



# School superintendents told to abolish teacher seniority

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PROVIDENCE — Dropping a bombshell on the teachers' unions, state Education Commissioner [Deborah A. Gist](#) ordered school superintendents to abolish the practice of assigning teachers based on how many years they have in the school system.

Gist, who sent a letter to superintendents on Tuesday, is upending tradition and taking on two powerful unions, the National Education Association Rhode Island and the Rhode Island Federation of Teachers and Health Professionals (RIFT), who together represent 12,000 public school teachers.

On Friday, the unions said they were blindsided by Gist's announcement, adding that the commissioner made no attempt to confer with labor before going public with the decision.

"We're going to court," said Marcia Reback, president of the Federation of Teachers. "I'm startled that there was no conversation with the unions about this. I'm startled there were no public hearings, and I'm startled at the content. This narrows the scope of collective bargaining."

Gist says she has the authority to do away with seniority under the new Basic Education Plan, which the Rhode Island Board of Regents approved in June and which takes effect July 1.

"In my view," Gist said in a news statement, "no system that bases teacher assignments solely on seniority can comply with this regulation."

"Our response is that we have authority to set educational policy and to establish rules and regulations that are in the best interest of students," said Regents Chairman Robert G. Flanders Jr. "To the extent that there are contract provisions that are at odds with the Basic Education Plan, it's our view that those provisions would be unlawful. If a challenge were to be brought, we would expect to prevail."

According to the new regulations, districts must select and train only the most highly effective staff, and teacher assignments must be based on student need. The Basic Education Plan requires that each district "shall maintain control of its ability to

recruit, hire, manage, evaluate and assign its personnel.”

Districts have until July 1 to negotiate the new policy, and Gist told superintendents that “any contract law that conflicts with existing state law may be unenforceable.” However, Elliot Krieger, a spokesman for the Education Department, said that there is nothing in Gist’s letter that says that school committees must re-open contracts to deal with the issue of seniority.

Gist’s shot across the bow at labor comes just four days after the RIFT announced that it had secured a \$200,000 grant to create a rigorous new-teacher evaluation system. The union will partner with four urban districts to develop the evaluation system.

Asked about the timing of her announcement, Gist said, “I’ve been very clear that every decision I make will be made in the best interest of children. And there is nothing more important than the placement of a highly qualified teacher in every classroom.”

Reback contends that teacher assignments rest squarely within the purview of collective bargaining and said that the commissioner doesn’t have the authority to intervene.

“There is nothing in state statute that gives her the right to dictate what will be in school committee contracts,” Reback said Friday.

She also said that there is nothing in the new regulations that mentions abolishing seniority, and said that state education officials promised that public hearings would be held on the details of the Basic Education Plan.

“The commissioner has taken very broad language,” Reback said, “narrowed it significantly and ordered school committees to negotiate [with] her interpretation.”

While the unions were seething on Friday, school committees were quietly applauding Gist’s dramatic move.

“It’s a big deal,” said Tim Duffy, the executive director of the Rhode Island Association of School Committees. “We’ve been crying out for this sort of management prerogative for a long time. What Gist is saying is, ‘We’re putting you on notice that you can’t lock in a system based on seniority.’ ”

Duffy said that Gist’s decision reflects a national sea change that is giving superintendents and principals more authority to put the most-qualified teachers in classrooms with the greatest needs.

The first nibble at seniority was actually made by former Education Commissioner Peter McWalters, who ordered Providence to abolish seniority as a way of filling teacher vacancies. The district began the new “criterion-based” hiring system in six pilot schools this fall and will adopt it districtwide in September.

McWalters argued that he had the authority to intervene under state law, because Providence is classified as an “intervention” district, and under the federal No Child Left Behind Act, which gives states broad latitude to intervene in failing school districts. The Providence Teachers Union, however, has filed a federal lawsuit challenging the commissioner’s authority.

From the moment she arrived in July, Gist made it clear that she would not shrink from making unpopular decisions. At a Regents’ meeting last month, she publicly criticized three school districts that she said were not putting the needs of students first.

Two weeks ago, she took aim at teacher training, saying that Rhode Island’s “cut” score (the score that aspiring teachers must reach on a basic skills test) is among the lowest in the nation. And she successfully urged the Regents to take over the Rhode Island School for the Deaf, which has suffered from years of

leadership turmoil and low test scores.

“I will use every tool available to put a system in place that is child-centered,” Gist said Friday. “We have a lot of systems that focus on the grown-ups. Change is always hard. It’s always going to mean that people feel uncomfortable.”

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