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## SB 355 – LAST IN, FIRST OUT (LIFO) REFORM

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### ***BACKGROUND***

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Teachers are the most important resource for a child's education. A quality teacher can make all the difference for a student and just one ineffective year of instruction can set a child back for a long time or even permanently disrupt their education. It is critical for any child's education that they receive the best instruction possible.

However, current law ties the hands of school districts and their ability to make the most effective staffing decisions that benefit students. Currently school districts must make any layoffs or reassignments based strictly on seniority status, instead of job performance. By requiring school districts to make layoff decisions based on an arbitrary "last in, first out" (LIFO) system, schools are forced to let go of some of the best qualified teachers while low performing teachers remain in the classroom with students.

### ***THE ISSUE***

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The current economic crisis has led school districts to make a number of difficult budget adjustments including layoffs. The situation is exacerbated when school districts are unable to retain the best instructors in order to provide the best education possible.

According to one study "...personnel costs make up 60 to 80 percent of most school districts' budgets, and teacher salaries make up the large majority of those costs." So when schools are forced to make cutbacks, unfortunately faculty cannot be ignored. While layoffs are challenging, making cost effective and performance based layoffs are better than the current arbitrary LIFO system.

The LIFO process has allowed award winning teachers to receive layoff notices, and young, dedicated and talented teachers to be the first to be let go. In other instances administrators - who have not been in the classroom for years - replace effective, but laid-off teachers due to the LIFO law.

A new study released this year demonstrates that of the 12 states that require LIFO policies, the better teacher is let go 80 percent of the time when layoffs are made.

Leaders from around California and the country of all political stripes have called for major reform to the LIFO teacher policy. The former Superintendent of New York City Schools, Joel Klein has even called LIFO "an outrage," due to its adverse impact on students.

There is a great deal of support for LIFO reform, even among teachers. A survey of 9,000 teachers showed that 74 percent of teachers support a more effective layoff procedure and even a majority of teachers who have 20+ years of experience support reform.

### ***THE SOLUTION***

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Senate Bill 355 will allow school districts to make staffing decisions based on teacher effectiveness and student needs rather than the current quality-blind staffing system provided by LIFO. The bill would further call on school districts to establish a rigorous and fair evaluation system for both teachers and principals based in part on student growth and outcome data.

SB 355 will support teachers and students by allowing school districts to reward performance and offer the best education possible to students.

## **What prominent political and education leaders are saying about the current LIFO policy:**

### **Arne Duncan, United States Education Secretary:**

"A law based on seniority doesn't help kids and doesn't help kids that need the most help."

– Source: *Wall Street Journal*

### **Antonio Villaraigosa, Mayor of Los Angeles**

Reform seniority-based assignments, transfers and layoffs— Do away with the practice of seniority as the single determining factor for where teachers are assigned and in what order they are laid off, because it disproportionately affects low-income, minority students and can result in the loss of excellent teachers. Instead, allow performance to be a factor and reward teachers who succeed with leadership positions to help create a career ladder for teachers and school leaders.

– Source: *Mayor Villaraigosa Education Reform Strategy*

### **John Deasy, incoming Superintendent of the Los Angeles Unified School District:**

"We shouldn't have layoffs based on seniority -- period." – Source: *New York Post*

### **Kevin Johnson, Mayor of Sacramento:**

"We have to eliminate old policies that satisfy adult needs, but have absolutely no bearing on student achievement" Johnson said in a press release. "(Last in, first out) policies represent everything that's wrong with our current education system. I urge every mayor and state leader to stand up for children by eliminating policies that deprive them of great teachers." – Source: *Sacramento Bee*

### **Joel Klein, former New York City Schools Chancellor:**

"Improving the teacher workforce is one of the fundamental tools we have to bolster our schools. The first step in accomplishing that is ending the practice of seniority-based layoffs." – Source: *Washington Post*

### **Michelle Rhee, former Chancellor of the Washington DC public schools and founder and CEO of StudentsFirst:**

"It's an absolutely indefensible policy. It defies any kind of reason or logic whatsoever..."LIFO is not good for kids. It's not good for schools and it's not good for the country." – Source: *New York Post*

## **What California editorial boards are saying about the current LIFO policy:**

**“We support job protections for teachers, but these union-backed rules go over the line.”**

- Los Angeles Times

**“Facing layoffs, doesn't everybody want to avoid losing high-quality teachers? If so, then change state law so we don't lose the best and brightest of the up-and-coming generation.”**

- Sacramento Bee

**When school districts are forced to lay off teachers, schools in low-income neighborhoods tend to take an unfair hit in a seniority -driven process.**

- San Francisco Chronicle

**“It is time to look a new at layoff policies. Seniority alone should not determine who stays and who goes.”**

- Modesto Bee

**“[LIFO reform] needs support now from anyone who cares about improving education in California.”**

- Los Angeles Daily News

**“For the sake of preserving academic quality, districts must be allowed to make choices about teachers based on their abilities and not how long they've been on the payroll.”**

- San Gabriel Valley Tribune

**“Most important, quality-based layoff rules would allow schools to protect their best teachers at a time when great teachers are more important than ever.”**

- San Jose Mercury News

**“It shouldn't automatically come down to seniority. Performance, enthusiasm, creativity and energy all have to count for something.”**

- San Diego Union-Tribune

**“The qualities that make a good teacher differ from person to person and cannot be summed up in a sentence or two. For that reason, no one element should be the deciding factor in which teachers are laid off and which are retained.”**

- Long Beach Press-Telegram

**“Faced with layoffs, doesn't everybody want to avoid losing high-quality teachers?”**

- Merced Sun-Star