



Every Student Succeeds Act

Teacher Quality and Equitable Distribution

The fundamental purpose of the Every Student Succeeds Act (ESSA) is to ensure educational quality and equality by authorizing funding and establishing programs aimed at providing resources to support our nation’s most vulnerable students.

Critical to the overall strategy is the preparation, recruitment, development, retention, and equitable distribution of high-quality teachers to all schools, particularly among schools with large concentrations of high-needs students. This factsheet summarizes the teacher quality and equitable distribution provisions of ESSA. It also identifies the opportunities for educator voice when it comes to implementing these provisions. Finally, it highlights a broad range of sound policies and best practices and identifies NEA resources that are available to our affiliates to thoughtfully address recruitment and retention issues.

KEY PROVISIONS

- ▶ ESSA looks to close achievement gaps in part by addressing the recruitment, retention, and inequitable distribution of high-quality teachers.
- ▶ ESSA guarantees that educators have a voice (through collective bargaining and other participatory processes) in determining policies that address the recruitment, retention, and inequitable distribution of high-quality teachers.
- ▶ ESSA does not address the state school funding systems that result in the inequitable distribution of teachers.
- ▶ Policies and practices that can help recruit and retain the best educators to those schools that need them the most include mentoring programs, peer assistance and review (PAR) programs, enhanced professional development, increased collaboration time, increased paraprofessional support, compensation based on professional growth, and well-conceived programs establishing pay incentives for high-needs school staffing.

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ESSA's educator quality and equitable distribution provisions

Title I:

To receive Title I funds, a local education agency (LEA) must first develop a plan “to ensure that all children receive a high-quality education, and to close the achievement gap. The law states that the plan must describe how the LEA will identify and address “any disparities that result in low-income students and minority students being taught at higher rates than other students by ineffective, inexperienced, or out-of-field teachers.”¹

Title I also addresses LEAs serving the lowest performing schools, requiring the development and implementation of a support and improvement plan for those schools.² This portion of the law does not explicitly mandate the equitable distribution of high-quality teachers as a solution. It does, however, require an improvement plan that “is based on a school-level needs assessment.”³ This provision is flagged because some school districts could interpret it to require an assessment of the “quality” of the teachers and other educators.

Title II:

Title II of ESSA covers teacher training and performance. It authorizes teacher quality grants to state educational agencies (SEAs) and LEAs to increase student achievement, improve teacher and principal quality and effectiveness, increase the number of effective teachers and principals, and provide low-income and minority students greater access to effective teachers and principals.

Title II includes several references to policies related to recruiting or retaining teachers.⁴ The law lists the type of activities a state may implement as part of a grant, including:

- ▶ Improve equitable access to teachers
- ▶ Develop, improve, or implement mechanisms to recruit and retain effective teachers
- ▶ Develop career opportunities and advancement initiatives that promote professional growth and emphasize multiple career paths
- ▶ Develop and provide professional development in STEM disciplines

The Title II state grants are redistributed to LEAs via subgrants, which may be used to support activities such as:

- ▶ Professional growth and career advancement for teachers and paraprofessionals, emphasizing leadership opportunities, multiple career paths, and pay differentials
- ▶ Initiatives to attract and retain effective teachers, particularly in low-income schools
- ▶ Differential and incentive pay (which may include, but does not require performance-based pay)
- ▶ Class size reduction
- ▶ Rigorous, fair, and transparent evaluation systems
- ▶ Teacher and School Leader Incentive Program (which essentially replaces the former Teacher Incentive Fund), authorizing comprehensive performance-based compensation systems or human capital management systems for raising student achievement and closing the achievement gap.⁵

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Educator voice

ESSA requires the LEA plan be developed in “timely and meaningful consultation” with teachers, specialized instructional support personnel (SISP), paraprofessionals, other appropriate school personnel, and parents.

The law also states that support and improvement plans must be developed in “partnership” with stakeholders, which includes teachers and parents. The use of the word “partnership” denotes a level playing field when it comes to developing support and improvement plans, meaning no single partner has the authority to make unilateral decisions.

