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A HANDBOOK ON TEACHER TENURE

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FOREWORD

THE EFFICIENCY and quality of a school system is determined not so much by the size and costliness of its buildings and equipment as by the efficiency, morale, and freedom of its classroom teachers. The chief function of schoolboards should be to create favorable teaching conditions in the classroom by providing living salaries, by protecting teachers from injustice and unnecessary restrictions and annoyances, and by freeing them from fear and intimidation, to the end that the teachers may devote themselves fully to the task of understanding, training, and inspiring the children in their charge.

Unfortunately such conditions do not prevail in all the school systems in the United States. During the past two years the Tenure Committee has received reports of the unwarranted and unjust discharge of thousands of competent and experienced teachers, principals, and superintendents.

Such conditions are of course not typical of American education, but they exist to such an extent that everyone interested in good schools should be deeply concerned. If citizens desire better classroom conditions for their children, if they believe children should be taught by teachers free from unnecessary worry and fears, if they feel that teacher morale is one of the determining factors in the quality of education, they should support their state education associations in seeking "legislation to protect members of the teaching profession from discharge for political, religious, personal, or other unjust reason."

Such legislation known among teachers as tenure is not new or untried. It has existed in numerous European countries for many years. The first state to pass a teacher tenure law was New Jersey in 1909. Since that date fourteen states have passed tenure laws, and in at least twelve states tenure bills will be introduced in the next session of their legislatures. At or near the top of the list of states recognized as having the best public schools will be found California, Indiana, Maryland, Massachusetts, New Jersey, and New York. Each of these states has enacted tenure legislation.

Under typical American tenure laws teachers must serve a probationary period of from one to three years, during which time they may be discharged at the will of the schoolboard. Thereafter they may be discharged only after a public hearing for such causes as incompetence, immorality, or neglect of duty. Tenure seeks to keep the schools free from political, personal, or commercial domination. Tenure protects competent teachers from unjust discharge and permits them to devote themselves wholeheartedly to their profession. Tenure discourages school management based on fear, and encourages leadership based on confidence and understanding. Tenure provides a reasonable personal and academic freedom for teachers. Tenure encourages competent public-spirited teachers to stay in the schools.

For over fifteen years the National Education Association has studied and investigated tenure and it advises and urges tenure for the teaching profession as a means of improving the quality of American education.

DONALD DUSHANE, *Chairman,*
Committee on Tenure.

I. Position of the National Education Association on Tenure

The National Education Association has been committed to the principle of tenure for teachers for many years. As far back as 1887 the *Proceedings* of the Association carried a committee report urging that the subject of the teacher's tenure of office be given publicity in the belief that necessary legislation would result. In 1915 the Association passed a resolution expressing itself for security of tenure for teachers. The aim and work of the Tenure Committee of One Hundred, appointed in 1923, was chiefly "to survey the prevailing tendencies in the tenure of teachers in the school systems of the several states and legislative provisions for teacher tenure in the same, and to make available the salient facts for all interested in the problem."¹

The Committee on Tenure

Reports of the Committee on Tenure have been concerned with causes of dismissal, investigations of teacher turnover, tenure in colleges and normal schools, texts of state and local tenure laws, studies and analyses of existing laws, development and status of tenure legislation at different periods, and bibliographies on the subject.

The following guide to the more important reports of the Committee will be of assistance in locating material on the subject:

- 1920—General survey
- 1921—History of tenure; discussion of provisions of a law
- 1922—Digest of laws in force; California tenure law
- 1923—Existing laws
- 1924—Analyses of laws; local regulations; laws in European countries; court cases
- 1925—Tenure in colleges and normal schools
- 1926—Teacher turnover; bibliography
- 1927—Statement of principles for framing and operation of laws
- 1928—Review of reports and restatement of principles; studies of Massachusetts and New Jersey laws
- 1931—Abstract of Holmstedt study of teacher tenure in New Jersey
- 1932—Survey of legal conditions of tenure in forty-eight states; classification of laws

1934—Historical position of N.E.A. on tenure; civil service and tenure; reports on status of teachers

1935—Major purposes of committee; extent of teacher tenure; tenure campaigns; need of tenure.

