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Effect of tenure legislation in the schools

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Thesis

EFFECT OF TENURE LEGISLATION IN THE SCHOOLS

Submitted by

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(A. B., Boston College, 1931)

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INTRODUCTION

It is first necessary to bear in mind the great responsibility that exists between the teacher and the pupil in discussing the need of tenure in the schools. The teacher has control over the child most of the day during the school year, and as a result becomes part of the child's life. The child should have the best possible teacher in order to receive a worthwhile education. This may be aided through tenure legislation which assumes the teacher of her position and permits her to obtain the best results from the pupil.

When the teacher is not on tenure she is really a temporary worker. The child can not receive, therefore, the best training, because often the teacher's interests are divided between teaching the child and securing a position for the next year. The various authorities on the subject of tenure state that the best teaching results have invariably been in the schools that have tenure legislation. This raises the question as to why all school systems do not adopt this legislation since it is for the benefit of the pupil. The constant shifting of the teacher from one school to another has no doubt interfered with the efficiency of the schools, since efficiency depends upon a feeling of reasonable security. The question is still open as to how conditions may be improved most effectively. Many believe that legislation guaranteeing the teacher's security in her position is essential.

Many objections to the adoption of the legislation
are found, the most important one being that it will tend to entrench the incompetent teacher in her position. This is a detriment to the child, which eventually will tend to break down the high standards set up by the various school systems.

Tenure legislation has grown rather rapidly during the past ten years in the various school systems. This is probably due to the work of the National Education Association which has appointed a committee under the leadership of Fred M. Hunter of California. This committee has made many investigations during that time, and has tended to remedy the conditions which have existed in the schools because of the lack of tenure legislation. Tenure was not enacted by any state until 1911, when New Jersey adopted the law in spite of the vigorous protests of many adversaries.

However tenure did not receive a real start until 1920 when this committee was founded and started its investigation. In 1927 there were fourteen states as well as the District of Columbia which has tenure laws. The states which had enacted some form of legislation at that time were California, Colorado, Illinois, Indiana, Louisiana, Maryland, Massachusetts, Minnesota, Montana, New Jersey, New York, Oregon, Wisconsin, and Pennsylvania.

However there are not sufficient states at present time employing tenure legislation to prove it is the soundest method.
1. RESULTS WHICH OCCUR WHERE NO LEGISLATION EXISTS

Before going into details concerning tenure legislation, it would probably be appropriate to go back to the time of the origin of the tenure law. According to Ida Housman,¹ the word tenure dates back to the beginning of the government of the United States. At the time of the constitution the question arose as to who had the right to dismiss a federal employee, the President, or the President with the consent of the Senate? In 1789 when the government of the country was established permanently, according to the rules enacted in the constitution, the President of the United States was given the power to dismiss such a person. The law remained thus until 1820, when Congress passed an act called "the first tenure of office act", limiting the term of office of District Attorneys, Collectors, and other such offices to four years. Previously they had been elected indefinitely, according to their behavior. This act was the start of many bitter controversies which tended to disrupt the country.

In 1829 Andrew Jackson, who was President at that time, dismissed more than seven hundred employees, as a result of such an act passed by Congress. However, the real tenure of office act was not legislated until 1867, and grew out of a controversy between Congress and the

¹ "Tenure Once More" (Ed. Rev. Vol. 68) Ida Housman
President Johnson. The latter, a democrat, was practically helpless as Congress was composed of two-thirds Republicans. This act forbade the President to dismiss any Federal employee without first obtaining the consent of the Senate. The act, however, was soon repealed, after much constant wrangling of the Senate. The country, at this time, was not in what one might might call, "a sound position". Up to this time the spoils system flourished, and the country was being run not in the interests of the people, but in the interest of the politicians, and their supporters.

However in 1868, Thomas Allen Jenckes made a lengthy speech before Congress concerning the permanency of government employment. He is the originator of Civil Service in this country and was given the name "Father of Civil Service Reform in United States!"

In the year 1877 the Civil Service Association was organized in New York, at the time President Hayes was being inducted into office. Hayes was a firm believer in this law in spite of the fact that the so-called politicians and their friends were strongly opposed to the measure. President Garfield was another strong advocate of the measure and was shot by a disgruntled office seeker in 1881. While the President lay dying, the National Civil Service Reform League was started. Its motto was "to establish and promote a system of appointment, promotion, and removal in Civil Service throughout the
country", founded on the principle that public office is a public trust. On January 6, 1883 President Arthur approved the Civil Service Reform Bill which was known as the Pendleton Act, and is the basic law of all Federal Civil Service. It approved of open competitive examinations as a means of testing applicants for positions in public service, and prohibited public service, and political assessments upon office holders.

There were over four hundred thousand employees alone in the Federal Service. At the present time there are well over three million in civil service in this country. Each head of the family pays on an average of one hundred dollars each year in the support of his public employees. Therefore, the work and the doings of the Civil Service should be of the keenest interest to every citizen of the country.

A similar condition existed in some of the teaching systems. Public schools had long been the prey of the so-called "spoils system. Those communities that adopted the standards of civil service in education give the professional politicians no chance to provide easy positions for their favorites. Politics should be as far removed from the schools, for the benefit of both the teachers and the children. If such is the case the schools will prosper in tenure or not. Teachers should be selected most carefully. In fact, as much thought
should be given to the hiring of teachers as would be given to the buying of supplies in some industry.

Teacher tenure is not simple nor definite but a complexed problem in the school systems.¹ The solution of the problem is as important to the school boards as it is to the teacher and the child. It began slowly, but has come with such rapidity in recent years that at present it is subject to more discussion than ever before.

Tenure first came into prominence in 1885 as a result of the civil service reform bill. At that time the newly formed National Association spoke of the term "tenure" as an application of the principles of civil service, to the teaching profession. The main argument which was put forth by them was that the schools systems of the country should be independent of personal and partisan influence and free from malignant power of patronage and spoils.

In the year 1886 Massachusetts passed an act "relating to tenure of office of teachers", permitting local schools to employ teachers for a longer period than a year. Three years later the Boston School Committee² passed a rule providing for a probationary period of one year, followed by four years of annual elections and then a permanent appointment, removable only by a hearing of the board. The reasons which the committee gave

¹. American School Board Journal "Problem of Teacher Tenure" by John C. Alamack
²."Acts of the School Superintendent and Committee in Boston" (1889)
regarding this rule were that the annual elections do not attract first class talent, incompetent teachers while the elections as a rule not applied to the police, fire and judicial officials am thus should not be applied to the teachers, who have as high if not higher responsibility than either of these departments.

This is the first inkling of tenure legislation in the country. The law was, at this time, in its infancy; but from it we received the idea that the authorities regarded teaching as one of the leading professions of the time. The law has come rather slowly since that time as is evidenced by the fact that slightly more than one quarter of the states have adopted such legislation.

Tenure was agitated to hold the efficient teacher and eliminate the unfit. Exceptional teacher talent is likely to be found in a large list rather than a small one. Training schools are also raising their standards in order to give the teacher a higher degree of efficiency. But there still remains the incompetent teacher in the ranks who cares to enter upon the struggle and annoyance which necessarily attend the removal of a superannuated teacher.

The constant worry which a teacher often is forced to go through during the year is anything but helpful to the pupils who are under her supervision. She invariably

1. Editorial found in the American School Board Journal-July 1928
is unable to do her best work, with the result that the children are not taught as they should be taught. John C. Alamack, of Stanford University,¹ tells us that every year there are upward of 150,000 teachers vacating their positions. Some resign of their own accord to attempt to find a better position while a few are forced to leave. It is probable that many teachers, especially in the rural communities, are forced to vacate each year because of unsatisfactory living conditions, and poor pay. Teachers in such communities are often young, from some normal school or college, seeking experience in their endeavor to better their position in life. They seldom remain in one system for any length of time.

Alamack also furnished us with the figures which he has gathered regarding the schools of Oregon during the period of 1900-1920.² During that time from seventy to ninety percent of the teachers in the rural districts of that state were new to the schools in which they were serving. This was no doubt chiefly due to the teachers own desire to move on.

Many teachers in the state were new to the country in which they were working, and many were new to the state itself. Twenty-five percent were teaching for the first time. While training is one of the most important

1. American School Board Journal—"Problem of Teacher Tenure" John C. Alamack (1926)
2. Ibid; (November 1921)
factors in determining the length of service in teaching it is also a very easy matter to overestimate. The statistics in Oregon, concerning the tenure of high school teachers, where a degree from a recognized college with twenty-two hours in education is required for the certification, show the length of service of teachers is no longer than those of the elementary school.

In the first class districts 44.3% were new to the schools during the time of the investigation, while only 8% had more than five years teaching experience in the same school. 50% of the entire teaching force in that district had less than twenty-five months experience as teachers, while only 34% had a total experience of five years or more.

In the second class districts of the state, 50.4% were new each year in the profession, while only 30% had a total teaching experience of five years or more. In the third class districts, 61.1% were new to the profession each year while only two percent of the entire staff had an experience of five years or more. As educators claim that a teacher does not reach her maximum efficiency until she has had at least five years experience it is easily conceivable as to the condition of the Oregon schools a comparatively short time ago. However, there is no doubt that the majority of figures compiled by Mr. Alamack are those regarding schools in the rural districts rather than city schools.

1. "Problem of Teacher Tenure" John C. Alamack
We then reach the question which is of great importance, and that is "What is the reason why the teachers do not remain in the same position for a longer period of time?" This is a problem which has been placed before educators time and time again. There is hardly one cause, but many causes, as to the migration of teachers each year. These may be briefly summed up as follows: 1. Social causes, such as marriage or poor living conditions. 2. Political causes, such as wrong way of handling employees. 3. Economic causes, such as small salaries. 4. Individual causes, such as ill health, or a desire to better one's health. 5. Professional, such as lack of training.

