

# TEACH +PLUS

Opportunities for Teachers,  
Results for Urban Students

## The Domino Effect: How Seniority-Based Reassignment Impacts Teachers and Students

### Introduction

The Indiana Department of Education (IDOE) has identified seven middle and high schools in Indianapolis Public Schools (IPS) for state intervention. Combined, these schools serve the majority of IPS students in grades six through twelve. Each school entering state intervention may replace half or more of the teaching staff as it moves from district control to outside management.

This policy brief tackles three questions that must be addressed before the state intervention strategy takes effect:

- How will state intervention affect students and teachers?
- Where will displaced teachers go?
- What must change to ensure a quality education for IPS students?

The brief also includes the stories of current, committed IPS teachers and concludes with a call to action for state leaders.

### Background and Context

Secondary schools in Indianapolis are in crisis. Three of every 10 students quit high school before graduation<sup>1</sup> and Indiana ranks 43rd in the nation in terms of educational attainment.<sup>2</sup> Several high schools in IPS have been identified by top researchers as among the worst examples of “drop-out factories” in the nation.<sup>3</sup>

Today, under state and federal laws, chronically failing schools that receive state and federal funding are no longer allowed to continue on this path that costs students the chance for a productive future. For the first time, the Indiana Department of Education has publicly identified a set of failing schools for state intervention (See Figure 1). Schools on this intervention list may be removed from district management, taken over by the state, and run by a new entity, a Turnaround School Operator (TSO).<sup>4</sup>

***“A quarter of all IPS secondary teachers will likely lose their current jobs as state intervention takes effect.”***

Seven IPS middle and high schools, serving more than half of the district’s students in grades six through twelve, are on this state intervention list. When the state takes over a school, dramatic change will occur. Most notably, in compliance with state and federal guidelines for these chronically failing schools, all teachers must reapply for their jobs and half or more will be dismissed and replaced by different teachers. In addition, administrators in those schools would likely be replaced.

The focus of this policy is right: ensuring that the best teachers are in the schools that need them the most.

Implicit in the strategy of changing the staff is the assumption that teachers bear some—though not all—responsibility for the learning that occurs or does not occur in a building. Indeed, research shows that teachers are the most important school-based variable in student achievement (See Figure 3). The difference between having a high-performing teacher and a low-performing teacher can be up to a year’s worth of learning in a single school year.<sup>5</sup>

Taking bold action to change the composition of the teaching force, while well-intentioned and essential to creating greater opportunities for Indianapolis students, comes with grave consequences for the schools that remain in IPS. By current state law, even as failing schools are removed from IPS jurisdiction, IPS would continue to be responsible for the teachers dismissed by these schools.<sup>6</sup> The consequences for IPS secondary schools that have not been designated for state intervention will be dire.

## How Will State Intervention Affect Students and Teachers?

In IPS, there are currently 940 teachers in the 15 schools that serve all 13,175 middle and high school students (grades 6-12). More than half of secondary students, 6,672 total, currently attend one of the seven schools that have been labeled for takeover.<sup>7</sup> When a school enters state intervention, IPS loses jurisdiction over the building and its students to a TSO. Moreover, it loses funding from the state to educate those students.

Almost half of secondary teachers (449) in the district are employed in schools identified for takeover. At least half of the teachers in each of these schools will be dismissed from those schools in the coming months.<sup>8</sup>

That means at least 224 teachers may lose their current jobs (See Figure 2). New management in a takeover has the option to dismiss many more teachers—as many as the entire staff. Simple math reveals a stunning picture: *A quarter of all IPS secondary teachers will likely lose their current jobs as state intervention takes effect.*

This is all happening against a backdrop of severe financial challenges for the district and precipitously dropping student enrollment (The IPS student population has dropped 12.5% between 2005 and 2010, from 38,141 to 33,372).<sup>9</sup> It has already been reported that the district’s teacher roster will be reduced by more than 200 teachers this year due to budget cuts.<sup>10</sup> That is before the impact of state intervention is factored in. Further, these so-called “takeover schools” have the freedom to hire new teachers or teachers from other districts and charter schools, so vacancies may be filled by teachers who are new to IPS. If takeover schools exercise this freedom and hire largely from outside of the current IPS teacher pool, more than 500 teachers in IPS stand to lose their jobs. IPS cannot afford to continue the current process in which teachers are laid off with little concern for teacher performance.