Moreover, ESSA contains specific language (called a “savings clause”) to guarantee that contractual and collective bargaining rights are not altered or affected by implementation of a support and improvement plan. This savings clause means that neither developing nor implementing a school improvement plan can unilaterally override state or local rights to bargain over contractual provisions already in place. Those rights will vary from state to state and contract to contract. In states where educators do not have the right to bargain, however, or where bargaining rights are narrow, local associations can assert the “partnership” language to assure the right of educators, and other stakeholders, to participate in the process.

A carve-out to protect existing contractual and collective bargaining rights applies to Title II in its entirety. Therefore, the employer cannot contravene existing contractual, collective bargaining, or other legal rights when implementing any provision of Title II.

Even in situations where there is no labor agreement or bargaining obligation within state law, ESSA still requires educator participation in the implementation of teacher quality grants. The law compels the LEA to “meaningfully consult” with teachers, SISP, paraprofessionals, parents, and community partners in developing the Title II subgrant application. This wording is very useful for affiliates in nonbargaining states and bargaining states that prohibit negotiations over subjects that could be included as a part of the grant application.

The highest standard for educator participation (outside collective bargaining) is found in the language covering the application for a Teacher and School Leader Incentive Program grant in Title II. To move forward on the grant, the LEA must be able to demonstrate “evidence of support and commitment” from teachers. Furthermore, the law also requires the performance-based compensation system or human capital management system be developed, implemented, improved, or expanded in “collaboration” with teachers and members of the public.

Teacher recruitment and retention policies and practices

There are various types of policies or practices that can help recruit and retain the best educators to those schools that need them the most. One of the initial practical steps is for the local to urge the LEA’s Human Resources department to implement recruiting policies that can help ensure that the LEA expand search efforts to attract a diverse, high-quality staff for all students. Other policies and practices include mentoring programs, PAR programs, enhanced professional development, increased collaboration time, increased

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paraprofessional support, and compensation based on professional growth. Incentivizing educators to accept hard-to-staff assignments is another recruitment and retention practice. However, “hard-to-staff” bonuses and incentives are generally not sufficient to close the gap with salaries offered in more affluent communities.

Most of these policies and practices, such as compensation, professional development, and career ladders, are directly referenced in the law as means to support teachers. Other programs, such as PAR, aren’t specifically mentioned, but are grounded in common sense and supported by positive outcomes. NEA’s Collective Bargaining and Member Advocacy (CBMA) department has factsheets that address many of the policies and practices (see the Resources section).

Strategies and resources:

Many NEA affiliates and school districts have successfully implemented policies that make a school a more appealing place to work. There is no single simple solution or policy. Other factors, such as sufficient school funding and strong, supportive school and district administrators also have a significant impact on whether or not educators are willing to work in high-needs schools. Many of these strategies complement each other and could be implemented as part of an overall collaborative approach to ESSA implementation. CBMA and NEA’s Office of the General Counsel prepared a guidance document (Claiming our Voice: Local-level Bargaining and Advocacy Opportunities in ESSA) that provides examples of joint labor-management committee best practices and contract language. This guide summarizes strategies related to compensation and working conditions, lists available NEA resources, and should be considered in light of a local’s bargaining/advocacy environment.

Pay incentives for high-needs school staffing:

Providing additional compensation to incentivize teachers to accept assignments in hard-to-staff schools is often presented as a panacea for the inequitable distribution of high-quality teachers. Unfortunately, those who pose this as a solution seemingly ignore the structural inequalities that exist within state school funding systems. It is well established that inadequate and inequitable funding policies make it impossible for low wealth, low tax base districts to offer salaries on par those paid by their suburban counterparts.⁶ Simply put, economically disadvantaged schools do not have the capacity to offer sustainable stipends that are large enough to actually be an incentive. Moreover, the funding disparities that are the root cause of pay inequality also result in difficult working conditions, inadequate supports, and inferior facilities, which further stifle recruitment and retention efforts. Nevertheless, NEA supports, and many NEA locals have successfully negotiated, stipends for work in hard-to-staff schools. It is critical that such programs offer significant incentives to, at least, partially close the pay gap with more affluent schools and are part of a larger program to address the difficult working conditions and other obstacles faced by economically disadvantaged schools.