Both the communities and the teacher suffer as a result of this continued leaving of position. The community often pays a high salary to the teacher in an effort to hold her to the position, but in as much as there is more than one cause for the removal of the teacher from the school, it is hard to realize the increased return which should come from the increased efficiency as a result of continued employment in the system. The teacher, on the other hand, sometimes fail to heed the call of the system in which she is employed. Many time she is forced to spend much or her earnings in the quest of better employment or in improving her social condition. Any private business as we can readily see, where the skill of the employees was an important factor
in the output of goods which would very soon fail if it was run on a "come and go" basis.

There is no difference in the schools where the output of the goods, which are the pupils, is largely dependent on the skill of the employees, the teachers. As long as such conditions remain throughout the rural schools of the country the maximum of efficiency will never be realized. Young college graduates entering the field of teaching will at once attempt to further their advancement. They will come to one place "today and another tomorrow." They often do not intend to teach to the best of their ability, but are on the lookout for another position where they might better their salary and social standing.

If this is the case in a great many places in the country, how can pupils be educated for their social advancement when the most important factors of such never become firmly entrenched in the position which they have? Since pupils are expected to be educated for their social welfare it is correct to say that school inefficiency will tend to bring about social inefficiency.

When the teacher continually shifts about from community to community attempting to get eventually located, it is directly against the idea that the school should be working in direct accord with the community in which it is established.

How can such migration be stopped? Some educators
attempt to say that the salaries are not high enough, and as a result the teachers will not remain in the same school for more than one year, when there is a chance for a position in another school where the salary is a few dollars higher. This may be true, but what is to be done about the teacher that continually goes from one school to another because she merely desires a change? There is but one remedy for such a situation, and that is to be most careful in the selection of teachers.

The teacher should be well trained for the position she is about to undertake. If this is the case she will enjoy her work and want to remain, especially if the conditions are right. No teacher will train for a specific position if she does not like the work. Therefore, in selecting the teacher force the boards of education of the various towns to make doubly sure that the position which the teacher is about to fill is best suited for her.

Many a girl entering the profession will remain but two or three years before she decides to get married. Some of these girls desire to remain in the profession while others decide to give it up. Some school systems refuse to allow girls to retain their positions after they become married. Whether this is correct or not is hard to say, although if they had children of their own they should be more sympathetic with the children of
their own classes. In fact, there are so many factors included under the term "dissatisfaction" that it is extremely difficult in trying to suggest a remedy for them all.
A. Teacher Turnovers

With such causes, as have been explained in the preceding chapter, that make the best work for the teachers next to impossible, it is only natural that there are a great many teachers year after year seeking a new position. This leaves many vacancies in the ranks which are spoken of as "teacher turnovers". An estimate of such turnovers in the country during the course of a year can be no more than a mere guess since such turnovers are constantly occurring. However, according to Horace P. Allen of Stanford University, California, who has made an intensive study concerning the problem, the average life of a teacher is between three and six years. Mr. Allen, along with several noted authorities who aided him in his work, have come to the conclusion that each year in this country there are upward of 150,000 teachers seeking employment in the ranks; although it is a small proposition, still it is significant.

Of this number of course there are a great many who are entering the profession for the first time but this number is far outnumbered by the group of mobile teachers, all of whom have had experience, but are seeking a better position than the one which they held the previous year. The school administrators, indeed, have a most difficult problem facing them each year in trying

1. School Board Journal (Vol.20; May 1925) "Teacher Turnover and the Placement Problem" Horace P. Allen
to chose the teachers from this group that are best fitted for the position which they are about to undertake. It is a difficult problem and one that needs serious thought from all interested.

Mr. Allen, to indicate the facts concerning teacher turnover sent out a questionnaire to the teachers of the State of California, which was worded thus, "Have you found it to your advantage to remain in your position more than two years?" Fifty percent replied in the affirmative, and the other fifty percent, naturally, to the negative. This shows that the teachers are not, for some reason, satisfied with the work which they are doing, and must be on the lookout for another position when the opportunity presents itself.

Such results as these are most expensive, not only to the teacher but also to the school system. Therefore it is for the benefit of all concerned that the teacher be given work under favorable conditions, while the teacher should have some consideration for the people who are employing them. When the teacher leaves her position it costs the school money to investigate many of the new candidates who are willing to step into the vacated position for a chance to prove their worth. The time, travel, correspondence, and the hiring of the new teacher is very expensive to many communities.

1. Ibid
Many times a teacher who has not had the necessary experience is hired because she possesses some outstanding quality which the board believes will enable her to become a valuable acquisition to the faculty of the school.

The teacher who resigns her position at the end of a school year because of dissatisfaction often takes the step too hastily as she does not realize the added expense which is staring her in the face. It is true that many times she has another position awaiting her, but often times she is forced to spend her summer traveling in search of a new position. She may put herself under the guidance of a placement bureau which also, will relieve her of a few dollars, in attempting to place her in a new position. After she is placed she often wonders if she did the right thing. Although she will often be paid a higher salary than the one she received in the place she just vacated, the difference was no doubt spent in trying to locate herself.

The children are the third party and probably the most important sufferers of the teacher turnovers. Especially in the small one and two room rural schools is this evident where oftentimes the child will be retarded, and there will be a reduced production in subject matter.¹

Often in the city schools the teacher will have a pupil in her class one year, may inform the teacher who

¹ Ibid
has the pupil the next year as to his individual differences for which the second teacher may be on the lookout and know how to handle the pupil from the start. This is not the case in the small districts when turnovers are prevalent as they have been in the past. The teacher also in the rural school is thinking of one thing, the end of the term when she will be able to get out and look for a new place for the following year; where she will be more satisfied with the work that she is doing and not have to put up with the inadequate salary and the living conditions.

She gives but little attention to the work of trying to educate the pupils, who in turn are not too aggressive while the teacher is failing to fulfill certain requirements. The children never get anywhere, and when they do get up onto a higher grade where they are under the supervision of a capable teacher they are lacking in the fundamental knowledge that they should have been taught back in the early grades. Such work as this gradually causes retardation among the pupils, who are anxious to get out of school and secure a position, rather than spend their days in the classroom studying something in which they are not the least interested and, furthermore, know little or nothing about.

To remedy such conditions depends entirely on the school administrators, or whoever has charge of hiring the teaching staff. Only competent, efficient teachers should be hired when the time comes to fill a vacancy. Teachers who have had experience in handling children
as well as teachers with a high professional training, should be the only ones considered to fill such vacancies that exist. When this is accomplished the schools will take on an atmosphere of mental growth, the children will learn more easily and retardation will be decreased. However, there still remains another problem which is of more importance than the one just set forth, that is the question of retaining the efficient teacher so that she might not leave as her predecessors, at the end of the first or the end of the second year.

Payment of adequate will probably be one way in which a teacher may be persuaded to hold down her position. Progressive salaries such as a slight increase in pay each year until the maximum is reached is the best way to reimburse teachers for work done, according to E.E. Lewis.

When a teacher finishes a year's employment, and feel that she has done a satisfactory piece of work, and that her pay is to be greater the following year, it spurs her on to greater effort, and she has no idea, usually, of seeking another position. This aids the children for the efficient teacher understands and knows how to teacher the subject, and everything is usually serene in the classroom.

School boards or committees in general might also do their share in trying to retain the teacher by trying

1. "Personal Problems of the Teaching Staff" E.E. Lewis
to improve the social and living conditions of the town. The teacher is usually a high minded individual, one of the leading figures in the town, and naturally desires to live in the best conditions available. There is no doubt that many a teacher has been forced to leave because the living conditions of the town were not of the best, and anything but a place to call one's home.

If the community is subject to frequent turnovers in spite of the remedies suggested it might be well for the board of education to make an intensive study in the "turnovers" as they apply to the local situation, in an effort to find and correct its causes. Tenure might be a remedy for such a situation, in as much as it tends to protect the teacher and well as the children and the citizens, as against the unfit teacher who is constantly looking for a position. A more intelligent use of the placement measures at hand also aids in the development of the school from the standpoint of learning, and often if the school board took greater effort in selecting its teachers there would be less turnover in the school systems today.

However, according to Mr. Allen, as long as teachers continue in their natural trend there will always be a turnover. He interprets the meaning of turnovers in the following manner: \( \text{Average Number of Positions} \) equals the turnover in percent.

1. "Teacher Turnover and the Placement Problem" Holliis P. Allen
All turnovers are all not as evil as the ones which we have been discussing as occurring every year in all systems. Even the best schools have turnovers caused by unavoidable circumstances. For instance, every year many of the schools are expanding and growing in the number of pupils. It is only natural, therefore, that they increase their teaching staff to care for the addition of pupils. An interesting example of this is furnished by Mr. Allen\(^1\) who has made a study of the situation in California. In the year 1920 and 1921 there were in that state a total of 6549 positions in high schools for teachers. The following two years, 1921 and 1922, in the same state, there were 7284 positions, an increase of nearly a thousand which is a growth of large proportion. This indicates that during that year new high schools were set up in California to care for the rapid rise in secondary education which followed the war period, and also goes to show that of the total turnover in the high schools of that year nearly one-third was due to growth of the school system.

Turnovers may also be due to the fact that many leave the position to get married or because they have been retired from the service. This also includes a large number and tends to increase the total of the teaching turnover in the various states during the year. However, shifting from grade to grade and school to school is normal, and must be expected, within certain limits even desirable.

1. Ibid
B. Where the turnover tends to be greatest

Teacher turnover, as I will attempt to show by statistics, is the greatest in the rural districts. The teachers in these systems are often new to the profession, sometimes seeking experience which will enable them to better their positions. Either this is the case or else the teacher is tired of residing in a small community for the whole year and desires a change. Such schools can ill afford to pay teachers a salary large enough to hold them for another year. Tenure of any type which the rural districts of most of the states have yet to hear about. The teacher is anxious for a change, and the turnovers in these communities tend naturally to be greater than in any of the larger communities.

In an attempt to show the vast turnovers that have occurred in the country during the past twenty years I have taken data furnished by educators from the states of Illinois, Minnesota, Oregon, and Nebraska, four states in the so-called western part of the country, but states in sections where turnovers are often greatest.

