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Tenure

By M.J. Stephey

It's been called the holy grail of the teaching profession — academic freedom plus job security all rolled nicely into a union contract. But to Michelle Rhee, superintendent of Washington D.C. schools, tenure just means trouble.

Roughly 2.3 million public school teachers in the U.S. have tenure — a perk reserved for the noblest of professions (professors and judges also enjoy such rights). The problem with tenure, Rhee and other critics say, is that it inadvertently protects incompetent teachers from being fired. The Teach for America alumna, who oversees some 50,000 students and 5,000 teachers, has sparked controversy in the capital by proposing a new contract allowing teachers to earn as much as $130,000 a year if they forgo their tenure rights (a teacher's salary, on average, is less than $48,000; most start out making $32,000).

(Click here to read TIME's cover story on how to make better teachers).

Though tenure doesn't guarantee lifetime employment, it does make firing teachers a difficult and costly process, one that involves the union, the school board, the principal, the judicial system and thousands of dollars in legal fees. In most states, a tenured teacher can't be dismisssed until charges are filed and months of evaluations, hearings and appeals have occurred. Meanwhile, school districts must shell out thousands of dollars for paid leave and subsitute instructors. The system is deliberately slow and cumbersome, in order to dissuade school boards and parents from ousting a teacher for personal or political motives.

But the system also makes it extremely difficult to flunk a bad teacher. Each state has its own stories: A Connecticut teacher received a mere 30-day suspension for helping students cheat on a standardized test; one California school board spent $8,000 to fire an instructor who preferred using R-rated movies instead of books; a Florida teacher remained in the classroom for a year despite incidents in which she threw books at her students and demanded they referred to her as "Ms. God."

The start of the tenure movement paralleled similar labor struggles during the late 19th century. Just as steel and auto workers fought against unsafe working conditions and unlivable wages, teachers too demanded protection from parents and administrators who would try to dictate lesson plans or exclude controversial materials like *Huck Finn* from reading lists. In 1887, nearly 10,000 teachers from across the country met in Chicago for the first-ever conference of the National Educator's Association, now one of the

country's most powerful teachers' unions. The topic of "teacher's tenure" led the agenda. By the turn of the century, tenure had become a hot-button issue that some politicians preferred to avoid. In 1900, the Democratic Party of New York blasted their rivals in the *Times* for taking up the issue, writing, "We deprecate the tendency manifested by the Republican party of dragging the public school system of the State into politics."

New Jersey became the first state to pass tenure legislation when, in 1910, it granted fair-dismissal rights to college professors. During the suffrage movement of the 1920s — when female teachers could be fired for getting married or getting pregnant or (gasp) wearing pants — such rights were extended to elementary and high school teachers as well. But where the tenure track for college professors can require a record of published research and probationary periods of up to 10 years, K-12 teachers can win tenure after working as little as two years in some states. And thanks to the rigid testing requirements put in place by the No Child Left Behind Act, the academic freedom that tenure was meant to protect has been severely curtailed.

Some school districts have resorted to separation agreements, buyouts that effectively pay a teacher to leave his or her job. The practice has evolved as a way to avoid the extensive hearings and appeals required by union contracts and state-labor laws in firing a tenured teacher. (Costs can run as high as $100,000). Other districts simply transfer inadequate teachers to other schools in what Calif. Gov. Arnold Schwarzenegger has called "the dance of the lemons." Former Mass. Gov. William Weld tried to pass legislation requiring teachers to take competency tests every five years, a move that triggered a number of complaints from local teachers' unions who called the bill adversarial and intrusive. Weld defended himself by explaining his stance as "anti-slob teacher," not "anti-teacher."

In 1997, Oregon abolished tenure and replaced it with 2-year renewable contracts and a rehabilitation program for underachieving instructors. Other states like Connecticut, New York and Michigan have simply eliminated the word "tenure" (from the Latin *tenere*, meaning to hold or keep) from the books while retaining the due-process rights it embodies. In Toledo, Ohio, officials have adopted a more creative approach by establishing a mentoring program to improve teacher performance. Fifteen surrounding communities have already copied the idea.

But some teachers argue tenure has become a scapegoat for a whole basket of educational and financial ills responsible for the dismal test scores and disappointing graduation rates in U.S. schools. Abolishing tenure doesn't address problems of underfunding, overcrowding or improving students' home environments. And despite more than a century of social progress, the need to protect teachers from the whims (or the tyranny) of the community remains as important as ever — especially in science classrooms where the battle over evolutionary biology and creationism rages on.

Whatever the problem, most teachers and administrators agree the status quo isn't working and that change can't come too soon. Announcing her plan last month, Rhee said, "Students cannot wait for accountable teachers while adults argue."

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