals solicit a public commitment from “the top” to a culture of performance in their schools. For example, principals could ask their superintendent, a school board member, or another leader from the state or district to hold a public meeting with parents and community members at the start of the school year to describe the nature of the turnaround effort and communicate a commitment to major change. Or, the principal may wish to arrange a conversation between district leaders and the school's staff, during which the leaders explain the district's commitment to change and support for the principal's staffing decisions.

Principals should also engage the district human resources office or other specialists for assistance with formal staff dismissals. Central office staff may be able to provide detailed information about principals' staffing flexibility in the turnaround context, and help ensure that principals follow all of the necessary steps when carrying out performance-based dismissals. The New York City Department of Education, for example, offers trained central office personnel and a sophisticated data system to assist school principals with all of the hoops and hurdles involved in awarding or denying teachers tenure. The system helps make sure that school leaders make use of their supervisory authority to make careful and informed decisions about job protections that can last a teacher's entire career. In addition to this type of assistance, some districts may be able to provide hands-on support or negotiate special terms for particularly difficult staff dismissals.

School

The goal of each of these steps is to foster a results-oriented environment in which all staff members are held to a high standard of excellence and positively contribute to the turnaround. The literature suggests that as a result of these actions, many staff members who are unwilling or unable to carry out necessary changes will leave the organization voluntarily, often quite early in the turnaround effort. At the same time, these actions also empower school turnaround principals with a variety of information about their staff, so that they are able to make informed decisions about who will be valuable members of their team and who should be encouraged to leave. Both strategies enable successful turnaround principals to make use of the very short timeframe for results and exploit the staffing freedoms they do have in the interest of the school and its students.

Policy Review: Restrictions and Freedoms for Education Leaders



The actions and strategies for successful staff dismissals that arise from the cross-sector literature often take place in environments where leaders have a great deal of discretion over hiring, firing, and management of their employees. In education, by contrast, principals must adhere to a complex web of state and federal laws, local policies, and—in many states—collective bargaining agreements that govern the hiring, placement, and exit of teachers from a school. Many of these policies tie leaders' hands to a large extent, imposing a long timeline before a teacher can be dismissed, requiring staffing decisions based on seniority instead of performance, and in some cases, severely limiting their ability to dismiss a teacher from their school.

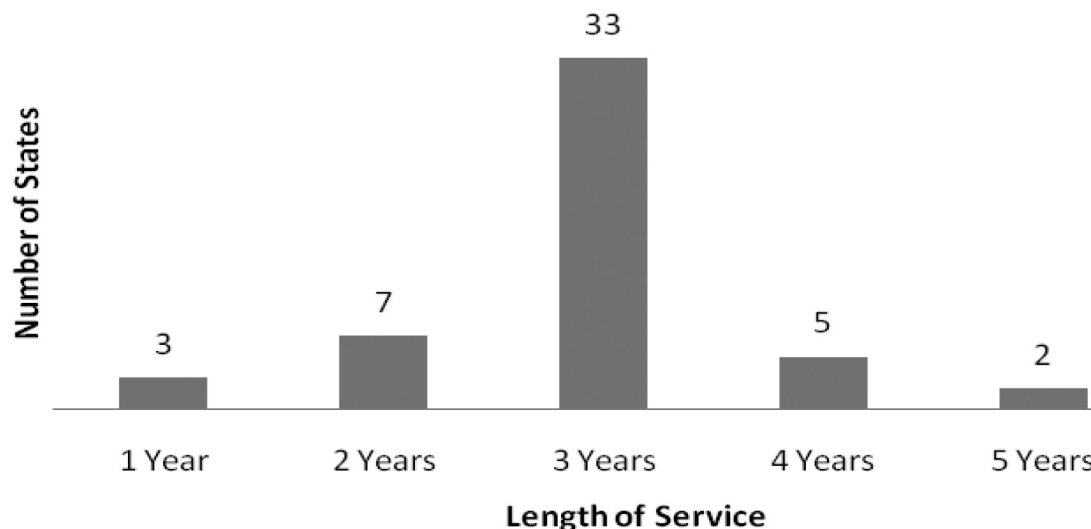
At the same time, it is worth noting that in some cases school leaders have significant flexibility with regard to staffing. Particularly in low-performing, restructuring, or “turnaround” schools, principals may be able to take advantage of special policies that allow them flexibility over the placement and dismissal of their staff.