L.D. Coffman furnishes us with some interesting information concerning the conditions in Illinois back in 1917. In a reproduction of the Illinois school survey during that year he shows that in the country schools

1."Illinois School Survey" L.D. Coffman
only three percent of the teachers served for half a year, twenty-six percent served for one full year, sixteen percent for three years, twenty-two percent served for two years, and the rest over that mark. In other words, during the period of which Mr. Coffman refers, only fifty-one percent of the teachers of that state served two years or less, while about sixty-seven percent served three years or less. Back in 1912 the Illinois School Report showed that there was nearly forty percent of the entire teaching staff in that particular district serving one year, while in 1928 there was twenty-two percent, a decrease of nearly eighteen percent, showing that the present-day teachers are remaining in their positions longer.

This shows that in a period of sixteen years conditions somewhat were remedied in this section, either by the raising of salaries or the improvement of social and living conditions of the community.

Nebraska, according to the report of the National Educational Association for the year 1927, was in a similar state of affairs at that time in regard to its rural teachers. Only slightly more than eleven percent remained in the same school for more than three consecutive years, and only five percent remained in the same district for more than three consecutive years. This shows a vast turnover for the year, and although it was remedied

1. National Education Association Annual Report for 1917
to some extent since that time it will be many years before the state will be stable with regard to the smaller school districts. However, one cannot lay the entire blame on Nebraska alone as the same condition prevailed in other states during the same year.

The country child has not nearly the opportunity to improve his education as the child residing in the city. The National Educational Association in its report of the year 1927 also relates the fact that the number of one room schools in this country at that time approximated 160,000. The number of two room schools was over twenty thousand.

The average length of the country school child's year is about one hundred and fifty-six days while the pupil in the city attends school on the average of one hundred and eighty-three days each year, which is about five weeks longer.

R.J. Seeder\(^1\) is the authority for the information regarding the status of the rural schools in the state of Minnesota. Once again the turnover is greatest among the rural teachers, where the demand for teachers each year far outnumbered the demands of the city school systems. As Mr. Seeder\(^2\) says in part, "The rural teacher with little experience in the profession, and with no desire to remain more than a year or two in any school, presents the most serious problem in the effort to stabilize the teaching profession".

1. American School Board Journal-"Aspects of Tenure and Turnover among Minnesota Teachers" (Vol.77 p.55)
2. Ibid
During the years 1924 and 1925 Minnesota had a large turnover in the rural schools. During that time twenty-two hundred new teachers were employed by the various rural boards to fill the vacancies created by teachers leaving the service for some unsatisfactory reason. The rate of all teachers in the state during that time was found to be over sixty-four percent which is quite a high average, and compares with high averages set by many of the other western states.

In another state, Oregon\(^1\), the situation is practically the same whenever a survey of the conditions is forthcoming. The power of the rural schools in holding teachers is very poor, as is evidenced by the fact that only five and six-tenths percent of the teachers in these districts remained in their positions for more than two years.

The following table issued by the National Educational Association in 1923\(^2\) will give an idea as to the difference between the turnover in the rural school and the schools of large communities.

<table>
<thead>
<tr>
<th>Size of community as to the number of children in daily attendance</th>
<th>Percent of teachers in position for number of years</th>
</tr>
</thead>
<tbody>
<tr>
<td>Over 5000</td>
<td>12.7  13.7  12.7  9.4  5.8  46.4</td>
</tr>
<tr>
<td>1000 to 4999</td>
<td>27.6  21.5  13.9  9.8  7.7  19.6</td>
</tr>
<tr>
<td>500 to 999</td>
<td>43.7  25.5  12.1  4.8  3.1  8.1</td>
</tr>
<tr>
<td>250 to 499</td>
<td>47.6  28.5  9.7  5.3  1.7  7.4</td>
</tr>
<tr>
<td>100 to 249</td>
<td>54.9  26.3  8.4  4.1  2.0  4.1</td>
</tr>
<tr>
<td>Under 100</td>
<td>54.9  23.6  12.6  3.3  1.6  3.8</td>
</tr>
<tr>
<td>1 or 2 room schools</td>
<td>76.9  17.4  3.7  0.9  0.4  0.6</td>
</tr>
<tr>
<td></td>
<td>(1st) (2nd) (3rd) (4th)(5th)(over)</td>
</tr>
</tbody>
</table>


2. Ibid
From such information there is only one thing that we are able to conclude, and that is that the one and two room schools suffer far more than the city school or, any other kind of school. The problem of turnover appears to increase as the population of the community decreases. That is to say, that the greater the community or population the less the teacher turnover. This is a stronger situation as it is believed that the larger communities are much better prepared to cope with the question of teacher turnover than the small community, which, often times is unwilling to pay the salaries of the teachers which it employs, thus tending to increase the percent of the turnover in the state.

In Wisconsin a survey made by C.J. Anderson, assistant State Superintendent of Public Instruction, in 1924, reveals the fact that over a three year period between sixty-five and sixty-eight percent of the rural teachers changed positions.

Even in the states where education is supposed to be on a firm basis the situation is nearly as bad as that which exists in the western or southern states. For example, according to Willard Elstree in his survey of conditions in the smaller communities in the State of New York, we received the following information. In cities

1. "Status of Teachers in Wisconsin" C.J. Anderson
with a population of more than fifty thousand, there is a turnover of teachers each year of nearly seven percent. In cities with a population of between twenty-five and forty-nine thousand, there is a turnover of more than eleven percent. In towns with a population of from fifteen and twenty-four thousand there is a turnover of more than sixteen percent. In towns with a population of less than ten thousand the turnover rate exceeds thirteen percent. These figures were compiled in 1927 and indicate the conditions of the schools. These figures were compiled in 1927 and indicate the conditions of the schools.

While discussing the subject of teacher turnover in the rural districts, Mr. Elstree\(^1\) also disclosed some interesting data regarding the degree of difference in teacher turnover than the elementary schools, and proved his finding with the following statistics.

<table>
<thead>
<tr>
<th>School Division</th>
<th>Percent Turnover in Cities</th>
<th>Percent Turnover in Villages</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kindergarten</td>
<td>11.11</td>
<td>17.84</td>
</tr>
<tr>
<td>Elementary (1 to 8)</td>
<td>7.13</td>
<td>15.60</td>
</tr>
<tr>
<td>High School</td>
<td>13.74</td>
<td>20.51</td>
</tr>
<tr>
<td>Special Schools</td>
<td>24.40</td>
<td>26.29</td>
</tr>
</tbody>
</table>

The data collected by Mr. Elstree again show that there is a shorter tenure in smaller population groups, than in the larger. They show that there is a wide variation in the rate of turnover in the various towns, showing that the problem of trying to replace teachers in some places is far greater than in others.

\(^1\) Ibid
The statistics regarding this subject from the state of Vermont were made back in 1920 when R.M.Steel\(^1\) made an intensive study regarding the turnover in that state. He found for the most part the same thing that many of the other educators found in other states, that is, that the rural schools continue to suffer a greater loss in the teaching staff each year than the city schools. In 1920, Steel\(^2\) found that more than one half of the rural teachers in that year were new to their positions. Five years later (1925) Steel found that the progress was very slight in the improvement of this evil. In fact, the percent of teachers new in their positions in that year had only decreased fifteen percent. A small decrease during such a period of years.

The data compiled by Steel are shown in the following table:

<table>
<thead>
<tr>
<th></th>
<th>High Schools</th>
<th>Grade Schools</th>
<th>Rural Schools</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1920</td>
<td>1925</td>
<td>1920</td>
<td>1925</td>
</tr>
<tr>
<td>Entered service</td>
<td>185</td>
<td>149</td>
<td>72</td>
<td>44</td>
</tr>
<tr>
<td>Transferred</td>
<td>50</td>
<td>36</td>
<td>115</td>
<td>91</td>
</tr>
<tr>
<td>Left Vermont</td>
<td>210</td>
<td>174</td>
<td>129</td>
<td>90</td>
</tr>
<tr>
<td>Reentered</td>
<td>25</td>
<td>25</td>
<td>57</td>
<td>46</td>
</tr>
<tr>
<td>New to position</td>
<td>260</td>
<td>210</td>
<td>244</td>
<td>181</td>
</tr>
<tr>
<td>Number reporting</td>
<td>508</td>
<td>588</td>
<td>684</td>
<td>816</td>
</tr>
</tbody>
</table>

This may be taken as the trend of such turnovers throughout the entire country. Although we have only taken the figures compiled on a limited number of states,


2. Ibid
I believe that it is sufficient to prove that the turnover in the country is a drastic thing, especially in the rural schools where the turnover tends to be the greatest. If fact, from what we have seen, it is evident that the rate of turnover varies inversely with the size of the community. When one considers the fact that each year in many states there are three out of four teachers new to their positions, it is certain that it is a condition that needs attention from every person interested in education.

What is to be done to remedy the situation? Indeed it is clear that they cannot be receiving the same kind of training as the pupils in the city schools, where a teacher is likely to remain a few years at least.

However, it is something that we all must consider. It should not be allowed to remain in the future, as it has been in the past. The situation has tended to improve during the past ten years but the improvement has been so meagre that it is not worth writing about. It is a problem not only for the educator but for every citizen who is interested in the future welfare of our country.

However, it is doubtful if the educational profession is really desirous of having tenure laws apply to country schools and their teachers, those who hold either temporary or non-professional certificates. Many changes must be made in the organization and administration of the schools in the rural schools before such can happen.¹

¹. "Public School Organization and administration"  
Fred Engelhardt
Here methods of selection are crude and professional requirements lower than most of the states, as a whole.
C. What the turnover reveals

This topic is closely allied with the one which we have just finished discussing but still needs to be brought out in more detail. In the first place the turnovers that are prevailing in our country year in and year out tend to show but one thing, and that is that there must be something wrong with the teaching profession, in one of its phases. In as much as we have shown that the turnovers in the country far outnumber those in the city, it is safe to say that the teaching in the rural school is not as pleasant as teaching in the city school. Therefore, in discussing the conditions under which a teacher in the rural school labors it is necessary to bring in the social, economic, and professional training of teacher after teacher in these schools. Furthermore, it is essential to discuss from the school's point of view the rules and regulations regarding the length of term for which a teacher is hired.