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ESSA does not address the state school funding systems that result in the inequitable distribution of teachers. The new law does, however, create grant opportunities for districts to pilot well-conceived programs establishing pay incentives for high-needs school staffing. To be successful the policies that shape these programs must include the following:

- ▶ The policy, including the definitions for hard-to-staff school and high-quality teacher, must be collaboratively developed by the district and the local association.
- ▶ Teachers must support the policy.
- ▶ All transfers to high-needs schools must be voluntary.
- ▶ The stipends must be large enough to be an incentive.
- ▶ To receive the stipend, teachers must remain at the school for a minimum number of years.
- ▶ Teachers must not be forced to waive transfer rights (even if they risk forfeiting the stipend).
- ▶ The incentives must be sustainable and must supplement, not supplant, funding for other compensation and programs.

Professional growth salary systems and career ladders:

A professional growth salary system, also referred to as a professional growth salary framework (PGSF), such as a career ladder, allows educators to remain in the classroom, grow professionally, and receive pay increases tied to their increased skills and responsibilities. Supporting educators' professional growth enhances student learning and benefits the entire school community. A strong career ladder promotes teacher leadership and empowers educators to lead their profession. A PGSF can help attract teachers to hard-to-staff schools because it:

- ▶ Provides an outline for educators' career options who want additional responsibility without leaving the classroom
- ▶ Recognizes and rewards educators who attain and demonstrate knowledge and skills that improve professional teaching
- ▶ Recognizes and rewards improved educator practice that is a factor in student learning and other student outcomes
- ▶ Positions educators on par with the salary, professional growth opportunities, and career earnings of comparably prepared professionals

Mentoring and coaching:

Mentoring/coaching is one element of a career ladder or PGSF and can focus on new or experienced educators. Mentors/coaches receive stipends which must be significant enough to account for the extensive time they commit to their role. Conditions of the program as well as the stipend are typically negotiated between the school district and local association. For more information on mentoring programs, contact the CBMA for contract language.

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Peer assistance and review (PAR):

Under ESSA, LEAs have the option of developing their own evaluation systems. PAR is one option used by some affiliates. Under PAR, teachers receive assistance and guidance from fellow teachers under the auspices of a joint labor-management approach. For more information about PAR programs, see NEA's Teacher Evaluation and Evaluation Toolkit (<http://www.nea.org/home/50813.htm>). CBMA can also provide additional contract language and examples of successful PAR programs.

Collaboration time and professional development:

The time to collaborate and reflect with colleagues is an essential component of professional growth. Strong contract language can ensure that educators have a voice in planning, implementing, and assessing professional development, which enhances an educator's career, promotes retention and stability within a school, and helps meet student needs. ESSA contains many provisions related to professional development. CBMA has developed two factsheets focusing on professional development:

- ▶ ESSA Implementation factsheet on Professional Development – This factsheet summarizes ESSA as it related to professional development and lists other NEA resources, including the factsheet referenced below.
- ▶ Professional Development Benefits Students – This factsheet summarizes key aspects of quality professional development and emphasizes that collective bargaining between teachers and their employers can create a culture of professional learning.

Site-based decision making:

Site-based decision making may be particularly useful during the school improvement process. In general, a building-based agreement maintains the key tenets of the master agreement, such as general compensation (the salary schedule) and benefits, and focuses on other provisions that reflect the educational and work environment of that particular school. They are usually most effective if the association and school district have already negotiated other joint labor-management collaborative provisions. Such agreements enable the association and its members to negotiate provisions that are most applicable to their school's situation and provide more autonomy to its members, which can contribute to increased professional satisfaction.

Improving school climate:

A positive school climate can make a school a better place to learn and to work. While there are many factors that help to create a positive school climate, incorporating specific school climate language into a collective bargaining agreement or policy document shows a commitment from both the employer and the local association to improving the school environment. Sharing of information among all employees in a school and soliciting input from all constituencies—leadership, educators, and parents—is an integral part of improving school climate. An overall positive school climate encourages improved educator recruitment and retention, which strengthens school community stability.