Relying largely on the National Center for Teaching Quality's “Teacher Rules, Roles, and Rights” database, which includes data from 100 school districts and all 50 states, we review the current constitutional, legislative, and regulatory conditions that affect teacher dismissals across the country.

Tenured Teachers

In K-12 public education, “tenure” typically refers to a set of job protections that teachers receive after a period of probationary employment. Unlike their counterparts in higher education, the great majority of teachers in K-12 education receive tenure as a matter of course early in their career. For example, as shown in Figure 4, only seven states require teachers to wait longer than three years before receiving tenure. In most states, teachers become eligible for a lifetime of job protection after only three years in the profession.

Figure 4: State Policies: Length of Service Required to Attain Tenure

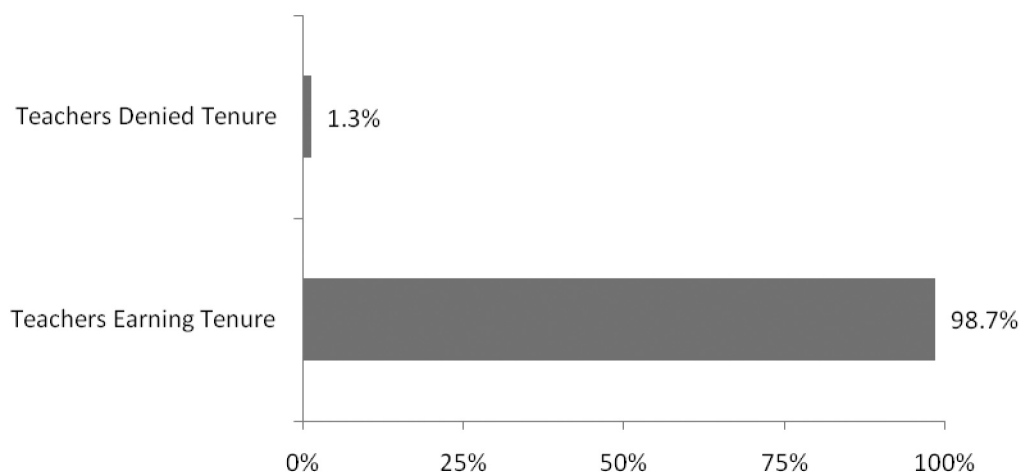


Source: National Council on Teacher Quality, State Teacher Policy Yearbook (2008).

While teachers are typically required to receive a number of formal evaluations before they receive tenure, very few states set an explicit standard for performance in order to grant tenure. Instead, in most states tenure is the “default” option—a teacher must demonstrate significant incompetence to be denied tenure after their first few years on the job. In fact, Iowa and New Mexico are the only

two states that require some evidence of teacher effectiveness before granting tenure. Elsewhere, virtually every eligible teacher receives tenure: for example, in New York City public schools in 2007, 98.7% of those teachers who were eligible to receive tenure (i.e., had served at least three years in the classroom) were granted tenure.⁶⁹

Figure 5: Percent of Teachers Earning Tenure in New York City, 2007



Based on data presented in Gootman, Elissa, “A New Effort to Remove Bad Teachers,” *The New York Times* (Nov. 15, 2007).

It is important to point out that technically, tenure is a job protection—not a job guarantee—so it is still possible to remove a tenured teacher from the classroom. However, in practice, it is quite difficult. State statutes, and in some cases district policy, prescribe specific reasons that can justify the dismissal of a tenured teacher and typically mandate a series of steps that administrators must follow to dismiss them.

Unlike many other sectors, where an employer may dismiss an employee for unstated reasons they see as appropriate (a relationship known as “at-will” employment), tenured positions require specific causes for dismissal. For tenured teachers in K-12 schools, causes vary by state, and in some instances, by district. “Just causes,” as defined in law are often ambiguous, outdated, or vaguely worded (see Figure 6 for examples). For instance, even though all states technically allow dismissal for unsatisfactory performance, “unsatisfactory” is usually not clearly defined and can vary widely by interpretation. In some states, such as Minnesota, “unsatisfactory performance” is defined as poor classroom performance. In other states, it may be

defined in a broad way that includes no mention of student achievement at all. For instance, in North Dakota, the only “just cause” for dismissal related to performance is “gross inefficiency that the individual has failed to correct after written notice.”⁷⁰

For teachers in K-12 public education, tenure protections also guarantee that dismissal proceedings follow a defined process. In most states, dismissal proceedings begin with a formal hearing in which the school presents its case and the teacher is entitled to a defense. In all states for which we found information, the teacher is allowed at least one appeal—in many cases, more than one.