It might be rather safe to say that when so many teachers leave the various communities year after year, there must be something wrong with the system under which they are working, and not with them. That is, the living conditions under which they are subjected in a small town or the pay which they are receiving are not sufficient to give them the courage to seek another position. Still sometimes we find instances where the school is to blame by employing the "hire and fire" system. Each year, two
to four months before the close of the term, usually elections take place for positions in the school for the following year. The efficient teacher most always will be retained by the school board which deals fairly with its teachers. However, if she has not been efficient, or has shown an inability to teach competently, her chances of being retained are usually very meagre.

The present conditions in most places do not protect the teacher the way they should. Teaching is a profession but it will never attain such heights if the teachers are allowed to migrate from one school system to another at the end of each year. Sometimes inefficient teachers are put out of a position, and rightly so, since they have failed to measure up to the standards set by the schools. But when there are so many teachers annually migrating from one school to another there must be an underlying cause that can be traced back to the teacher herself.

Many times a young teacher receives her degree from a normal school and starts out in the teaching profession. Naturally the easiest place for her to secure a position is in the rural community since there are so many positions open in these districts each year. She has to be away from her home in a city, work for small pay, and on the whole, live rather a lonely life. As she is a newcomer to the community she naturally will not make the
friends as quickly as she might in the city with people of her own kind. After she has been working for a while she gets homesick. She is tired. She waits only for one thing, and that is the day when the school term will close and she will be able to get back home and seek a job where she can live as she has been used to living. "Never again is her parting cry at the rural school where she has spent a year of loneliness. This is the case of very many of the younger generation who embark upon a teaching career. It is this generation that do the greater majority of the teaching in the rural districts where the pay is small and many seek positions in such places in order to gain the necessary experience, that they might be able to better their own standing.

It can not truthfully be said that these facts are correct in every case, as the rural pupil who attends the normal school, and then goes back to teach in her own home town, so that she may aid in the upbringing of future citizens, and intends to make such, her life work in her own community, has been given consideration. A teacher of this type can not rightfully be included among those who are anxious to leave after a year's teaching.

But, after all, the conditions under which the teacher has to labor in the rural school is the chief reason why the turnover is so prevalent. The conditions in such schools are far inferior to the conditions in the city schools, with regard to facilities and achievements. Oftentimes the funds of such districts are so low that no improvements can be made. Then again the people of the
town might have the money, but don't feel inclined to donate it for such purposes. The country people evidently have no desire to increase the learning capacity of the pupils of the town. As the farmer once said, "Give us a fair price for our products and we shall solve the rural school problem".

Even when a school has a rather up to date building and an efficient teacher the conditions are most unfavorable. Meager curriculum, shortened periods, and very limited social contacts with other schools, make the opportunity for the best results most unfavorable. Oftentimes the people in the town who have money will send their child away to a boarding school where he may come in contact with people who might aid him in seeking a high position in the social world.

The constant turnover of teachers each year, however, indicates that in spite of the fact that conditions are not always the best in many of the schools, the teachers must be protected. Adequate salaries, and proper conditions under which to work will hold a teacher in her position just as long as she is given a contract that will allow her to do her best work. In spite of the fact that conditions in the rural communities are not the best with regards to money, it is up to the town itself to protect the children by securing the money to pay the teachers in order that the best possible results may be obtained.

1. American School Board Journal, November 1921
   "Problem of Teacher Tenure" John C. Alamack
However, this is not the question we are discussing. We are solely interested in the teacher who is striving to succeed in the profession, who is anxious to be successful, but fails to aid the town to encourage stability and permanence of its system. Sometimes the board keeps a teacher in a state of fear with regard to her position, and fails to render a contract which will hold her, providing she is competent and tends to her duty, for any length of time. The cases regarding the teacher with which we are most concerned, are the ones whereby she remains in one position for but a short length of time. One way in which a teacher may teach in the best possible manner, and receive the best possible results, is when she has become accustomed to the school.

Teacher turnover has revealed an increased necessity to investigate the laws of many states in regards to teacher tenure. There can be no doubt that the pupils are not being educated in the proper manner if turnovers occur as often as they have in the past. It is true that gradually this condition in the various states is being remedied, but very slowly. Time alone will tell what will be the outcome, and unless the people attempt to remedy the situation, education will never attain the high standard which it was proposed to attain.

The people fail to realize the good which may be obtained out of a real education. It was back in 1647 that the old Deluder law was first put into practice demanding an education for all. This educational practice
is still in effect to a great extent but while an education is to be had for all, it is vitally necessary that the education attained be the best possible. Such an education can only be had when the pupils are being taught as they should be taught, by placing them under an efficient, well trained teacher who is employed by a committee who will strive to retain her, unless she seriously violates the contract under which she is working.
2. RESULTS WHICH OCCUR WHERE LEGISLATION EXISTS

Advocates of "indefinite tenure" in the schools have put forth some strong arguments during the past twenty years as to why such legislation should be adopted. During this time it has increased to some extent, but as a whole has failed to be seriously considered by a majority of states. The first school tenure law in this country was enacted by New Jersey in the year 1909. It was sponsored by a then prominent educator in the state, Miss Elizabeth Allen. It was passed by the legislation after six long years of continued fighting and arguments, in the face of the most strenuous opposition. Since that time tenure has shown a marked improvement, but has been constantly threatened to be repealed by many who were not in favor of the enactment. In 1923 the opposition made a stand against the bill, and nearly had it defeated, but some fine work on the part of many of the educators of the state saved the day for the tenure law.

In the first contract placed before the legislature there were eleven bills to place under tenure all types of state and local employment. Of the 773 parts to the bills only 205 were recognized with the result that only two of the eleven bills became law. Tenure law, according to the people who made the fight for the passage before the legislature, along with Miss Allen, is valuable in that it affords a means of efficiency of service by

providing for a sufficiency long probationary period during which the employing body is free to dismiss. Thereafter the employer is permitted to dismiss legally only any employee under tenure. The reason why these bills were introduced before the legislature was to raise the efficiency of the particular service.

One bill in particular caused much discussion among the people of the state, calling for the repeal of the tenure of office act for the New Jersey teachers. It was introduced before the House of Representatives by the senator who represented the farmers and the school board representatives of the rural districts.

However, the bill did not get far in the legislature because the opposition of the teachers in the various cities, school boards, and parent teachers associations, was sufficient reason for its defeat. In commenting on the bill the Newark Daily Ledger, on the morning of March 5, 1923, said in part, "It was the rural school boards lacking the backbone to press formal charges against inefficient teachers and negligent in keeping teachers who do not measure up as long as for three years, who demanded the wiping out of an element of stability, and security in the profession of teaching which should be made for improvement. The inconsistency in seeking to make teachers subject to dismissal without charges or a hearing after they have been long in the same position, while fire, police, janitors, and others in public employ are

1. Senate Cases (129) New Jersey
protected against having to worry about danger of loss of their jobs as long as they do their duty was so manifest that it was little short of incomprehensible that the proposal should have been made and urged. A tenure law means the placing of teachers under civil service. The main purpose of our American Education is to produce men and women who are not afraid to act and think honestly and who, because they may be in a higher position or a position of authority, do not color their actions because they fear the consequences. Those in favor claim that its destruction will mean a subservient teaching body which will react on the children of the country. The safety of the schools depends upon the removing from them evil political influences. Tenure aids in keeping the schools out of politics. Boards of Education might often fail to make use of the tenure law because it openly involves bringing charges against a teacher and may involve legal procedure.

For an example, in our discussion we shall consider the New Jersey tenure law, since it was that state which led the fight for better schools, and was first to enact such a law, although since the time of the passage of the law in New Jersey, fourteen other states and the District of Columbia adopted some form of tenure. Is the New Jersey law performing the purpose for which it is made? That is, is it an effective instrument in removing

1. American School Board Journal, January 1920
   "Indefinite Tenure of Office for Teachers"
   Ernest M. Benedict
the unfit teacher from the service and protecting the length of service for the competent teacher.

The New Jersey law is stated as follows, as taken from Section No.165, New Jersey School Law(page 89)

"The service of all teachers, principals and supervising principals of the public schools in any school district of this state shall be during good behavior and efficiency, after the expiration of a period of employment of three consecutive years of employment in that district, unless a shorter period is fixed by the employing board; provided, that the time any teacher, principal, supervising principal has taught in the district in which he or she is employed at the time this act shall go into effect, shall be counted in determining such period of employment. No principal or teacher shall be dismissed or subject to reduction in salary in said school district, except for inefficiency, incapacity, conduct unbecoming, or other just cause, and after a written charge of the cause or causes shall have been preferred against him or her, signed by the person or persons making the same, and filed with the secretary or clerk of the board of education having charge of the school in which the service is being rendered, and after the charge shall have been examined into and found true in fact by said board of education, upon reasonable notice to the person charged, who may be represented by counsel at the hearing. Charges may be filed by any person, whether a member of said school or not.

The supplement of the act states that any teacher, principal, or supervising principal under tenure of service desiring to relinquish his or her position shall give the employment board of education sixty days written notice of such intention unless the local board of education approve of a release on shorter notice; any teacher failing to give such notice shall be deemed as guilty of unprofessional conduct and the Commissioner of Education is authorized to suspend the certificate of such teacher for a period not exceeding one year. This act shall take effect immediately.(1)

However, there are two things concerning the law about which the officials are rather skeptical. The first is the matter of appointment. Often the question has been

1. New Jersey School Laws;Section 65
raised, as to whether a teacher should be appointed for merit only or whether other qualities shall be considered. The second matter of concern is the probationary period during which time a teacher is judged as to her ability.