The major purposes of the Tenure Committee have recently been restated in the following terms:

1. To study tenure laws and practises for the purpose of furthering the tenure movement
2. To assist state teachers associations and federations in their efforts to secure tenure legislation
3. To create among members of our association and the general public, a better understanding of the justice, reasonableness, and need of tenure.²

Reasons for Tenure

The Report of the Committee on Tenure, 1935, gives the following reasons for teacher tenure:

1. To prevent political control of schools and teaching positions
2. To permit and encourage teachers to devote themselves to the practise of their profession without fear or favor
3. To encourage competent and public-spirited teachers to remain in the schools
4. To discourage school management based on fear and intimidation
5. To prevent the discharge of teachers for political, religious, personal, or other unjust reasons
6. To protect teachers in their efforts to secure well-financed and adequate education for the children in their charge.³

Principles Basic to Tenure Legislation

In 1927 the Tenure Committee formulated a tentative statement of twelve principles which should control the framing and operation of tenure legislation. This list has been reviewed by various tenure committees since that date and has received wide approval. Study of these principles has served as a guide to teachers associations in campaigns for better

¹ Hunter, Fred M., chairman. "Report of the Tenure Committee of One Hundred." *Proceedings*, 1928, Vol. 66. Washington, D. C.: National Education Association, 1928. p. 204.

² DuShane, Donald. "Report of Committee on Civil Service for Teachers." *Proceedings*, 1934. Vol. 72. Washington, D. C.: National Education Association, 1934. p. 172-78.

³ DuShane, Donald. "Report of Committee on Tenure." *Proceedings*, 1935. Vol. 73. Washington, D. C.: National Education Association, 1935. p. 221-24.

security for teachers and as an aid in drafting tenure legislation. These principles are:

1. Tenure laws should be devised and administered in the interest of better instruction for children.

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

3. Tenure laws should be devised and administered as a stimulus to better preparation and more efficient service on the part of teachers.

4. Indefinite tenure should be granted only upon evidence of satisfactory preliminary training, successful experience, and professional growth.

5. Indefinite tenure should be provided after successful experience during a probationary period of adequate length, usually two or three years.

6. The right of dismissal should be in the hands of the appointing board.

7. Laws establishing indefinite tenure should provide for the easy dismissal of unsatisfactory or incompetent teachers for clearly demonstrable causes, such as misconduct, incompetence, evident unfitness for teaching, persistent violation or refusal to obey laws, insubordination, neglect of duty, or malfeasance.

8. The proposed dismissal of a teacher on account of incompetence or neglect of duty should be preceded by a warning and specific statement in writing of defects.

9. In case of proposed dismissal, teachers should be granted right of hearing.

10. Teachers who do not desire to continue in their positions should give reasonable notice in writing of their intention.

11. Suitable provision should be made for teachers already in service when putting tenure laws into operation.

12. Indefinite tenure should be accorded to all classes of certificated school employees on status of teacher, at least.⁴

Platform and Resolutions

The platform of the National Education Association adopted in 1934 contained the following statement on tenure of service:

There should be legislation to protect teachers from discharge for political, religious, personal, or other unjust reason, but the laws should not prevent the dismissal of teachers for incompetence, immorality, or unprofessional conduct.⁵

The above statement was a revision of the resolution on tenure of service adopted in 1932.

In 1935, and again in 1936, the Association reaffirmed "with emphasis its stand in full support of tenure of position for teachers as a means of insuring to the children of the land the best possible instruction."

⁴ Hunter, Fred M., chairman. "Teacher Tenure in the United States." *Proceedings*, 1927. Vol. 65. Washington, D. C.: National Education Association, 1927. p. 210-12.

⁵ Dahl, Myrtle Hooper, chairman. "Report of Committee on Resolutions." *Proceedings*, 1934. Vol. 72. Washington, D. C.: National Education Association, 1934. p. 187.

II. Present Status of Teacher Tenure in the United States

Types of Tenure Laws

This section shows the types of state laws now in effect which control the duration of contracts between teachers and boards of education. The various local schoolboard regulations on the matter are not included.

Sources of information—Information was obtained from the state school codes and was submitted to the state departments of education for revision or approval. This summary is limited to provisions relating to classroom teachers only. A number of states have enacted legislation governing the employment of other groups of educators, such as laws permitting contracts with school superintendents or principals for more than one year. Such provisions are not within the scope of this section. The word "teacher" refers only to the regular classroom teacher.

Types of legal provision governing duration of teachers' contracts in the forty-eight states—Analysis of state legislation governing the duration of teachers' contracts reveals two general types of provisions: (1) Uniform legislation, statewide in effect; and (2) varied provisions for different classes of school districts in the same state.