Both the hearing and the appeals process can be extremely time consuming and expensive for schools. In most instances, the process is limited in length to roughly 60 days, plus the duration of the hearing. Considering that a teacher may file an appeal anywhere from 10 to 365 days after the hearing (depending on the state), the process can take an entire school year or more to complete.

Figure 6: State Policies: Sample Non-Performance-Related Causes for Dismissal

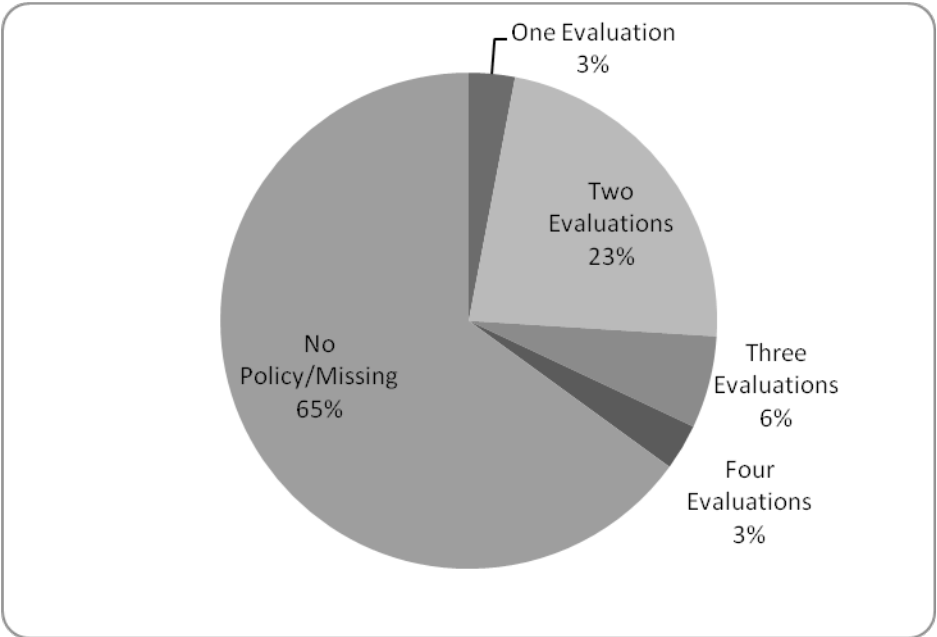
Statutory Language	State
Advocating or teaching communism with intent to indoctrinate.	California
Disloyalty.	Delaware
Being a member or contributing to any group, organization, movement, or corporation that is by law or injunction prohibited from operating in the State of Louisiana.	Louisiana
Physical or mental condition unfitting a teacher to instruct or associate with children.	Missouri
Advocating overthrow of the Government of the United States or the State of Nevada by force... teaching of communism with the intent to indoctrinate pupils to subscribe to communist philosophy.	Nevada
Advocating of or participating in un-American or subversive doctrines.	Pennsylvania

Source: Michael Colasanti, Teacher Tenure/Continuing Contract Laws. Education Commission of the States (2007).

In order to support its case for dismissal, a school may need to present evidence acquired from formal evaluations. As Figure 7 shows, many districts require tenured teachers to receive two or more negative evaluations before they become eligible for dismissal. Policies that require teachers who receive