## A Clash of Old and New Policy

The state intervention strategy recognizes that school leaders need the autonomy to build the best possible staff to serve its student population. Principals in takeover schools will be free to hire the teachers they find best for a given position. Schools that remain a part of IPS do not have this freedom. Not only does IPS have limited flexibility to dismiss teachers in current IPS schools, they also must hire teachers who have been dismissed from takeover schools into other IPS schools.

**Figure 1: Takeover vs. Non-Takeover Schools**

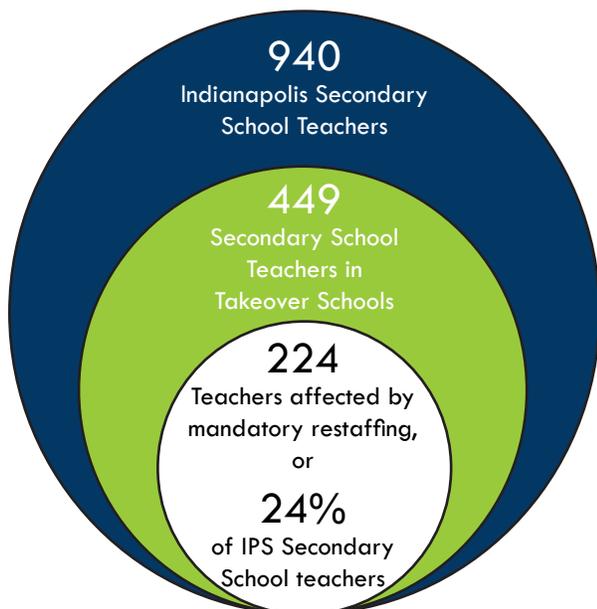
<b>Schools Slated for Takeover</b>	<b>Non-Takeover Schools</b>
Arlington Community High School	Crispus Attucks Medical Magnet
Broad Ripple Magnet High School	H.L. Harshman Middle School
Emma Donnan Middle School	Key Learning Community
Emmerich Manual High School	Shortridge Law & Public Policy Magnet
George Washington Community	Arsenal Technical High School
Northwest High School	John Marshall Community High School
Thomas Carr Howe Community High School	Willard J. Gambold Middle School
	New Horizons Alternative School

The legislation supporting state takeover represents a new breed of performance-oriented policies that focus on the need of all students to have access to the best possible teachers, especially students in persistently low-performing schools. However, these policies are being layered on top of a system that was built on the primacy of seniority in staffing decisions. Until recently, most legislation and contract language related to teaching positions used seniority—the number of years a teacher had been teaching in the district—rather than effectiveness as the major criteria in hiring and firing decisions.

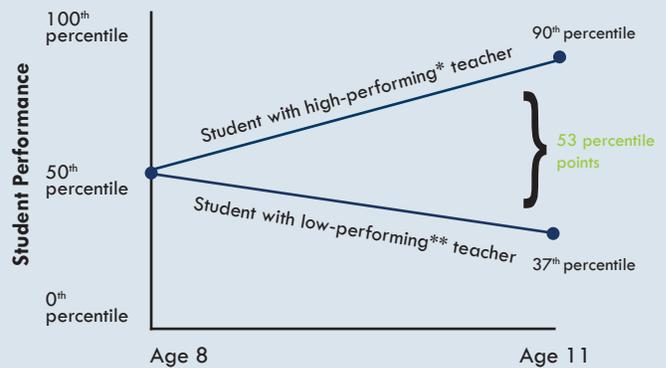
The result of this layering of old and new policies with differing objectives is a game of musical chairs in which IPS students are destined to lose the most. Approximately 224 teachers dismissed from takeover schools in IPS will be looking to exercise any rights they have to the 491 (or fewer) secondary jobs in schools that remain a part of IPS. Senior teachers dismissed at the secondary level who hold dual certification for lower grade levels have rights to elementary jobs as well, creating a domino effect throughout the system. Assigning teachers to positions in remaining IPS schools almost entirely by seniority would decimate the incoming teaching force in the city.<sup>11</sup>

IPS and the Indianapolis Education Association (IEA) had begun taking steps to incorporate teacher