Each of the two types mentioned above includes several different subordinate varieties of provisions. The provisions where the legal status of tenure is the same thruout the state fall into these five classes:

1. No legislation on the contract period
2. The annual election plan
3. Permanent appointment after a probationary period, with certain provisions for dismissal
4. The continuing contract
5. Legislation permitting contracts for more than one year.

The thirteen states having separate tenure provisions for different areas are also of five types:

6. Permanent tenure after a probationary period in some districts plus either (a) the annual election plan, or (b) no legal statement specifying the length of the contract period in others
7. Legislation permitting contracts for more than one year in some districts plus either (a) the annual election plan, or (b) no legal statement concerning the duration of contracts in others
8. Permanent tenure compulsory in certain districts and optional in others
9. Three types of provisions in different areas of the same state
10. Continuing contract in all except first-class districts.

The above classification, therefore, divides the forty-eight states into ten different categories with respect to their laws governing the duration of teachers' contracts.¹ This classification is summarized in Table 1 and shown graphically in the map, Figure I. Each of the types of legislative provision will be discussed in order.

A. Uniform Provisions Governing Duration of Teachers' Contracts

1. *No legislation on the contract period*—Twenty states have no legislation covering the length of time for which teachers may be employed. These states are as follows:

Alabama	New Mexico
Arkansas	North Carolina ²
Connecticut ³	Rhode Island
Florida	South Carolina
Georgia	South Dakota
Idaho	Tennessee
Kansas	Utah
Maine	Vermont
Michigan	Virginia
New Hampshire	Wyoming

In these states the statutes are silent on the matter of length of contract, thus permitting local

¹ The teacher tenure law in Hawaii provides as follows: "No person, who shall have received a certificate from the Department to teach in any public school and who has been legally employed, shall be dismissed or dropped for cause from the service of the Department without the opportunity of a trial and hearing had before the Department upon charges presented in writing by the superintendent, and a full and complete hearing had before the Department, and for good and just cause. Any contract the terms of which are contrary to the provisions of this section, shall be of no force and effect; provided, however, that nothing herein contained shall prevent the dismissal of probationary teachers during the probationary period provided for in Section 717 without trial and hearing as herein provided." (Act 212, S. L. 1931, Section 2; R. L. 1935, Section 714.)

Alaska has no teacher tenure law.

² The school committee cannot legally enter into any contract extending beyond the expiration of its term of office without authority from the district.

³ The school committee cannot legally enter into a contract with a teacher which extends beyond the term of office of a majority of its members.

school authorities to designate the term of employment, within the limits of custom, court decisions, or local regulations. However, in most of these states, it is the practise to limit the teacher's contract period to one year. For example, the statutes of Alabama do not require the teacher's contract to be limited to any particular length of time, but the Alabama State

TABLE 1.—STATE LAWS GOVERNING THE DURATION OF TEACHERS' CONTRACTS

Types of provisions	Number of states	Names of states
1	2	3
<i>Uniform provisions</i>		
1. No legislation	20	Alabama, Arkansas, Connecticut, Florida, Georgia, Idaho, Kansas, Maine, Michigan, New Hampshire, New Mexico, North Carolina, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, Virginia, Wyoming
2. Annual election plan	7	Arizona, Iowa, Kentucky, Missouri, Oklahoma, Washington, West Virginia
3. Permanent tenure after probationary period	4	Louisiana, Maryland, Massachusetts, New Jersey
4. Continuing contract	3	Delaware, Montana, Nevada
5. Contracts permitted for more than one year	1	Ohio
<i>Varying provisions</i>		
6. Permanent tenure after probationary period in certain districts with either no legal provisions or annual election in others	6	Colorado, Indiana, Minnesota, New York, Oregon, Wisconsin
7. Contracts permitted for more than one year in some districts with either no legal provisions or annual election in others	4	Mississippi, Nebraska, North Dakota, Texas
8. Permanent tenure compulsory, after probationary period in certain districts and optional in others	1	California
9. Three types of tenure provisions in different areas of the same state	1	Illinois
10. Continuing contract in all except first-class districts	1	Pennsylvania

⁴ Correspondence with state superintendent of education, Alabama.

⁵ Correspondence with commissioner of education, Rhode Island.