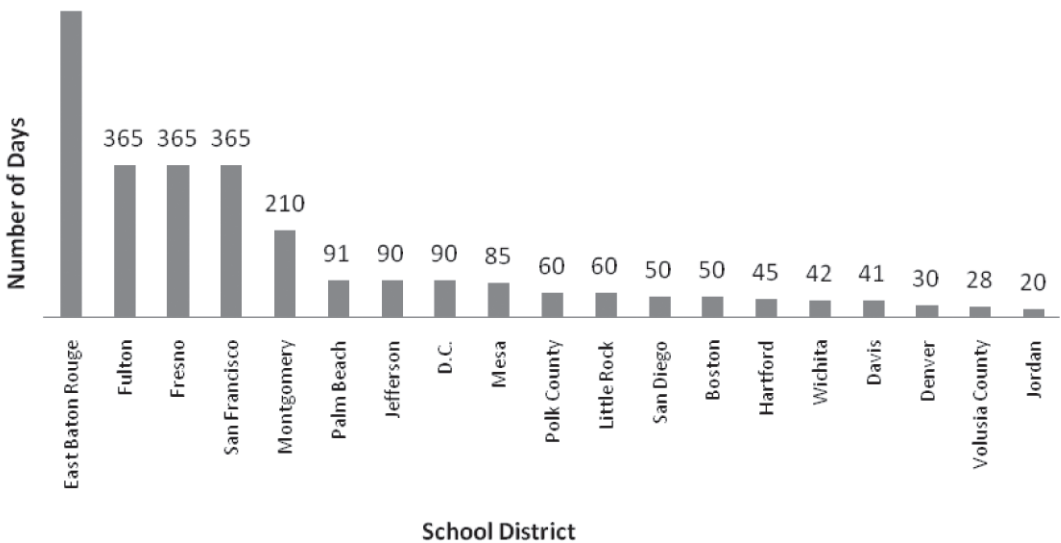
negative evaluations to follow a remediation plan often add an additional layer of complexity to the process. As Figure 8 shows, in some districts, a teacher could be on a remediation plan for up to 730 days before she or he is eligible for a follow-up evaluation.

Figure 7: District Policies: Number of Negative Evaluations a Tenured Teacher Must Receive Before S/He is Eligible for Dismissal⁷¹



Source: Based on data presented in National Council on Teacher Quality, Teacher Rules, Roles and Rights Database. (Accessed December 2008).

Figure 8: Selected District Policies: Minimum Duration of Remediation Plan Before a Teacher May be Reevaluated⁷²



Source: Based on data from select districts presented in National Council on Teacher Quality, Teacher Rules, Roles and Rights Database (Accessed April 2009).

In short, the effort required to dismiss a tenured teacher can be extremely time consuming for a school leader. According to a recent report by The New Teacher Project on staffing policies in a large urban district, it can take 10 to 15% of a principal's time over several months just to bring one dismissal case to a hearing.⁷³

Non-Tenured Teachers

In any given year, a subset of teachers in most districts works on a contract or probationary basis, without most of the job protections that tenured teachers receive. These teachers are typically in their first few years in the classroom. Principals and administrators may remove teachers without tenure protections with far fewer regulatory and due process hurdles. In many schools, principals must still cite causes to dismiss the teacher; however, most non-tenured teachers are not entitled to the same lengthy hearings process as tenured faculty. In most instances, principals may dismiss a teacher on a provisional contract before the end of the school year. Still, research suggests that dismissals even of non-tenured teachers are quite rare. For example, of approximately 9,300 probationary teachers working

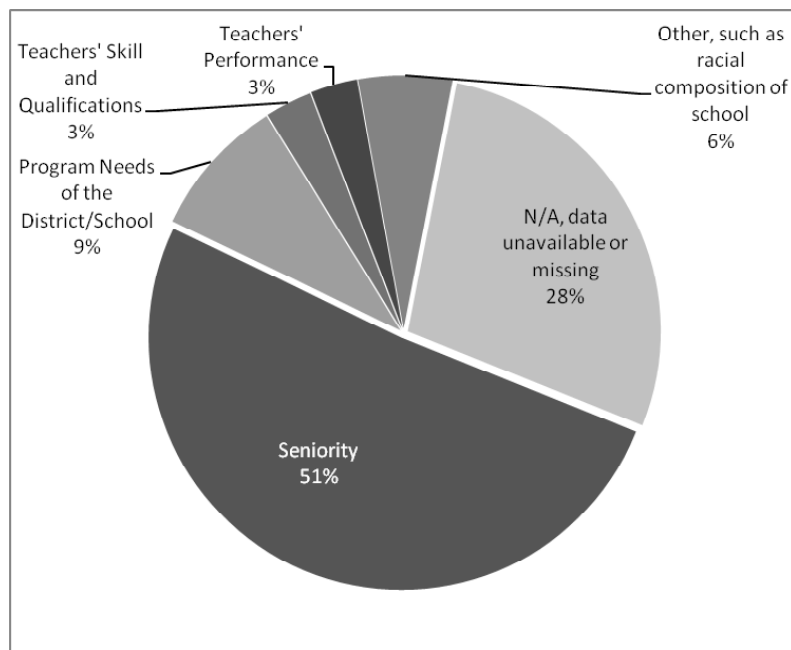
in Chicago in 2006, only about three percent were ultimately dismissed from the district.⁷⁴