**Figure 2: The Problem by the Numbers**



**Figure 3: Cumulative Effect of Teaching on Student Performance<sup>13</sup>**



\*Among the top 20% of teachers; \*\*Among the bottom 20% of teachers

performance measures into staffing decisions, but the changes that have recently been made do not go far enough to protect promising, early career teachers (years 1-5), given the magnitude of layoffs state intervention could catalyze. Last spring, the IEA ratified a contract change on layoff (or Reduction in Force) policy. The new contract language incorporates ratings on instruction, classroom management, attendance and discipline into layoff decisions for teachers in years 1-5. For the first time, a high-performing third-year teacher could keep her job, while a low-performing fifth-year teacher is dismissed.<sup>12</sup> Yet, as teachers from takeover schools turn to non-takeover schools in IPS for jobs, a reduction in force could certainly affect teachers beyond year five of their careers.

### The Effect of Bumping

In IPS, where seniority is the primary driver of job placement, teachers with more seniority have the right to force less senior teachers out of their current positions. This practice is called “bumping,” and it occurs with little regard to quality. For example, if ten secondary math positions are being cut from IPS, and there are ten secondary math teachers with five or fewer years in the classroom, those teachers will be laid off and math teachers with more years of experience in the system will take over or “bump” into the positions of the laid off teachers.

In a normal distribution, one would expect some higher performers and some lower performers at all ranges of experience. The system should be set up to retain teachers who have the greatest impact on student achievement, regardless of their career

longevity. Instead, current policy treats teachers as interchangeable and ignores the quality of the teachers and their impact on student learning.

The faculty in the schools labeled for takeover are disproportionately veteran; almost 80% of teachers in these schools have more than 5 years experience.<sup>14</sup> These teachers, if dismissed, would have the right to a position in IPS, thus bumping a less senior teacher.

Non-takeover schools, by contrast, have greater numbers of newer teachers who are more vulnerable to being laid off. In fact, over a quarter (25.4%) of teachers in these non-takeover schools have fewer than five years experience. The likely influx of large numbers of senior teachers dismissed from turnaround schools puts the less experienced teachers' jobs in peril. This could force out nearly all of the teachers who have entered the district in the last three years, including those candidates who were specifically recruited to IPS through Teach For America and the Indianapolis Teaching Fellows.

Put simply, there is no way for IPS to absorb the approximately 224 teachers who will be displaced from the takeover schools without causing major staffing disruption in all of the schools that remain a part of IPS. With these crucial hiring and firing decisions based chiefly on seniority and not effectiveness, student learning will suffer irreparably.

### Where will displaced teachers go?

The secondary schools in IPS that have not been identified for state intervention fall into two broad categories: magnet schools and non-magnet schools.

Students at schools in both of these categories are likely to be negatively affected.

### Magnet Schools

Of the secondary schools slated to remain a part of IPS, five of the eight are magnet schools. Magnet schools are specialized school models with staff members who are qualified specifically to teach in these environments and trained accordingly. Students in magnet schools must maintain a high GPA and minimal attendance and discipline infractions or get sent back to their "home" boundary school. Because of their specialized programs, magnets are schools that have been the most insulated from layoffs in the past. The current contract mandates that teachers at magnet schools must be the last to be bumped in a reduction in force. Not coincidentally, magnet schools are among the highest-performing schools in the district and are actively sought by parents and students.

For example, at Crispus Attucks Medical Magnet School 50.2% of students passed both sections of the ISTEP, almost 14 points higher than the district-wide secondary average of 36.6%.<sup>15</sup> Additionally, an impressive 100% of Crispus Attucks' students graduated from high school in the 2009-2010 school year, with 94% pursuing post-secondary education.<sup>16</sup> In contrast, of the 42% of IPS students graduating in 2007-2008, only 74% pursued higher education.<sup>17</sup>

Teachers in magnet schools cite a strong culture among both faculty and students, increased accountability, and a strong commitment to student achievement as reasons these schools retain their teachers and succeed with students (see inset on page 7). But an influx of

Figure 4: Hiring Practices in Takeover vs. Non-Takeover Schools

	Non-Takeover Schools (IPS)	Takeover Schools (TSOs)
Job Assignment Practice	"Bumping" (Senior teacher can bump less senior teacher)	Mutual Consent (agreement of fit between principal and staff)
Basis of Hiring Decision	Seniority	Performance
Role of Teacher	Senior teacher awarded a position held by a more junior teacher without applying	Must apply for position and compete against other qualified applicants
Role of Principal	No role in selection of staff	Leads selection of staff

reassigned teachers to these specialized school models will require significant retraining of newly placed teachers and possibly compromise the effectiveness of these magnet models. Without strong magnet schools as options for students in IPS, it is likely that parents will continue to withdraw their children from the system, perpetuating the enrollment decline.