Of course, a teacher does not come under direct tenure itself until the start of the fourth year, or after she has passed over her probationary period. Since permanency of office should depend on permanency of good service it is highly desirable that the tenure law prove its worth. This law provides protection to the teachers of the city and the rural community, against dismissal as the result of personal animosity, class or race prejudice or hasty judgment. It allows the teacher to feel fairly certain that her job is secure just as long as she lives up to its rules and regulations. From present indication it appears that the salaries in the state are comparatively high, there is uniformity in the teaching conditions, and the training facilities are quite ample.

The law of that state has incorporated in it, practically all the features which are generally considered by those in favor of tenure. Probationary period of three years is required, and since this is the number of years which most of the states have adopted, it therefore appears to be the right length of time, and seems that New Jersey is sufficiently correct concerning this part of the law. After this period a teacher can be dismissed or her salary lowered only in a case of inefficiency,
incapacity, conduct unbecoming a teacher, or some other just cause. Charges must be made in writing and the teacher is entitled to a hearing by the board of education with privilege of council. An appeal is also forthcoming in case of an unfavorable verdict to the chief state official, and from his ruling to the courts.

In attempting to show the worthiness or the unworthiness of the law and the results which occur where the law exists, it is necessary to furnish statistics concerning the results of findings in some of the schools, and compare them with the results of findings in some of schools where the law does not exist. Raleigh Holmstedt of the University of Indiana, school of education, has made such a test, and took for comparisons the states of New Jersey and Connecticut, both eastern seaboard states, where the people are comparatively the same since the borders of the states are only a few miles apart. New Jersey has, as we have seen, a state tenure law, while Connecticut has failed to put such a law in effect. Mr. Holmstedt collected data from a number of New Jersey school systems and a comparatively similar number of Connecticut school systems. Since the necessary data to conduct such a survey were not available in administrative offices, questionnaires were sent out to superintendents, teachers, and school board presidents.

The following results were tabulated:

1. Does the New Jersey state tenure law decrease the
total amount of dismissals? This question was asked by several educators of the state inasmuch as they thought it an opportune time since tabulations were being made of such matters in New Jersey at the time. Comparisons made by the tenure law in that state however, show that it has not resulted in a wholesale decrease of dismissals. The tenure law has nevertheless changed the time of dismissals being almost entirely confined to the probationary period which the educators are forced to go through before they come under the tenure act. On the other hand in the state of Connecticut oftentimes dismissals occur after an extended period of time.

This shows that tenure does not reduce turnovers in the state. It simply shifts the point where it may be applied. In New Jersey practically all the turnovers exist during the probationary period of the teacher, while in Connecticut it is likely to exist at any time.

2. Is dismissal exceptionally large at the end of the probationary period as compared to the same period when tenure does not exist? Statistics compiled show that while ninety-three percent of all the dismissals in the New Jersey systems take place during the probationary period, as compared to seventy-six percent in the Connecticut schools there is no apparent increase in dismissals at the end of the probationary period. Another startling finding regarding the same matter was to the effect that approximately sixty percent of all dismissals in the New
Jersey systems occur during the first year in service.

This illustrates the point brought out in the first question, that there are more likely to be dismissals in the schools not having tenure law regardless of the cause. Only seven percent of the teachers in the New Jersey system lose their positions after the probationary period usually for breaking their contract. This total is quite small in comparison with the twenty-four percent of the teachers in the Connecticut system. However, it is possible that the Connecticut teachers are inefficient and better ones have been secured to replace them.

3. How much protection is afforded teachers in tenure as compared to similar groups without tenure laws? The statistics gathered on this question tend to bring out the fact that tenure affords a greater protection to the teacher. Mr. Holmstedt found that a larger percent of teachers who have served four or more years are dismissed in Connecticut than in New Jersey. It is quite true that sometimes a teacher may be dismissed in Connecticut than would be in New Jersey but it is true that in some cases the teacher violates her contract.\(^1\)

In New Jersey, on the other hand, the chances are about three in a thousand that a teacher in the school system after the probationary period has been reached, will lose her position. In Connecticut after the first two years of service the chances are twenty times as great.

\(^1\) "Public School Organization and Administration" Fred Engelhardt
Such figures as those just quoted are of great importance. The New Jersey teacher is greatly protected. Her chances of being dismissed are very small. But how about the incompetent teacher in such a system? The chances of having her removed are very small indeed because of the way in which the legislation has been enacted. On the other hand Connecticut is able to protect the efficient teacher and remove the inefficient one, who does not measure up to the standard.

4. To what extent are undesirable teachers protected by the tenure law? Of the 1,000 teachers employed in the systems from which the evidence tenure was taken it is found that but sixty-three would be protected. This is only six and three-tenths percent of all the teachers on tenure or a very small total, when one considers the other side of question as to the amount of desirable teachers that the law protects. But how may undesirable be measured?

5. Do decisions in appealed cases tend to favor the teacher of the board of education:—An analysis of forty-two cases appealed to the commissioner of education, that is, teachers who had been dismissed for violations of contract and who had been dissatisfied so much by the decision of the board that they appealed, made during the years between 1911 and 1927 reveal that twenty that they appealed, made during that time, twenty were decided in favor
of the teacher and twenty-two in favor of the board who had handed down the decision. This shows that the teacher has every chance to prove her innocence in such cases because of the way the law is framed. Thus only the clearest cases of inefficiency are ever appealed to the commissioner.

6. Does the New Jersey tenure law increase stability in the profession? Once more we find that New Jersey surpassed Connecticut in this respect, for during the years of 1927-1928 there was a turnover of but 9.6 percent in New Jersey as compared to 13.5 percent in Connecticut. Of course this does not mean that all were dismissed, as many were pensioned while many others probably left to get married.

7. What is the effect of New Jersey tenure law on transiency? The Connecticut teachers, it is found taught in the state 7% of a year longer, and had remained in the system where they were then employed 9% of a year longer than the New Jersey teachers. Also the Connecticut teachers spent on an average of 5.9 years in each position as compared to 5.51 years spent by the New Jersey teachers. This figure is comparatively small and the difference is hardly reliable enough to draw any real conclusion.

8. What effects followed immediately upon the enactment of the tenure law in New Jersey? Although the data compiled are rather incomplete, Mr. Homstedt says, "Such information as we have on hand tends to indicate that the enactment of the New Jersey tenure law did not immediately change the level of tenure for the state as a whole.

1. N.E.A. Addresses & Proceedings 1931 "An Abstract of a Study of the Effects of the Teacher Tenure Law in NJ"
9. What is the effect of the tenure law on the professional improvement of teachers in New Jersey? Once more Mr. Holmstedt says: "Data bearing in relation to the training in service, professional facilities available in the local system show that the New Jersey teachers make as great an effort to improve in service as the Connecticut teachers."

10. What is the effect of the New Jersey tenure law on employment and tenure of married teachers? New Jersey has made it a rule that because a teacher becomes married it is not an efficient ground for dismissing a teacher in tenure. Therefore, it is easily seen that tenure is a distinct advantage to the teacher in this state, especially those who get married after the probationary period. Still she is able to retain her position and as has been stated previously it is still a question as to whether or not a married teacher is as efficient as an unmarried teacher. Since this is still an issue that is open to judgment, New Jersey feels that woman who get married may still retain their positions.

11. How has the tenure law affected the employment of the local teachers? Statistics compiled by Mr. Holmstedt are to the effect that 33% of the five hundred and twenty-nine teachers in their first year of service in Connecticut were local and 15% of the number in New Jersey, nine hundred and seventy-three in their first year were local.

1. Ibid
2. Ibid
In conclusion it is safe to say, after carefully observing the statistics shown, that the chief value of the tenure law in New Jersey is to protect the teacher. The operation of the law is effective in protecting the married teacher, especially where there is a definite policy against their employment. However, it has not reduced the amount of dismissals to any appreciable extent. It has some stabilizing effect on the teaching staff of the state. However, the difficulty of removing unsatisfactory teachers is increased by the action of the tenure law. A study of the decisions in cases appealed to the state Commissioner of Education indicates that the teacher has an even chance of winning. As a result of this boards of education have occasionally resorted to procedures other than dismissals for handling the problem of the inefficient teacher. However, no evidence was found to show that teachers on tenure are less interested in their professional improvement than those without protection. Although the tenure law of New Jersey has been established in the face of opposition its provisions have been extended rather than restricted.¹

It might be well at this time to consider the tenure laws of New York and Massachusetts and show how each differs from that of New Jersey. The New York State Teacher Tenure law is as follows:

At the expiration of the probationary term of a

¹. Ibid
person appointed for such term, the superintendent of the schools, and, in a city having a board of superintendents such board shall make a written report to the board of education recommending for permanent appointment these persons found competent, efficient and satisfactory. Such persons, and all others employed in the teaching, examining, or supervising service of the schools of a city, who have served the full probationary period or have rendered satisfactorily an equivalent period of service prior to the time this act goes into effect, shall hold their respective positions during good behavior and efficient and competent service, and shall not be removed except for cause after a hearing by the affirmative vote of a majority of the board. In a city in which teachers have not permanent tenure under the laws in force prior to the time this act goes into effect, such teachers shall be entitled to receive permanent appointments after serving the probationary period fixed by the board of education as herein provided.

No principal, superintendent, director, or teacher shall be appointed to the teaching staff of a city who does not possess qualifications required under this chapter and under the regulations prescribed by the Commission of Education for the persons employed in such positions in the schools of the cities of the state, but a board of education may prescribe additional or higher qualifications for the persons employed in any of such positions.