Senior Teachers

A teacher's length of service in the classroom often adds an additional layer of complexity to any necessary dismissals. Once a teacher has attained tenure and achieves a level of seniority at a school, removal can be extremely difficult. As Figure 9 shows, most districts have policies requiring seniority to be the deciding factor in any dismissals that are due to layoffs or restructuring. For example, 35 of the 50 largest districts in the nation require that layoffs be made according to seniority. A small number of districts allow principals to consider other factors, such as certification, but rarely may they consider the teacher's contributions to student learning.

Even when senior teachers are dismissed from a school, they often continue working in the district. Through a process known as "bumping," many districts allow a more senior teacher to take the job of a less senior teacher at another school, without regard for performance. A report by The New Teacher Project found that in one urban district,

Figure 9: District Policies: Primary Factor in Layoff and Transfer Decisions



Source: Based on data presented in National Council on Teacher Quality, Teacher Rules, Roles and Rights Database (Accessed April 2009).

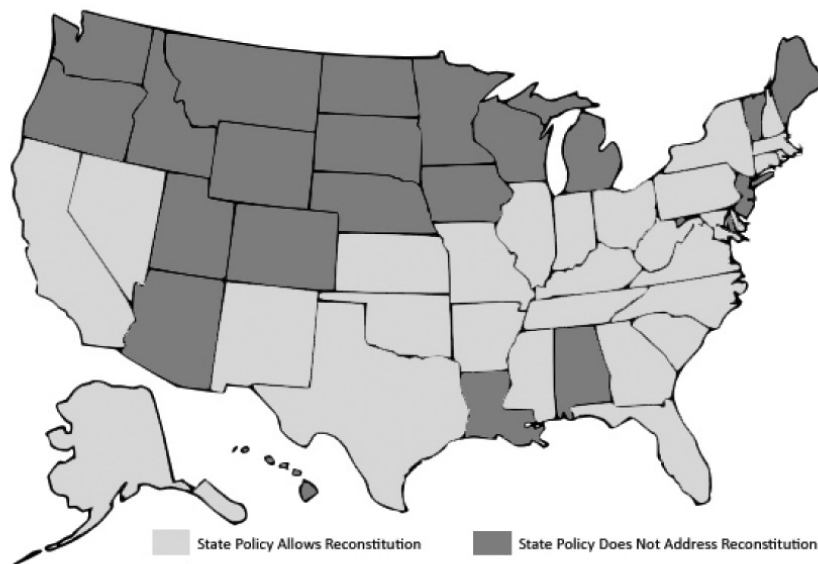
almost a quarter of the principals surveyed had a novice teacher bumped from their school without regard for their performance in the classroom.⁷⁵

Special Circumstances

A limited number of states have special provisions that allow school leaders to dismiss teachers from the lowest-performing schools. For instance, in North Carolina, if a school is designated as low-performing, the principal and the district may identify teachers, tenured or otherwise, who are underperforming and require them to take a general knowledge test. If a teacher fails the test, then the state will begin dismissal proceedings against them. Of course, this provision makes no exception for the teacher who might pass the test but fail to teach their students, or for the teacher who fails the test but is showing excellent results in the classroom.

As shown in Figure 10, twenty-eight other states have enacted policies that allow the state or districts to “reconstitute” low-performing schools. During a reconstitution, all or most of the staff at a school are required to reapply for their jobs. Those not hired back may be dismissed, but more often will be able to transfer to other positions in the district.

Figure 10: State Policies: Reconstitution Permitted in Limited Circumstances



Source: Based on data presented in National Council on Teacher Quality, Teacher Rules, Roles and Rights Database (Accessed April 2009).