### Non-Magnet Schools

There are only three non-magnet schools which escaped being labeled for state intervention—this year: John Marshall Community High School, Arsenal Technical High School, and Gambold Middle School. John Marshall and Arsenal Tech are both slated for state intervention next year unless they are able to make dramatic increases in student achievement.<sup>18</sup> Currently, the percentage of students passing both sections of the ISTEP is 18 for John Marshall and 41 for

Arsenal Tech.<sup>19</sup> A major disruption in staff—as would happen if teachers from takeover schools bump current teachers—would drastically increase the improbability of making such gains.

Gambold is slated for closure at the end of the 2011-2012 school year. The students currently enrolled at Gambold will be moved to Northwest High School, a school on the state intervention list with the worst passing rate in the district on state standardized tests. Currently, only 6.7% of students at Northwest pass both sections of the ISTEP.<sup>20</sup>

At schools like John Marshall where fully 40% of teachers have fewer than 5 years experience<sup>21</sup> and hence would likely lose their jobs, a massive change in faculty may serve as the tipping point into formal failure and state takeover.

### Progress Made Irrelevant?

In April 2010, the Indianapolis Education Association (IEA), through a committee made up of staff and teachers, approved a contract amendment that added performance measures to the layoff decision process for first through fifth year teachers. The policy change was significant, as it increased the possibility that IPS could retain some of its most promising young teachers. Previously, years of experience and licensure status were the only factors used by IPS in a Reduction in Force (RIF).

Despite this progress, seniority remains the primary determinant of which teachers are laid off. The district and IEA could not expand the role of performance beyond year five even if they wanted to. State law (PL 110) mandates that all first and second year teachers in any given area of certification must be laid off before a third year teacher may be affected. Then all third through fifth year teachers must be laid off before any teachers with six or more years may be affected. And when a RIF is severe, as this year's is likely to be, it may reach beyond teachers in year 5, clearing all early-career teachers out of the district. The point system developed for early career teachers should be used for teachers at all levels of experience.

**Figure 5: Points System for Layoffs Currently in Place for Teachers in Years 1-5**

Layoff Decision Criteria	Available Points
<i>For Teachers in Years 1-2</i>	
	Point system not applicable. Up to administrator discretion; encouraged to use evaluation ratings in instructional competence and classroom management.
<i>For Teachers in Years 3-5</i>	
<b>Instruction:</b> based on the teacher's most recent evaluation rating.	3 points (points awarded correspond to rating on the evaluation)
<b>Classroom Management:</b> based on the teacher's most recent evaluation rating	3 points (points awarded correspond to rating on the evaluation)
<b>Discipline Referrals</b>	Subtract 1 point for each written reprimand placed in a teacher's personnel file; Subtract 2 points for each suspension; Subtract 3 points for each Last Chance Agreement.
<b>Teacher Attendance</b>	Subtract 1 point per 3 unexcused, unpaid days absent (up to -3 points for over 6 absences)

## Abby Taylor

I came to IPS from a small rural town in northern Indiana but I knew IPS was where I wanted to teach. I even spent a year as an instructional assistant in the district in order to get hired. I have always felt teaching in IPS is my calling.

I've been through layoffs in IPS before. In the spring of 2009, my husband, who also taught in IPS, and I were both laid off. This came when I was pregnant with our first child and we'd just purchased a new home. The timing couldn't have been worse. He left the district to teach in a charter school, but I stuck it out and was eventually rehired. But now I'm afraid again. I've watched many of my former colleagues take jobs in the township or suburban schools because they couldn't stand this uncertainty. But I didn't because I know I really want to teach and serve these amazing students. There is no place I'd rather be.