Department of Education reports: "With but few exceptions the practise for many years has been to elect annually and limit the contract to the school term."⁴ This is the typical procedure in most of the twenty states, and amounts in practise to annual election. However, the state of Rhode Island reports a departure. In that state the lack of provisions for the appointment of teachers for a specified length of time has been interpreted as absence of limitation on duration of contract. A Rhode Island commissioner of education interpreted the law as follows: "Our statutes, as they are silent, suggest no restriction on school committees. Under our law a practise of establishing tenure has developed steadily, to the extent that our teachers have little reason to believe, after a probationary period, that employment will not be continuous. In most places teachers are placed on the 'permanent list' after one, two, or three years. . . . There might be justification for a general statement that the Rhode Island statute permits tenure and that tenure has been established legally under permissible statute."⁵

Clearly, therefore, the lack of legal provisions for duration of contract is subject to a wide range of interpretation. The above examples seem to illustrate the two extremes.

2. *Annual election plan*—Under the annual election plan the teacher's contract period is limited to one school term or year. Seven states have adopted this plan on a statewide basis. These states are Arizona, Iowa, Kentucky, Missouri, Oklahoma, Washington, and West Virginia.

While the annual election plan is provided for by statute in only seven states, it is the procedure most frequently followed in practise. It has already been shown that the annual contract is common practise in states having no legal provisions on this point. Even in states having permanent tenure after an initial period of service, teachers are employed on an annual basis during this probationary period, which may extend for as long as five years.

3. *Permanent appointment after a probationary period*—Four states have uniform provisions for the permanent appointment of teachers after a probationary period. The duration of the contract is then contingent only upon satisfactory service and teachers have a stated legal right to continuous employment during

efficient service. Louisiana, Maryland, Massachusetts,⁶ and New Jersey make permanent employment mandatory after probationary periods of various lengths.

The New Jersey law provides that the services of all teachers in any school district in the state "shall be during good behavior and efficiency" ⁷ after a probationary period of three consecutive calendar years or three consecutive academic years and employment at beginning of the next academic year. Such teachers cannot be dismissed except for inefficiency, incapacity, conduct unbecoming a teacher, or other

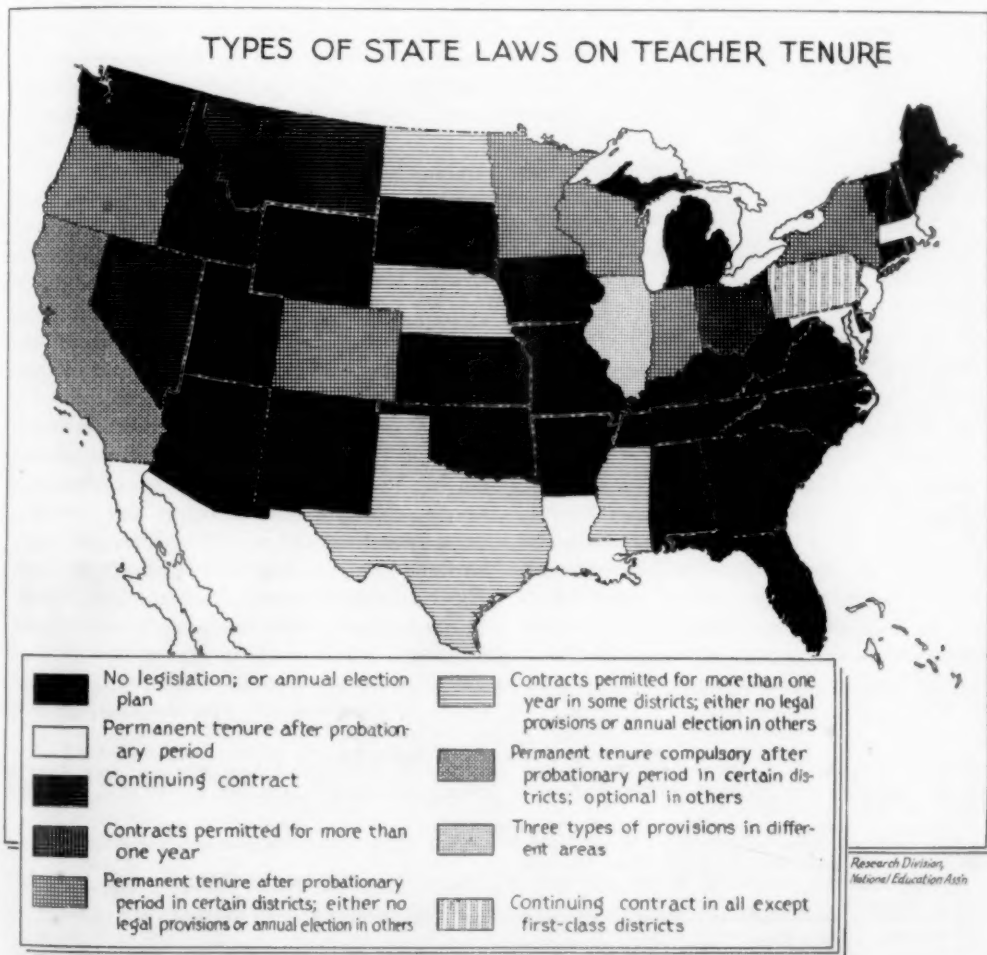
just cause. Written charges must be preferred, signed by the person making same, and filed with the secretary or clerk of the board of education governing the school wherein the teacher is employed. It is the duty of the board to examine the charges. If the charges are found true, the teacher must be given reasonable notice. The teacher may be represented by counsel at the hearing and witnesses for either party may be subpoenaed by the board of education.⁸ The teacher, under tenure of service, also has an obligation to the board of education. In case of resignation, the teacher must give the em-