Implications for State and District Policy

As the above data show, in many districts across the county school leaders have very limited flexibility to dismiss a teacher for low-performance, particularly if a teacher has obtained tenure. State and district policies frequently require long timelines for evaluations, dismissal decisions, and termination hearings making it difficult for a principal to dismiss even an untenured teacher for unsatisfactory performance within the course of one school year. Particularly in low-performing schools, which must dramatically improve their performance in a very short period of time, these restrictions and delays can greatly hinder leaders' ability to build a capable and committed staff and carry out drastic reforms. Below, we outline several policy reforms at the state and local levels to provide greater flexibility and support for trusted leaders in turnaround school.

Negotiate Expedited Processes for Performance-Based Dismissals in Turnaround Schools

A handful of districts and states have adopted special provisions for low-performing, restructuring, or “high-priority” schools that allow principals to bypass tenure and seniority protections that otherwise would apply to all staff. Most of these policies, however, empower district leaders to initiate reconstitutions—automatically dismissing all employees in a school. Research suggests that reconstitution raises its own challenges, primarily regarding the supply of highly-effective teachers who are available to serve as replacements.⁷⁶ Experience with reconstitution in the turnaround setting suggests that it is not always necessary or the most effective strategy. States and districts should therefore pursue special terms for turnaround schools that empower leaders to make their own, targeted decisions about their staff so that they can make personnel decisions based on the needs of the school, its students, and their specific goals for the turnaround, instead of the needs of adults. This may involve obtaining waivers for low-performing schools from tenure protections, seniority rights, and other job protections that typically apply to staff in all district schools. The goal

of these policies should be to enable quick dismissals of that handful of teachers in low-performing schools who cannot or will not support the turnaround.

Enable Greater Flexibility Over Class Sizes and Classroom Assignments

In both high- and low-performing organizations, experience across sectors suggests that some of the greatest challenges caused by staff dismissals arise after the employee has departed, when leaders must quickly hire a new employee to fill the position, reassign an existing staff member, or redefine job responsibilities. In public education, rigid class size mandates, contract terms regarding classroom assignments, and scheduling restrictions may make it difficult, if not impossible, for many principals to accommodate a position that becomes vacant mid-year. Many low-performing schools have significant difficulty finding qualified replacements to join their staff, which may deter principals from dismissing even the least effective employees mid-year. Particularly in small and rural districts, the supply of qualified candidates may be particularly low.

States and districts can ease these particular challenges by providing turnaround principals the greatest possible flexibility over staff assignments, so that hiring a new staff member is not their only option to replace ones they have dismissed. In addition to increasing the focus on recruitment for turnaround schools (described below), policy changes include waiving or raising class size mandates or lessening scheduling constraints in low-performing schools. Trusted leaders should have the freedom to use the skills and talents of their staff in the best interest of students, including reassigning students to other capable teachers while they search for a new replacement.

Prioritize Recruitment, Hiring, and Placement for Turnaround Schools

In most districts, low-performing schools must compete directly with higher-performing schools for new talent. But of course, they do not compete on a level playing field. Low-performing schools are often “broken” organizations and, before a new turnaround leader takes the helm, much less desirable working environments than the higher-performing schools across town. States and districts can help level the playing field—and put real actions behind their commitment to closing the achievement

gap—by investing in the human capital pipeline in their state and prioritizing recruitment, hiring, and placement for turnaround schools. State leaders, for example, could open the door to proven alternative-preparation programs that encourage teachers to serve in low-performing schools by way of non-traditional routes. Districts might consider holding special recruiting fairs for low-performing schools earlier in the year than fairs for other district schools to give turnaround principals first dibs on high-quality applicants. Both state and district leaders could also offer special performance incentives in priority schools for teachers who demonstrate great results with students.⁷⁷

States and districts should also revisit policies and collective bargaining agreements that allow senior teachers to “bump” their less-experienced colleagues to another position or school. Because many senior teachers choose to work in high-performing, high-functioning schools, they may displace newer teachers down the line so that low-performing schools—those in which students often benefit the most from excellent teachers—are filled with rookie recruits. These seniority policies also limit principals’ ability to build and manage their own school staff, as they are forced to accept teachers based solely on seniority. Ending these “bumping” rights district-wide would help ensure greater staffing stability in low-performing schools and provide turnaround principals greater authority over their own school staff.