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Class size:

Reducing class size to allow for more individualized attention for students is widely supported by parents, teachers, and education researchers. Research has shown that smaller classes improve classroom behavior and academic performance, particularly for students in early grades. Class size reduction is an important tool in closing achievement gaps, and is referenced repeatedly in ESSA.7 Class size policies should take into account the type of students being taught, subject area content, and physical facilities, and consider weighted class size formulas to reflect the inclusion of students with special needs.

In addition to typical class size language specifying maximum class sizes by grade level or student needs (available from CBMA), locals may want to work with their districts to get funding through ESSA to help with class size reduction. A local association may also want to form a joint class size reduction subcommittee of their ESSA implementation steering committee.

Additional in-classroom support:

In addition to or in lieu of reduced class size, local associations may want to consider negotiating for instructional paraprofessionals in the classroom for additional teacher support. This enables more individualized attention for students, assists teachers in addressing behavioral issues, and improves the learning conditions for all students.

RESOURCES

In addition to contract language and resources noted above, the NEA Collective Bargaining and Member Advocacy (CBMA) department has the following resources related to bargaining and ESSA:

- ▶ Garcia, Emma and Mishel, Lawrence, “Unions and the Allocation of Teacher Quality in Public Schools”, Economic Policy Institute (April 2016). <http://www.epi.org/publication/unions-and-the-allocation-of-teacher-quality-in-public-schools/> - This Economic Policy Institute (EPI) article may be useful for affiliates to use to counter the claims that union policies are the main cause of inequitable distribution of teachers. In a joint effort, NEA Research and CBMA produced a factsheet titled, “Ensuring Quality Educators in High-Poverty Schools,” summarizing this research.
- ▶ Rubinstein, Saul A, and McCarthy, John E., “Collaborating on School Reform: Creating Union-Management Partnerships to Improve Public School Systems”, Rutgers University (October 2010). <http://smlr.rutgers.edu/collaborating-school-reform>.
- ▶ “Claiming our Voice: Local-level Bargaining and Advocacy Opportunities in ESSA.” This document, cowritten by NEA’s Office of the General Counsel and CBMA, can help association leaders, members, and affiliate staff understand the collective bargaining and advocacy opportunities in ESSA, explain what rights ESSA protects, and help local associations navigate ESSA at the local level and insert their voice into developing and implementing the provisions of the new law.
- ▶ Contact CBMA at CBMA.AllStaff@nea.org for copies or go to www.neacollectivebargaining.org or EdCommunities.
- ▶ “Solutions for Staffing High-Needs Schools.” This factsheet summarizes examples of NEA local affiliates who have negotiated or collaborated with school districts to develop innovative policies to recruit and retain teachers to high-needs schools.
- ▶ NEA ESSA bargaining factsheets on compensation, professional development, and evaluation.

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Endnotes

1 Title I, Subsection 1112(b)(2)

2 Title I, Subsection 1111(d), School Support and Improvement Activities

3 Title I, Subsection 1111(d)(1)(B)(iii)

4 Title II also includes significant language provisions concerning teacher preparation, residency and certification, which are issues beyond the scope of this factsheet. Contact NEA's Teacher Quality department at TQ.AllStaff@nea.org for further information on these issues.

5 The law defines human capital management systems as decisions on teacher preparation, recruitment, hiring, placement, retention, dismissal, compensation (including performance-based compensation), professional development, tenure, and promotion.

6 See "Speaking of Salaries: What It Will Take to Get Qualified, Effective Teachers in All Communities" by Frank Adamson and Linda Darling-Hammond (May 2011) and "State School Finance Inequities and the Limits of Pursuing Teacher Equity through Departmental Regulation" by Bruce D. Baker and Mark Weber (April 2016).

7 A host of studies on the proven benefits of smaller classes can be found in the Class Size Reduction Research section on www.classsizematters.org.