However, layoffs will take place this year due to budget cuts, but I know an even larger cloud hangs over IPS. State takeover is coming for many of our secondary schools and I, like many of my colleagues, don't exactly know what that will mean for me. I'm a kindergarten teacher and I'm in my 5th year of teaching, but I'm not exempt just because I'm at the elementary level. You see, as the more senior teachers aren't rehired in the state intervention schools, they'll have rights to other jobs in the district for which they're licensed. This means they can push into positions in the elementary schools, even if they've never taught elementary students.

I only want this to be as fair as possible. While it will of course be sad, I don't mind losing my job if it is in a fair manner and to another awesome teacher. I want my layoff to be based on my ability to teach. I want it to be based on whether I'm the kind of teacher that deserves to be in front of kids. Every teacher in IPS knows there are rock stars and there are those who literally sleep in front of their students. If I lose my job to a rock star, I can take that. What I can't live with is losing my job to someone who makes our whole profession look bad. Make the impending layoffs in IPS fair, transparent, and about what the students need. THAT I can live with!

## LaMeca Perkins

I grew up in the inner city of East Chicago. I know what my students face and I also know that the strong role models I had in the classroom helped me to obtain the opportunities I have today. It was for this very reason that I knew IPS was where I wanted to spend my teaching career. I worked hard to get a teaching job in the district, including contacting the HR director almost every day that summer. My heart is here. IPS is where I knew I would have the kind of deliverable impact I wanted to have on our community and society in general.

But this is a particularly scary year for me. Layoffs are impending and even though I'm now in my fifth year of teaching, a time when I thought I'd finally be free of all the layoff worries that plague every beginning teacher in IPS, I'm worrying again. I'm a special education teacher. This means that, like all of my other special education colleagues in the district, I am licensed K-12. My license may say that I can teach seniors, but my experience and my passion for kids is at the elementary level. However, this may not matter. The district and my local teachers' union have already told us to expect over 200 layoffs. This doesn't include additional layoffs that could occur as many of our secondary schools are taken over by the state and those teachers—many who have never taught at the elementary level—push into my school and other elementary schools around the district because they have more seniority.

Don't get me wrong; I think seniority should have some weight in the decisions. It should matter that you've served students in this district for many years, but I don't think it should matter more than what kind of teacher you are. My layoff should also be based on my ability to help kids learn and grow. That is what is best for our profession and that is what is best for the students of IPS.

I see parents who are really afraid of the teachers their kids will get. I feel their pain because I know if we don't look at the quality of the teachers they'll be having, the future for their children will be much more difficult. I advocate for the children and I can't stand the thought of telling these parents that may happen. I want all of the children in IPS to have a fair shot. From magnets to Arlington, I want all kids to have the same opportunities. It is insane to me that we aren't going to talk about the quality of the teacher. It does matter! We all know there are huge differences in teacher quality and our kids deserve the very best teachers. Please make that happen.

## Sarah Zuckerman

As a magnet school teacher at the Key Learning Community, I have undergone a great deal of training specific to our multiple intelligences program. I worry about what will happen to our program and my students if their teachers next year don't have this same training and commitment to this program that makes our magnet program special. Teachers at Key have been specifically chosen during the interview process by a panel comprised of lead teachers and administrators to assure a good fit to our program. Upon hire, we sign a compact binding us to a specific series of practices and theories that support the school's pedagogy. New teachers are provided experienced mentors in our content area and attend bi-weekly new teacher meetings, where we receive training on the language, theories, assessment, and practices specific to multiple intelligences education. In our first year, all new staff attend an intensive four-day workshop taught by our lead teachers, administrators, and experts in the field. As a staff, we receive opportunities to attend workshops, such as Project-Based Learning workshops and at Harvard Graduate School of Education's Project Zero. As part of our school's commitment to development and innovation, researchers can often be found collecting long-term data in our classrooms. Primary students (grades K-5) spend two consecutive years with their teacher, and secondary students (grades 6-12) have an adviser who stays with them through graduation. These trainings and student groupings are part of a long-term strategy for success, to which I attribute our 85% graduation rate and 90% college enrollment. Over 20% of our teaching staff have 5 or fewer years of experience. If they're all laid off, it will inevitably hurt our culture and students.

### What must change to ensure a quality education for IPS students?

In this time of major financial challenge and in recognition that schools have failed our students for too long, the days of guaranteed jobs need to end. The days of basing staffing decisions on the quality of the teacher need to begin. IPS cannot be responsible for a mass of displaced teachers whose home schools no longer fall under its jurisdiction. With the loss of those schools and the students, IPS has lost both the slots on its roster and the funds to pay for them.