The Massachusetts State Teacher Tenure states the following:

The school committee may dismiss any teacher, but in every town except Boston no teacher or superintendent other than a union or district superintendent, shall be dismissed unless by a two-thirds vote of the whole committee. In every such town a teacher or superintendent employed at discretion shall not be dismissed unless at least thirty days prior to the meeting exclusive of customary vacation periods, at which the vote is to be taken; he shall have been notified of such intended vote, nor unless he so requests, he shall have been given a statement by the committee of the reasons for which dismissal is proposed; nor unless, if he so requests, he has been given a hearing before the school committee at which he may be accompanied by a witness; nor unless, in the case of teacher, the superintendent shall have given the committee his recommendations thereon. Neither this nor the preceding section shall affect the right of a committee to suspend a teacher whenever an actual decrease in the number of pupils in the schools of the town renders such action advisable. No teacher or superintendent who has been lawfully dismissed shall receive compensation for service rendered therefore, or for any period of lawful suspension followed by dismissal.¹

¹ Section No. 42 General Laws relating to Education 1921, State of Massachusetts (page 40)
In Boston, Massachusetts, there is a security of tenure that fortifies the teacher against exploitation or petty annoyances. No regularly appointed teacher should ever be dismissed from service because of social, partisan or religious prejudices. In this city the teachers are placed on tenure after successfully fulfilling the necessary requirements with regard to certification, experience, and examination.

In Massachusetts, a teacher about to be dismissed shall be given a statement by the committee of the reasons as to why dismissal is proposed. Also at his request he may request for a hearing before a committee at which he may be represented by a witness.

In New York, a teacher shall hold her position during good behavior, efficient, and competent service, and shall not be removed except for cause after a hearing by the affirmative vote of a majority of the board, followed by an appeal to the chief state official.

In New Jersey a teacher shall not be dismissed except for inefficiency, incapacity, conduct unbecoming a teacher or other just causes. After the cause has been examined into and found true the teacher shall have an appeal to the chief state official and from his ruling to the courts.

Paul Monroe in speaking on tenure says: "Continuous in service ought to be assured as a matter of course and no official action even though it be a formality ought to be necessary to secure this. The whole burden of reelection now rests on the teacher when the whole burden of dismissal ought to rest on the board. The teacher's continuance in office ought to be assumed unless the board is willing to take the responsibility of notifying the teacher in writing with reasons that the board desires to terminate the contract at the end of any school year. If the board is willing to take this responsibility and deems it wise to make a change, it clearly ought to have the right to do so, if it be done in a proper manner and before a certain set time. The board, too, should have the power to decide as to the sufficiency of the reasons for terminating the contract and without other appeal than the people of the community."

1. Cyclopedia of Education
2 A. Results on the teaching staff

Although we have seen in the preceding chapter, that in the states where the tenure legislation act is enforced, the teacher is protected more than in the state where the law is not in effect, we still seek some further results which such a law has on the teachers of the system. It is evident that tenure attempts to make teaching a more stable profession, since a teacher is protected as she would be under civil service. With some states making a determined effort to enforce the law, it is only natural that the teaching profession will gradually become an inviting one. In fact, only in recent years has teaching become such judging by the great number of young folks who are entering the field year after year. This might be said to be the result of tenure, and it is expected that the total would be lower if tenure did not exist in many of our states today.

Indefinite tenure\(^1\) appears to be a sound policy which may be taken with propriety and the enactment of which into law would be an act of justice. A teacher who has rendered faithful service and is competent ought not to be compelled to ask for reelection. Thus the movement in the direction of indefinite tenure will continue in the various states, with the result that each year the teaching profession will be required to make room for new teachers, while there will be nearly as many without pos-

\(^1\) "Public School Administration" E.P.Cubberly
itions anxiously seeking a place in the system of some city or town. But the question now arises as to what is to be done with the overflow of teachers. There are so many seeking positions in the states that have tenure laws that something will have to be accomplished to remove the difficulty.

From what can be seen there can be but one of two things done to clear up the problem. Either lower the salaries of the teachers in service or raise the standards of the profession. The first, if accomplished, will not be met with any sort of approval from those who have been under permanent employment for any length for any length of time. In fact, it might tend to eliminate from the systems many capable teachers who might find it to their advantage to go into business where they might be able to earn a better salary. The second suggestion seems to have won the approval of many of the leading educators who believe that this is a fine method of improving the schools. This is the time to raise the service of teaching to a higher scale with so many teachers available.

From what we have seen during the past few years this is what is being done. If a teaching position is open in a certain city the administrator who does the hiring may have several applicants now, whereas a few years ago he was not so fortunate. He possibly will find at least a capable teacher in a large list where he would not be as
likely to find one on a smaller list. The result is that students are filling to capacity, the various graduate schools and colleges of the country in an effort to add to their training. Even teachers who have been in a school system for ten years, and even longer, are finding it opportune to increase their learning capacity, by attending night schools or late afternoon classes in some local University.

At present a teacher feels safe in entering the profession because he realizes that if he works to the best of his ability he is practically certain of his or her job for life. Added to this is the fact that in many public school systems there is a provision made in the teachers contract for an old age or disability pension, which will protect the teacher when she is near the end of her days, and unable to give her best efforts any more to the profession.

The teacher who is faithful should never have any fear of being removed from her position. Indefinite tenure rendered to the faithful also increases her social standing in the community, as it is quite certain that the teacher will make her home in the vicinity of the school in which she is teaching. She will thus become a member of good standing in the community, where she may be able to engage in its activities not only as a representative of the school system but as one of the citizens.
The teacher's desire to make more money will be done away with, as a result of tenure, which usually provides for an annual increase in salary until a maximum is reached. Last of all, the teacher will do much better work when she knows that her position is secure, thus benefiting the pupils. It is only natural that when one works in a system where she realizes that she is working for her own interest, she will work harded, and enjoy the type of work much better than the person who takes a position temporarily, realizing that she will be seeking a new position shortly, and not caring as to what might happen in her present place of employment. The result is inevitable. The teacher does not do her best work, neither does the pupil. No cooperation is shown on either side, with the result that the year or months spent in such a place is merely a waste of time.

Of course this is not always the case, as we often find the teacher who always does efficient work even if she is to be employed but a week. However, the permanent teacher becomes better acquainted with the pupils, watching his progress from the time he first comes under her care until he departs. Often times we hear of the boy or girl, after being out of high school for some length of time, coming back to the teacher for advice. This is a common occurrence, but it would happen if the teacher had the pupil for a short length of time and never saw the pupil again.
The efficient teacher is usually employed for many years and watches innumerable pupils grow from childhood to manhood. She is usually proud to welcome back old pupils and impart whatever little advice she is able. Or she is often imparting advice while the child is still under her care, and is anxious to aid the child in both school and outside activities.

Therefore, it is with much satisfaction that we consider the efficient and capable teacher who is fortunate enough to be employed for an indefinite period. She is at an extreme advantage over the teacher who is constantly migrating from town to town in an attempt to become settled.
2 B. Just Causes For Dismissals

While discussing the teachers employed indefinitely it is often asked by many people as to what are just causes for dismissal in the teaching ranks. Is there any chance for a teacher to lose her position? What is the advantage of tenure legislation or indefinite employment if a teacher is always sure of her position? Many people feel that tenure is unjust, in as much as a teacher, once she comes under the law may do anything she pleases and still retain her position. This is not entirely true because there are chances for a teacher to be dismissed who is not under such a contract although it is more difficult to dismiss a teacher under tenure in many cases. However, we are not so much concerned with the fact of how many teachers are dismissed under the law but why are teachers dismissed under the law. In other words what are some of the causes why a teacher may be removed from her position after she has come under the tenure law?

During the probationary period the removing power of the board should be strongly preserved in so far as it should study carefully the ability of the teacher during this period so that any faults of classroom management or teaching ability may be corrected before she is placed under tenure. Before she is placed on tenure she may be, and is, discharged much more easily. After tenure takes effect, she is under contract, and may only be discharged
for those reasons which are included in her contract. Although most of the states under tenure have nearly the same rule, it might be appropriate if we recalled the conditions under which a teacher might be removed in New Jersey. In that state a teacher, after being placed on tenure may only be removed for the following reasons: inefficiency, incapacity, conduct unbecoming a teacher, or other just cause and after a written charge of the cause or causes shall have been preferred against him or her, signed by the person or persons making the same, and filed with the secretary or clerk of the board of education having charge of the school in which the service is being rendered, and after the charge shall have been examined into and found true in fact and statement by the said board of education, upon reasonable notice to the person charged who may be represented by the counsel at the hearing. Charges may be filed by any person whether a member of the school board or not. This shows how well read the law is in regard to removing the teacher from her position. In New Jersey as well as in New York and California, the teacher who is found guilty of said charges may appeal to the State Superintendent. However, the teachers themselves feel that the board of education should have the final say since they are the employing agency. Therefore, a teacher under tenure has but to

1. New Jersey School Laws: Section 165 (page 89)
live up to the rules of the contract and she will be certain of her position just as long as she wishes to remain in the system. She may only be removed by causes prescribed by the statute. However, in some instances we find conflicts in the system although they are usually far in the minority. In California there is a case which tends to bring out this point. It is the case of Marion vs. the Board of Education in California¹ and had to do with a teacher who felt as though she was being dismissed unjustly. The teacher was elected for the ensuing year, and continued her position for the next two years without being bothered by the board of education. At the beginning of the third year a new teacher was appointed to replace her. She felt that she had been treated unjustly and brought suit against the court. The main question centered around the fact as to whether this was a case of dismissal or reappointment. Under the law in California, school teachers, when elected, shall be dismissed only for a violation of the rules of the board of education, or incompetency, unprofessionalism, or immoral conduct. If this case was under the tenure law it was illegal but if it was a case of the board's failure to reemploy the teacher it was perfectly legitimate. The court, in deciding the case cited a similar case in which the election of a teacher for no specified time under the code was an election for life, subject to dismissal for causes mentioned in said section.

¹. California Court Cases: Marion vs. Board of Education (97 California 606)
Cases of this sort are very rare indeed and it is only in cases where the law is not easily understandable where they occur. What then, we ask ourselves is incompetency, immoral conduct, unprofessionalism, etc.? In other words, as the law in most cases state that a teacher may only be dismissed for these causes, how is the board able to distinguish as to what constitutes such acts?

