New School Districts in Salt Lake County
Consideration of the Impact on Students from Human Resource Allocation
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The November election provides voters in Salt Lake County an opportunity to vote on the creation of as many as three new school districts – one each created by splitting the existing Jordan and Granite districts. Utah statute allows a county legislative body to “create a new school district from an existing school district”[1] or a city of the first or second class to “submit for voter approval a measure to create a new school district with boundaries contiguous with that city’s boundaries.”[2] The code also allows cities of any class to enter into inter-local agreements for the purpose of submitting a ballot initiative to form a new school district.[3]

Throughout the summer, much of the discussion on district division focused on the proposals of two groups seeking east/west splits of large districts. The first group seeks a division of the Jordan School District through an interlocal agreement between the Town of Alta, Draper City, Sandy City, Cottonwood Heights, Midvale City and Salt Lake County.[4] The second group also formed an interlocal agreement seeking to divide the Granite School District, creating a new district covering Holladay and South Salt Lake, along with parts of Salt Lake County, Cottonwood Heights and Murray.[5] More recently the City of West Jordan entered the picture with a feasibility study regarding the creation of a new West Jordan District.[6] Each of the studies provide detailed information regarding attendance zones, capital facilities, and tax impacts on both the new and existing district. What is missing is a detailed plan of how teachers will be allocated between the existing districts and the new districts – and the impact the distribution may have on educational services provided to students.

Teacher distribution is an important and often overlooked factor in educational quality. This is true of existing districts, and will be a critical factor in the new districts. This report addresses the nature of teacher distribution with an eye to quality and equal educational opportunity. The analysis here should not be read to be in support of or in opposition to any proposal to divide a district. Hopefully this report can be used to better inform those on both sides of the issue and perhaps as a point of departure for future discussions as new districts are created. This report provides background from the author’s previous research in the area of teacher quality and equal educational opportunity and then focuses on the attention paid to teacher allocation in the three feasibilities studies.

Teacher Quality and Equal Educational Opportunity
The debate on how to measure teacher quality often devolves “into a battle of competing studies pitting liberal against conservative and union against administration.”[7] Caught in the middle are students and parents who count on educators to perform at the highest levels – especially in schools where family income is low. The “importance of having an effective teacher instead of an average teacher for 4 or 5 years in a row could essentially close the gap in mathematics performance between students from low-income and high –income households.”[8] The one thing that everyone seems to agree on is that teaching matters and good teachers are critical to the success of all students. What is not universally accepted is how to measure quality.

Measuring teacher quality is not a simple task. Most states agree that an initial measure of quality is in the licensure and certification process. Some focus on input measures such as degrees, licenses and test scores. Others measure a body of work, such as those seeking national “board certification.” While each approach provides a measure of quality, none are definitive. Licensure provides a baseline of qualifications for those entering the teaching professions. However, establishing entry requirements does not guarantee a level of quality
once in the classroom. A degree shows that a college’s faculty and administration have monitored academic progress. Test scores demonstrate potential ability, but cannot be seen as a guarantee of success. Ultimately it is up to educational leaders (principals and district administrators) to assess the quality of classroom teachers, but that process may not prove useful in assigning teachers between schools in divided districts.

Since policy making deals with macro level decisions, policy makers often seek proxy measures to determine suitable solutions. In the case of teacher quality, years of service is often seen as a proxy for teacher quality. In 1988 David Berliner developed a taxonomy that showed teachers improve with time in the classroom.[9] Henry[10] and Sabers[11] developed studies based on the Berliner work that showed “when levels of expertise are specifically defined, measured and reported, the results often return to experience.”[12]

Of course it is no surprise that those with more experience are better teachers – this would be true of any profession. However, while no lawyer just out of law school is assigned as a lead attorney for a firm’s most prestigious client, school districts often take the newest teachers and place them in the most difficult circumstances. Most school districts allow teachers within the district to move to open positions before new teachers are hired. This results in the most experienced – and arguably the most talented – teachers working in the least difficult setting within a district (student families are wealthier, speak English as a first language and move less often).

n Utah, one school district analyzed by the author found that in 2001-2002 “the poorest elementary school students receive instruction from the least-experienced teachers within the district.”[13] This finding came from analyzing teacher time of service in comparison to rates of participation in free and reduced lunch programs, a common proxy for school poverty. The study hypothesized that “the absence of qualified teachers in identifiable poor schools within a district may constitute a denial by the school district of the constitutionally guaranteed right to equal protection of the law.”[14] A similar argument could be made at the state level if the division of a school district left a protected class in a worsened position in relation to receipt of governmental services.

Although poverty is not recognized as a protected class for civil rights litigation, the covariance of poverty and race often allow for the bringing of a claim. Further, the Federal Government recognizes the impoverished as having special needs in relation to educational services. The 1965 Elementary and Secondary Education Act sought to relieve the burden on the nation’s poorest students. The law’s focus on poverty remains today as reauthorized in the No Child Left Behind Act of 2001, which promised to meet “the educational needs of low-achieving children in our Nation’s highest-poverty schools.”[15]

As local officials decide to divide school districts, it appears little attention has been given to how teachers will be assigned in the new district configurations. Statute provides that “upon creation of a new district, an employee of an existing district who is employed at a school that is transferred to the new district shall become an employee of the new district.”[16] The statute protects the teacher from being adversely treated in regard to salary and benefits, but it fails to address other global issues that may arise from the split. A critical concern should be the location of longer-tenured teachers. If more experienced teachers are clustered in either of the split districts, one district may find itself woefully short of the most-qualified educators. From a budgetary perspective, one district might have substantial budgetary issues if it suddenly has only long-tenured teachers in its work force.