To staff non-takeover schools in IPS, we recommend seniority continues to have a role in hiring and assignment, but teacher performance must be prioritized. Specifically:

1. Teachers dismissed from takeover schools should not have guaranteed jobs in schools that remain a part of IPS. Teachers who have been displaced should be required to apply for vacant positions in other schools. Displaced teachers should only be able to apply for vacant positions and not positions currently held by other teachers. Teachers with more seniority should not have the right to bump less senior teachers out of their positions. Without a change to the current state laws, IPS will be required to keep the most senior teachers, regardless of their performance.
2. All displaced teachers should be rated based on the metrics the district and union developed to use for Reductions in Force (currently applied to teachers in years 3-5). These include ratings of instruction, classroom management, attendance and discipline (See Figure 5). These ratings should be made available to principals in schools where displaced teachers apply.
3. In cases where two applicants are equally qualified, seniority should serve as a tie-breaker, with the more senior teacher earning the position.
4. In IPS schools that have teaching vacancies, teams of current teachers should play a role in interviewing teaching candidates. Many of the strongest schools in IPS (like Key Learning Community and Shortridge Magnet School) as well as throughout the country, already use teams of teachers as interviewers of their potential colleagues. This will be especially important as the stakes for these vacant positions will now be higher.
5. In these tight budget times, one point must be abundantly clear: schools cannot have any incentives to hire less expensive teachers. IPS currently budgets for teachers on a district wide basis, not on a school-wide basis. This allows the district to place teachers and use its resources where it sees the most need across the entire district and it wisely prevents principals from being incentivized to hire the least experienced (e.g. lowest cost in salary) teacher. Positions must be filled based on teacher quality not teacher cost.

- Teachers displaced from takeover schools who have reached the minimum threshold for retirement should be offered an early retirement package of an additional \$14,000. This is commensurate with the compensation the district offered during the 08-09 and 09-10 school years for teachers who retired at the end of the school year. While this represents a cost to IPS, it is offset by the savings that will come from being able to hire some of the strong early career teachers who are not yet at the top of the salary scale.

## Conclusion

As IPS loses authority over such a large portion of its schools and their budgets, it cannot be expected to maintain positions for all teachers dismissed from those schools. The domino effect that stands to push hundreds of promising young teachers out of their current positions will inevitably spiral to negatively impact students and their communities. It doesn't have to be this way. Current pending legislation (HB 1337) addresses this urgent need by recommending that when layoffs are necessary due to a justifiable decrease in the number of teaching positions, they shall be determined on the basis of performance and not solely on the basis of seniority. Unfortunately the bill recommends this take effect June 30, 2012. That is too late. This is an immediate problem with a need for an immediate solution. We urge the state legislature to move this bill to become law upon passage. The students of IPS deserve the highest quality teachers and HB 1337 could help to retain those teachers.

## Glossary of Terms

**Turnaround status:** Schools that have not met minimum requirements for school improvement as outlined under P.L. 221 for six consecutive years are eligible for intervention by the State Board of Education.

**Public Law 110:** The law that outlines in what order teachers are laid off or dismissed.

**TSO:** Turnaround School Operators are management teams or organizations that, if awarded through an open bidding process, will be granted management responsibilities for turnaround schools through year to year contracts between the TSO and the Indiana Department of Education.

## Endnotes

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- Balfanz, R. and Letgers, N. (2004). "Locating the Dropout Crisis." CRESPAR/Johns Hopkins University.
- TSOs may be public, private, or current charter or educational management agencies.
- Chait, R. (2009). "From Qualifications to Results: promoting Teacher Effectiveness Through Federal Policy. Washington, D.C.: Center for American Progress.
- When State Intervention occurs at a school, the TSO has full flexibility in recruiting, hiring and staffing the buildings. Current employees who are not hired by the TSO will remain employees of IPS and not of the TSO. The local contract is an agreement between IPS and the local teachers' union (IEA). The local contract will remain with the district and not with the State or the TSO.
- Indiana Department of Education. Retrieved 2.1.11 from <http://compass.doe.in.gov>
- State intervention may begin as early as July 2011. It has not yet been determined if any or all of the schools that come under TSO control will have a transition year before they begin re-staffing.
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