1. A list of tentative reasons why a teacher may be dismissed may be summarized as follows:
   a. Continued failure to maintain discipline in the classroom
   b. Continued failure to secure results in the subjects taught as measured by standard tests
   c. Continued friction with the fellow workers
   d. Lack of self control
   e. Lack of sympathy with the children
   f. Lack of promptness and accuracy
   g. Untidy personal appearance in the classroom
   h. Proved lapse of moral character
   i. Proved insubordination to reasonable rules and regulations of employer
   j. Proved physical disability

It can be readily seen that these causes are quite just, and might be lived up to by every teacher in the service with due care and consideration. These causes also eliminate the possibility of any political influence.
creeping into the system.

Therefore, it can be concluded that in this respect the teachers of the schools under tenure have the advantage over the teachers of the schools not employing the law. If they live up to the regulations which are placed before them, they can be doubly certain of retaining their positions just as long as they wish. Usually a person with any self respect can conform to the rules stated above, since it does not take a great deal of will power to do the right thing in the classroom any more than it does in any other line of endeavor. Action in accord with what constitutes right as opposed to wrong will usually safeguard any teacher under any system against her possible removal.
Often advocates are confronted with the question as to what benefit the children derive as a result of the tenure legislation. It is agreed that indefinite tenure aids the teacher holding her position without yearly election. But how do the children benefit by such an act? This is another question that is constantly before the educator who attempts to secure indefinite tenure. Will it tend to raise, maintain, or lower the amount of knowledge acquired by the teacher? Safety first should be strictly applied. The interest of the child should overwhelm any other. Every doubt should be resolved in his favor. "The harm resulting from the retention of an incompetent teacher even for thirty days is not able to be remedied."

Indefinite tenure to the faithful competent teacher is made in the interest of the child because it decreases teacher turnover and adds to the stability of the profession. As I have stated in the previous chapter the teacher who remains in the ranks for a long period has a better control over the pupils and secures better results than the teacher who is here this year and somewhere else next year. The teacher who is indefinitely employed by a school board usually does not worry about improving her

1. "Problems in Educational Administration" Strayer & Engelhardt
position in the ranks. She may be interested in the pupils in her classes and feel proud after a few years when she might read of one or more of her former pupils being successful in some endeavor.

Since her chief interest usually is the pupils which she has under her control, she is able to impart knowledge better than she would if she were certain of retaining her position as she does not want to leave herself open to possible dismissal. She is the teacher who is professionally minded and since she is making teaching her life work she is anxious to seek a position where she is fairly certain to be retained.

Ayer went still further to prove this by making a survey of the professional standards in the states of the country. He found that since the schools employing some form of indefiniteness of position protect the teacher and attract the best trained to the ranks such states are among the leaders in this endeavor. California, which has a form of tenure for some years, is the leading state with regard to standards attained, while New Jersey, which was the first to enact the tenure law, is second. Our own state of Massachusetts ranks twelfth on such a list. This would tend to show it would seem the value of indefinite tenure for the benefit of the child. These two states employing indefinite tenure rank as the leaders with regards to high standards attained in the schools,

1. "Standards in Education" Ayer
showing that where the faithful teacher is protected, she is able to teach more efficiently, and the child able to learn more easily.

In conclusion we might state that indefiniteness of tenure has tended to increase the efficiency of the child's learning capacity as the result of such a teacher being able to become more competent. The pupil plays as important a part in the classroom as the teacher, and if the best results are to be attained the teacher will have to teach efficiently and competently while the pupil will have to cooperate with her and give his best possible efforts.

Such can be attained only when the teacher is working underassurance of her position. This will tend to attract to the ranks the best qualified teacher who is able to work in such a manner as to receive the best results. Therefore, when such teachers are secured, the schools immediately attain high educational standards, and this more than anything else is what has been lacking in the past.
3. NEED FOR LEGISLATION

After carefully analyzing the contents of the preceding chapter we might conclude that there is necessity for some form of legislation in every school system. However, we still have much opposition to tenure legislation and from present indications, it will be many years before the majority of states will enact it. There are many not in favor of this bill, who feel that the teacher should be elected each year in order that she will not feel secure at any time, and will hustle every minute, in order to make a lasting impression on the board, so that she might be retained the following year.

Such people claim that by tenure the local boards will be able to retain the inefficient teacher at the end of each year when a more able teacher might replace her. Also the teacher on tenure ceases to grow professionally, and is content to "rest on her laurels." They claim that the strongest motive for professional improvement, is the fear of dismissal. The third argument put forth by the opposition is to the effect that to grant a hearing places the superintendent on trial rather than the teacher who is being dismissed.

Another argument set forth by many leading educators is that yearly election and the annual contract plan has

1. "Public School Organization and Administration" Fred Engelhardt
been very unsatisfactory and led to many injustices to the teachers. Such is antiquated and should be modified. However, between this plan and life tenure is middle ground which is indefinite tenure which is defined as "employment during good behavior and efficiency."¹ A teacher who has rendered faithful service and is competent ought not to be compelled to ask for re-election. Continuance of service ought to be assured as a matter of course and no official action, even though it be a formality ought to be necessary to secure this.

A survey from New Jersey made by Mr. Holmstedt,² who compared that state to Connecticut in different phases showing that the chances of a teacher improving herself in the service, in the system where the tenure exists, is just as great as the system where tenure does not exist.

Also it was shown in the same survey, that the teacher who is tried on changes for dismissal from the system has a chance for appeal to the state superintendent and is given a chance to prove her innocence. Furthermore, it has been shown that in such cases the chances of the decision being in favor of the teacher, is about as great as the chance of the decision being given against her.

Therefore, arguments of the group directly against tenure appear to be rather soundless and without foundation. The people who have presented the arguments against

1. Addresses & Proceedings of the N.E.A. 1931
   "An Abstract of the Effects of the Teacher Tenure Law in New Jersey; Ralph Holmstedt
2. Ibid
indefinite tenure are in the minority. Arguments in favor of such laws have yet to be refuted to any marked degree. The National Education Association committee on tenure, under the chairmanship of Fred M. Hunter, the Superintendent of Schools in Oakland, California, in 1927, found that there was four types of tenure. The first was the tenure at the pleasure of the employing board and involved no definite contract following the election. The second was the type with the specific contract calling for an election each year. The third type was indefinite tenure, and called for the teacher remaining in her position until the time when she is unfit to teach. The fourth type was also indefinite tenure, and called for the teacher remaining in her position until the time when she should be removed for the breaking of the contract.

This committee found that the whole problem of tenure was centered around one point and that was, "How to promote the educational interests of society, the welfare, and progress of the pupils, and justice to teachers!"

They claimed that any system in the schools which might solve this problem was the system which should be employed in the schools. It was agreed that indefinite tenure to faithful teachers was best suited to solve the problem and thus should be enacted by every state. They then set forth twelve principles as to why tenure legislation should be operated by the various school systems.

1. Tenure laws should be devised and administrated in the interests of the children for better instruction for better instruction for them. Since the child's interests comes first, this is essential. Furthermore, it relieves the teacher of worry and attracts competent teachers to the schools.

2. Tenure laws should be accompanied by proper legal regulations governing training, certification and retirement allowances.

3. Tenure laws should be devised as a stimulus to better preparation and more efficient service of the teacher.

4. Indefinite tenure should be granted only upon evidence of satisfactory preliminary training and should give the teacher encouragement to further her training.

5. Indefinite tenure should be provided to the teacher after a three year probationary period because after this time practically every teacher will be fitted to make teaching her life work.

6. Right of dismissal should be in the hands of the employing board who should carefully investigate each and every cause for dismissal.

7. Laws establishing indefinite tenure should provide for the easy dismissal of unsatisfactory or incompetent teachers for clearly demonstrable causes. This will safeguard the children against any unfit teachers remaining in the ranks.
8. The proposed dismissal of a teacher should be preceded by a warning and a specific statement in writing of the defects. This will give the teacher a chance to remedy the evils.

9. In cases of proposed dismissals the teacher should be granted a hearing. The superintendent and the board are to act as judge in such cases and the teacher should be given ample time in which to prepare a defense.

10. Teachers who do not wish to continue in the service should give sufficient notice, in writing, of their intentions.

11. Suitable provision should be made for teachers already in service in putting tenure laws into operation. Even if the teachers have not had the required training, while they are doing well and have had the necessary experience when the law is put into effect they should be allowed to remain in the system.

12. Indefinite tenure should be accorded all classes of certified school employees in the status of the teacher, at least.

This shows that many of the leading educators in the country and surely the members of such a committee as teacher tenure in the National Educational Association should be rated as such believe that there is a dire need for indefinite tenure in the schools at the present time. It is the most efficient way as they have to acquire the best results in the schools.
As was stated in the early chapters, while considering the condition of the rural school turnovers, it is evident that something must be done to attempt to hold the teachers in their positions in the schools. The surveys of the systems during the past decade show two very dangerous situations. In the first place, the preparation of teachers is inadequate, and secondly, the tenure of the majority of teachers in the country is so brief that the schools are constantly being filled with inexperienced teachers. This shows that if the schools are to attain high scholastic standards there must be a change which can only be brought about by placing competent teachers in the city system on indefinite tenure as well as pay higher salaries to teachers in the rural districts since there must be a reasonable permanency of the position to insure this.

Permanency of position should only be had through permanency of good training which may be attained only when the teacher receives such an opportunity. The indefiniteness of position would tend to remedy this situation in as much as it would permit the teacher to find ample time and leisure to further her training, without thought of having to seek another position the following year.

Teaching was primarily supposed to be a profession but it is impossible for it to attain such heights in rural districts where indefiniteness of position does not exist. How is a teacher able to be a member of the teaching profession if she teaches one year, is able the next, teaches the third, etc.? Civil Service employees, judges,
firemen, policemen, and other officials have permanent positions. Certainly they are not any better off with regard to training and educational knowledge than the teacher. It seems unfair that a person who receives as much training in a particular line of work as the teacher does not receive a professional recognition. Medical men, dental surgeons, nurses, business men, and others, who are trained in their special fields usually have much less worry about where their next dollar is coming from than the teacher.

