



Bringing Oakland Together for Our Students

C. Schools and Teachers Choose Each Other (“Mutual Consent”)

Questions:

1. What are the roles of parents, teachers, and principals in selecting a teaching team?
2. When should candidates outside of the district be considered to fill vacancies at schools?
3. How can schools with high teacher turnover attract and retain quality teachers?
4. What should be the role of seniority in teacher placement?
5. What are the consequences of resignations, vacancies, or new openings at different points in OUSD/OEA hiring timeline?

Why this matters:

- **Teacher/School Match:** A California teacher explains, “Finding people who ‘fit the chemistry’ [is] really important. We’ve always selected staff members who have that ability to work collaboratively. We’re willing to take risks together, to problem-solve together, and to keep our egos out of the process of working toward a common goal.”¹² Several urban districts – including New York City, Chicago, Washington D.C., Baltimore, and the entire state of Colorado – now practice *mutual consent placements*, in which both the teacher and principal consent to a teacher’s placement.
- **Recruitment/Selection:** When creating a high performing team, an effective recruitment process can bring in strong teachers, communicate a school’s unique culture, and establish high expectations through modeling, and speaking with current staff.¹³
- **Building Strong Instructional Teams:** Giving principals the authority to accept, turn down, or look for alternative candidates is key to building strong and effective school teams.¹⁴ New Leaders for New Schools recommends that districts “provide significant hiring authority for new teachers at the school level and avoid forced transfers.” Highly effective principals find qualified candidates beyond the traditional district pool, often turning to surrounding districts and their own professional networks.¹⁵

Notes on the Current Reality in OUSD:

- **Mutual Consent Not Required:** OUSD does not currently practice mutual consent placement.
- **External Candidates:** The OEA contract stipulates that before any external teacher candidates are offered any positions, priority placements must be signed, and the voluntary transfer process conducted. OUSD cannot provide early contracts to promising external candidates, and no external hiring can occur until all consolidated teachers have been placed.¹⁶
- **Voluntary Teacher Transfers:** All current teachers are eligible for voluntary transfer, and the most senior voluntarily transferring teacher is given first preference of district openings.¹⁷
- **Consolidated Teachers:** Teachers are “consolidated” because of decreased enrollment, curriculum or program changes, or budget problems. The least senior teachers are consolidated first and have last preference of openings. All vacancies must be first offered to consolidated staff.¹⁸
- **Protection for Low Performing Schools:** California state law, recognizing the importance of teacher-site match, now allows principals at low-performing schools to refuse teacher assignments.¹⁹

¹² Futernick, Ken, (2007). Possible Dream, Retaining California’s Teachers so all Students Learn, pg.30.

¹³ The New Teacher Project (2011), Retention of High Performers, available at http://schoolleaderstoolbox.org/assets/tools/Recruitment_Toolkit_March_2011.pdf

¹⁴ Bumping HR: Giving Principals More Say Over Staffing, National Council on Teacher Quality (2010) pg. 10.

¹⁵ Principal Effectiveness: A New Principalship to Drive Student Achievement, Teacher Effectiveness, and School Turnaround, New Leaders for New Schools (2009) pg 21.

¹⁶ Oakland Education Association/OUSD 2005-08 Collective Bargaining Agreement Titles 12.2, 12.6.2, 12.6.1, 12.7.2.

¹⁷ Oakland Education Association/OUSD 2005-08 Collective Bargaining Agreement Titles 12.6.2.

¹⁸ Oakland Education Association/OUSD 2005-08 Collective Bargaining Agreement 12.8.8, 12.9.

¹⁹ California Education Code § 35036.