Assemble “Swat” or Intervention Teams in the State Department or District Offices to Support School Leaders with Dismissal Procedures

As described above, the cross-sector literature on staff terminations suggests that successful organizations often provide targeted support to free up leaders’ time and help them through the dismissal process. States and districts could provide this support by bringing together teams of specialists who are familiar with the rules and regulations that govern staff dismissals locally and could be available to provide hands-on help to principals as they deal with underperforming employees. The assistance could fall anywhere along a spectrum of support, from dedicated “swat” teams that deploy to the school site and take charge of the dismissal proceedings from start to finish, to a “help line” or online resource that principals can rely upon for expert advice about their questions and challenges

as they deal with terminations at their school. The primary goal should be to remove as many hurdles as possible that could consume an inordinate amount of principals' time or deter them entirely from dismissing underperforming members of their staff.

The action items listed above are the most direct and expedient strategies states and districts should consider to support performance-oriented staffing decisions in turnaround schools. The research suggests that these actions in particular can support and enable smart decisions by successful turnaround principals, and make possible the expedited dismissals that are critical in the urgent environment of a turnaround.

In the longer term, however, there are additional steps that state and district leaders must take to inform responsible staff dismissals in turnarounds and all public schools. As shown in the cross-sector research from high-performing, successful organizations, a critical element that underlies all staffing decisions is a strong performance management system. Almost all of the elements of a performance management system are sorely lacking in K-12 public education—but perhaps none more

than reliable and meaningful performance appraisals. Even in highly-successful organizations, leaders need relevant information about their employees' performance in order to make staffing decisions, from assignment and promotion to compensation and dismissal. And yet evaluation tools and methods in most schools across the country are at best incomplete and at worst, irrelevant, with little to no connection with student learning. Thus, while the steps outlined above for district and school leaders promise to contribute a great deal to effective staffing decisions in turnaround schools, ultimately we must build stronger evaluation systems as well—including more reliable and meaningful evaluation tools, more sophisticated methods and performance reviews that yield much more than a sheet of paper in a personnel file. Stronger performance management will not only support responsible staffing decisions in turnaround schools—it will support good decisions in all schools, while helping to professionalize teaching and ensure that students in every classroom across the country have access to a talented and highly-effective teacher.

School



Concluding Thoughts

Performance-based dismissals have been very rare in public education. Even in the lowest-performing schools, strategies that focus on dismissing a targeted subset of underperforming teachers have been tried only a handful of times. This limited experience and knowledge base means that many leaders of turnaround efforts will be treading in new territory as they carry out performance-based staff dismissals in their schools. Cross-sector research and experience suggest that it will be critical for leaders in these schools to use several strategies—including clear communication of turnaround goals and steps, multi-gathering of multi-faceted performance data, and targeted evaluations—to assess staff and inform decisions about dismissal. In successful turnarounds, some employees may depart voluntarily when they recognize that they cannot make needed changes. This is good news for turnaround leaders in public education, where current policies on tenure and seniority limit dismissals and the termination process is lengthy.

Also encouraging for state and district leaders is the research base suggesting that strong turnaround leaders often carry out necessary reforms—including staff dismissals—even without policies or procedures in place to support their turnaround plan. These leaders are typically driven by a “reform press” that will drive unwavering progress toward their goals in spite of policy or regulatory hurdles.

This does not mean, however, that current policies regarding staff hiring, placement, and dismissals can adequately support significant numbers of successful school turnarounds—to be sure, they will not. In education and across sectors, successful turnarounds occur in an environment of great flexibility, where top leadership provides a trusted turnaround leader the “big yes” in support of dramatic

change. Policymakers in education must act swiftly to remove impediments to performance-based dismissals in all schools, with an initial emphasis on low-performing schools. Waivers from seniority and tenure protections, greater flexibility over classroom

assignments and scheduling of the school day, targeted recruitment and placement efforts, and strategic support during the dismissal process can help ensure that all students in turnaround schools have a fair shot at an excellent education.





Endnotes

¹The turnaround concept is reflected in one restructuring option under the No Child Left Behind Act (2001), which involves “replacing all or most of the school staff [which may include the principal] who are relevant to the failure to make adequate yearly progress.”

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