The problem is one of extreme importance since it involves the general public who are anxious to have their children receive the best possible education. In 1930 when the National Education Association held its annual meeting, the committee on tenure went on record as favoring indefinite tenure and have tried to carry out the plans in the best possible way.

In summing up the arguments as to the need for indefinite tenure it might be well to note the fundamental reason why tenure was first enacted, and that was to protect the efficient teacher and benefit the children. The teaching profession in the country was so unstable that the figures given out by the various systems regarding the turnover of teachers would hardly do credit to any country. Schools were in a state of upheaval. Such conditions prevail in some places today but not to such a

marked degree as was the case fifteen years ago. The teachers have always been the ones to suffer from a financial standpoint. Under the election plan she forever has a feeling of anxiety as to whether she was doing the right thing and whether she will be retained during the following year.

Oddly enough the most efficient often did the most worrying. She usually was anxious, nervous, and her mind continually wandered, with the result that she was unable to do her best work in the classroom. Stability is the basis for any profession. After a teacher has been given a trial or in fact after anyone in any line of endeavor has been tried and found to be suitable she should be allowed to go on indefinitely. Especially is this stability needed in the teaching profession.

Our teachers and our children are entitled to a sense of security in order that they may feel free to plan for the future. Certainty of location will give the teacher a chance to settle down in a specified place where she may work for the best interests of those who employ her. Teachers, as I have stated before, who would be certain of indefinite tenure in a city or even a small town would be more likely to active and useful citizens of the community and directly concerned with its civic problems. They would aid in its betterment and could add to its economic and social development. They would become a part of the community, and as such, would be vitally
interested in its projects. Permanence of employment also would result in an advantage to the children of the community, because the teacher would be able to work out definite school policies, and test them through application in a series of years. Most of all it would give independence of thought and action.

Therefore an inability to find adequate means of protection through constant improvement, and the attempt to protect the schools from the danger of inefficient teachers, have proved two of the most serious handicaps in the extension of tenure. When an employee is assumed that her position is fairly safe she is in a better state of mind than the teacher who does not feel such a sense of security. For the sake of the child, for the sake of the teacher, for the sake of the profession, and for the sake of the country, it is fortunate that there is a natural tendency toward indefinite tenure. It is needed today more than ever before with the constant growth of the schools. Years ago when it was difficult to get teachers, it can be readily seen that the school systems did not need indefinite tenure since teachers did not desire to further their training or have much fear of being removed. However, today with schools and colleges overcrowded with education on the upgrade it is for the best interests of all concerned that the best efficient teachers who have beyond all doubt to the employers be placed on indefinite tenure, to insure their further success in the profession.
4. Summary and Conclusions

In this thesis on indefinite tenure in the schools, I have attempted to show the effects of the school system where some form of tenure exists as compared with the schools where there is no permanency of position. Although this subject is comparatively new and up to date there has not been much data compiled on it, we have been furnished sufficient evidence to show that there is a real need for the indefinite tenure, primarily to protect the child, and in the second place to protect the efficient and faithful teacher. The first tenure law was enacted in New Jersey as an attempt to elevate teaching to the rank of a profession, a thing in which it had been lacking during previous years. However, tenure dates back to the first civil service about the time of Andrew Jackson.

It can be readily be seen how the schools in the early days were run. There were practically no experienced teachers. In fact, anyone could become a teacher if he had any high school training, while a college man was sure to receive a position in a city school teaching staff. As time went on, and schools began to spread out over the country, the teaching profession failed to change to any marked degree. When a student graduated from normal school, or college, the first thing that she did was to seek a teaching position in some nearby town. Naturally, teachers with experience received preference with the
result that the newcomer to the ranks was not always able to receive the position that she wanted.

She was employed for a year, during which time she was always alert as to the possibilities of another position, one which was better than the one she held. With this result every year, there was practically a cycle of teachers, in the various systems. No teacher was in her position for a great length of time in the rural schools and each fall when the pupils returned to school they would be confronted with practically an entire new staff. Teachers often didn't care. They were only worried about their own welfare, and did not give the child a thought. The teacher that did want to remain, or had ambitions of remaining, usually found herself without a job when the fall came, if the staff had been chosen for the year, and she had failed to prove her worth as a teacher.

Such conditions of the schools kept the teachers, as well as the pupils, in a state of continued upheaval, with the result that scholastic standards were usually low and the child's learning capacity was at a standstill. As the years went on, and more students realized the possibilities in the teaching ranks, conditions became more precarious. Sometimes teachers who resided in towns used the influence of petty politicians, to receive employment in the system. Teachers in the rural districts all sought to better their positions, with the result that transiency
and turnovers in the schools, were enormous. This was especially true in the south, and the west where education had not reached the levels of that attained in the east.

In 1909 New Jersey, against the keenest of opposition, passed a bill in the legislature whereby teachers having a three year probationary period and who had proved themselves competent during this time would be hired indefinitely. This state sought to take the schools out of politics, and attempted to set up standards that intended to protect the teacher. It felt that if the child was to receive the best possible education, and that was what he was sent to school for, it would be the only proper thing to have capable teachers in the ranks. However, it is evident that by such a law it is rather difficult to discharge the incompetent teacher. Since from as far back as 1647 when the old Deluder law was passed, it has been the custom of all to receive education. Since this has been deemed a necessity, it is only right that education should be the best, as long as much time is to be put in on it.

Although some states agreed that New Jersey made a move in the right direction, they have failed to follow its example. At present, fourteen states and the District of Columbia had enacted some form of legislation, but this is but slightly more than one quarter of the states of the country which it a very small total.
The schools at present appear to be moving in the right direction, and before many years have passed many of the other states will probably adopt some form of this law. Educational societies are being formed in various parts of the country in an effort to establish permanency of position. No one has been able to refute with any great success, the advantages of indefinite tenure while most surveys show that the teacher under tenure is protected more than the teacher who is not under such a contract. Fred H. Hunter, who is the Superintendent of the schools in Oakland, California, and chairman of the committee on tenure in the National Educational Association has done some wonderful work, in attempting to introduce the system of indefinite tenure into the various schools. His fellow members of the committee likewise have worked hard, making surveys, and gathering other forms of information, to show those states not employing some form of this legislation that they are wrong by not doing so.

There seems to be but one reason why the schools have not warmed up to the idea of indefinite tenure and that is because they fear they will make the incompetent teacher secure in her position. Oftentimes this is true. However, there should be no life tenure for any teacher but for all efficient teachers indefinite tenure in the system should come as a deserved reward for faithful and efficient service and not as a guaranteed legislative right to all.
Indefiniteness of tenure is a sound way for a school to protect not only the teacher, but also the pupil. It involves sound principles which aid the teacher in attaining the best results, while it also aids the child in learning more quickly, because of the interest which the teacher will show in her class each day.

Tenure has many advocates who present the following arguments as to why such legislation should be enacted:

1. Lack of indefinite tenure not only in the schools but in any profession turns able workers to other professions for employment, thus leaving the inferior group to fill up the rank.

2. The more secure the tenure of office the more attractive the position.

3. Thus the more secure the teacher will be in her position, the more efficient the school will become.

4. The efficiency of the schools depend upon the qualities of the teachers in the staff.

5. The attractiveness of any public office depends upon two conditions; first, the amount of money the individual is to receive and secondly, the length of time he is to hold his position.

6. Like every other profession, the right of dismissal from the employing board should be in the hands of the employing board who should carefully investigate each and every cause for dismissal.
7. Before a teacher may be placed on an indefinite tenure she should first prove her worth during a probationary period, at the end of which she may be indefinitely appointed.

Those opposed to indefiniteness of tenure present the following argument:

1. The teacher on tenure ceases to grow professionally.

2. The strongest motive for professional improvement is fear of dismissal.

3. By placing a teacher on indefinite tenure, the school boards are able to retain the inefficient teacher at the end of each year when a more capable teacher might replace her.

4. To grant a hearing to the teacher about to be dismissed really places the superintendent rather than the teacher on trail.

5. Full tenure laws do not accomplish the purpose stated, aside from making the position more attractive.

6. Indefinite tenure makes the proper administration more difficult in the public schools.

It appears that indefinite tenure for teachers is the middle ground between employment by a yearly contract and employment by life tenure. A teacher who has rendered faithful service and is competent, ought no to be compelled to ask for a reelection. Continuance in service ought to be assumed. The whole burden of reelection should rest on the teacher as the whole burden of dismissal should rest on the employing board. The teacher's
continuance in office ought to be assured unless the board is willing to take the responsibility of notifying the teacher in writing with reasons that the board desires to terminate the contract at the close of any school year. If the board is willing to take this responsibility and deems it wise to make a change, it clearly ought to have the right to do so if it is done in a proper manner and before a certain set time. The board, too, should have the power to decide as to the sufficiency of the reasons for terminating the contract. Courts of law certainly should not be allowed to pass on the sufficiency of the reasons. Such a change would shift the burden of a continuance of employment of the teacher to the board where it should remain and with practically give live tenure to every competent and worthy teacher, at the same time leaving every school board free to discontinue the services of incompetent, unprogressive and unworthy teachers. If the teacher is subject to a trial, tenure would be impossible in as much as it would take too long and since only board members hearing all the evidence could vote it would mean loss of time on the board's part and failure to do their duty.¹

Life tenure should never be granted a teacher as soon as she fulfills the requirements of a probationary period. No two teachers are alike. Some are at best when

¹. Cyclopedia of Education
they are not burdened and are certain of their position for an indefinite period. Others are at their best when spured on by annual elections. "If it is the purpose of education to develop an unprogressive teaching group to ruin our schools," says Cubberly,¹ "and eventually to turn education for those who can afford it over to private endeavor, leave the public schools to the poorer and more ignorant class, then life tenure is the surest means.

Therefore, we conclude from our study that in putting tenure laws into effect suitable provisions should be made for the teachers already in service who have shown efficiency and faithfulness and who automatically should become indefinitely employed in the systems in which they teach.

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