**Human Resource Allocation and the Three Salt Lake County Feasibility Studies**

Of the three reports considered here, only the Granite study addresses the issue of teacher time of service. The other two studies were authored by the same consulting firm and address the feasibility of dividing the Jordan School District for two distinct constituencies. The remaining
discussion will address the human resource pieces of each study based on date of release.

**May 2007 – Jordan District East/West Split**
The May, 2007 study addresses the feasibility of creating a new school district by removing Alta, Cottonwood Heights, Draper, Sandy, Midvale and parts of Salt Lake County from the existing Jordan School District. The 117 page report includes a 12 page chapter on human resources. The chapter provides detail on employee attitudes (both teachers and classified employees) toward the proposed division. Length of service is considered in the analysis of those who responded to the survey, but not in relation to teacher quality.

The lack of analysis of teacher time of service seems somewhat strange given the precise detail of the rest of the report. It appears that the consultants did not even request teacher demographics: “More than one quarter of the respondents in both categories (certified and classified) have less than five years seniority. It is suspected that this reflects the general length of service of district employees as a whole rather than an indication that more tenured employees responded to the survey.”[17] While gauging employee attitudes towards any proposed change is important both for planning and implementation, it is equally as important to thoroughly consider how human resource allocation will impact students. The report provides little analysis in regard to actual human resource allocation and focuses on evaluating employee attitudes and perceptions of proposed changes. Even so, the consulting team concluded that “while there is a lot of uneasiness among employees about potential division of JSD, creation of a new district is feasible from a human capital standpoint, though there may be obstacle [sic] to overcome during the execution.”[18]

**June 2007 – Granite District East/West Split**
At 47 pages, the Wikstrom study of the Granite School District is the shortest of the three studies considered here yet it provides the most comprehensive analysis of human resource allocation. The study provides an analysis of the costs associated with teacher time of service for both the existing district and the newly created district. The proposal assumes that 912 teachers will be taken into the new district, 20 percent of which (178) will have five years or less service time. The existing district will hold on to 2,041 teachers, 24 percent of which (486) will have five years or less of service time.[19] This analysis is important to the discussion of creating a new district as administrators in both a new and remaining district will need to plan for salary costs, retirements and efforts to retain young teachers.

While the analysis of human resource allocation is critical from a budgetary viewpoint, it is also critical to look at how that resource allocation impacts students. For the existing district in this study the consultants estimate that one-quarter of teachers will have less than five years experience. The existing district is the poorer of the two proposed districts – as evidenced by the need to increase taxes if the split occurs.[20] This likely means that one-quarter of students in the existing district will be poor students sitting in front of novice teachers. If the division moves forward, further parsing of this data should be conducted to provide analysis of how this division impacts various levels of instruction – the remaining district must be able to ensure that students in less affluent schools have access to quality instruction if they are to keep up with their more affluent counterparts.[21]

**August 2007 – West Jordan City Contiguous School District**
The West Jordan City study was conducted by the same consulting firm who provided the May, 2007 proposal for east-side cities to withdraw from the Jordan School District. This study provides a single page summary of teacher allocation, primarily noting the statutory provision that employees of the new district must be given contracts that match the contracts of their previous employer. A West Jordan District would require an additional $5.9 million to provide for duplicate administrative positions.[22] As with the feasibility study for the east side district, no analysis is provided of the impact of teacher distribution created by the proposed division. The West Jordan study also forgoes an employee survey – so no further employee demographic
data is provided in the report.

**Conclusion**

New feasibility studies provide evidence that as many as three new school districts may be viable in Salt Lake County. The studies are designed to offer an analysis of the financing options that would accompany a new district. Each study provides an impressive analysis of enrollment, demographics, asset allocations and tax implications. However, the studies leave much to be desired in relation to the allocation of human resources.

It appears that the Utah law providing that any employee transferred to a new district as a result of division will keep his or her job, allowed the consulting firms to pay little attention to the impact of human resource allocation on students in the proposed districts. Novice teachers leave the profession at a rate of nearly 50% - creating a crisis in less affluent districts where novice teachers are the norm in the classroom. This could lead to a vicious cycle of less prepared and lower paid teachers in the school districts that remain once new districts are carved out.[23] Government has an obligation to treat all citizens equally in the provision of services – whether that be trash pickup, street repair, unemployment compensation or educational services. "Children in poverty largely end up in schools segregated by socioeconomic class and often by race that lack the human and material resources to provide the quality education that upper-middle-class and well-to-do students receive."[24] In 1954 the Supreme Court found segregated schools to be "inherently unequal."[25] In 2007 the failure to equitably allocate quality teachers may open the door to accusations of inequitable treatment of students and lead to costly litigation. Such consideration should be part of the debate as voters prepare to make dramatic changes to Utah school districts.

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[1] UCA 53A-2-118(1)

[16] UCA 53A-2-122(1)(a)
[18] Ibid, p. 20.
[22] Burningham, Jason; Becker, Susie; Philpot, Fred; and Bingham, Shannon (August 2007). Feasibility Analysis of New West Jordan School District, p. 65. Salt Lake City, Utah: Lewis Young Robertson and Burningham and Western Demographics. Available at www.wjordan.com/files/westjordanschooldistrictfinal.pdf.