



EDUCATION COMMISSION OF THE STATES

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Vergara and the complexities of teacher employment policies

Teacher employment policies -- tenure, dismissal and seniority -- have been debated for years, but with recent cases playing out in the courts the disputes have been elevated to new levels. What is best for students and teachers is a complex topic with varying views.

This Education Commission of the States [policy analysis](#) uses the *Vergara* case as a means to examine the complexities of teacher employment policies. The report also provides recommendations for policies that offer meaningful alternatives to the all-or-nothing approaches of retaining or eliminating teacher employment protection policies entirely.

"With the attention the *Vergara* and other similar cases have been receiving nationally, we knew it was important to provide state policymakers with a breakdown of the cases including how teacher employment policies impact teacher and student rights," said Julie Rowland, a researcher for [Education Commission of the States](#). "Understanding the debates playing out in these cases will help prepare state policymakers for similar discussion in their states."

Some takeaways from the report:

- By far the most popular probationary period prior to receiving tenure is three years, which is the policy in 32 states.
- Ten states explicitly prohibit the use of seniority in layoff decisions while 11 states require seniority to be the primary factor in those decisions.
- Keeping current tenure laws or abolishing protections altogether represent two policy extremes.

For questions, contact ECS Director of Communications Amy Skinner at askinner@ecs.org or (303) 299.3609.