⁶ Maryland and Massachusetts laws do not legally apply to Baltimore and Boston, respectively. However, since these two cities have provisions of the same general type as the corresponding state provisions, Maryland and Massachusetts are classified by this study with the states having uniform laws, altho strictly belonging in the varied group.

⁷ New Jersey. *Public Laws 1909*, Chapter 243, and *Public Laws 1935*, Chapter 27.

⁸ New Jersey. *New Jersey School Laws*. Trenton: Department of Public Instruction, 1931. Section 229 (2), p. 122.

FIGURE I



playing board a sixty-day notice unless the local board approves a shorter period.⁹

Plans for contracting with teachers in the other three states having statewide permanent employment after a probationary period are similar to the one described.¹⁰

The probationary period is: two years in Maryland (outside of Baltimore); three years in Massachusetts (outside of Boston) with provisions for reducing it to two years at the discretion of the board in individual cases; and three years in Louisiana.¹¹ The Louisiana law was passed in the 1936 session of the legislature; previously teachers in Orleans Parish only were permanent after a three-year probationary period.¹²

The usual causes for dismissal in these states are practically the same as those in New Jersey, and the procedure for terminating the period of service does not vary greatly. Formal charges must be made against the teacher and opportunity provided for defense if desired. In Maryland and New Jersey the teacher may appeal from the decision of the board, under certain conditions, to some higher school authority, but in Louisiana and Massachusetts no provision is made for appeal except to the courts.

4. *The continuing contract plan*—The term "continuing contract," as used in this report, describes a plan whereby teachers may hold their positions without the necessity of annual applications, elections, and contracts. Under this plan the employing board must give notice by a specified date, usually early in the spring, if it does not wish to continue the contract. A similar obligation rests upon the teacher. If neither the schoolboard nor teacher notifies the other party of intention either to dismiss or resign, the teacher is assumed to be reemployed for the coming year. Nevada, Montana, and Delaware are the only illustrations of the continuing contract plan on a statewide basis. The Nevada enactment of 1929 reads as follows:

It shall be the duty of the school boards of the several districts, including county high schools, to notify in writing the teachers in their employ on or before the fifteenth of May of each year concerning the reemployment of such teachers for the ensuing year. In case the board thru its proper official shall fail so to notify its teachers, then those teachers who are employed and who have been so employed for the major part of the current year shall be deemed re-elected on the same terms as for the then closing school year, and the board shall issue the regular contract in such cases as though the board had elected said teachers in the usual manner; *provided*, that any teacher who shall have been informed of his re-election by written notice from the board, or who shall have been automatically re-elected in accordance with the provisions of this act, in either event shall, within ten days thereafter, present to the board in writing his or her acceptance of the position; *and provided further*, that failure on the part of the teacher to notify the board of his or her acceptance as herein provided shall be regarded as conclusive evidence of his non-acceptance of the position.¹³

However, schoolboards cannot lawfully contract with teachers for any term of service commencing after the time for which any member of the board was elected.¹⁴ This is a common limitation on teachers' contracts. The Delaware provision is similar.¹⁵

The essential difference among the three states is that the continuing contract plan does not go into effect in Montana until the teacher has completed a two-year probationary period. A minor difference involves the last date on which notification of dismissal may be delivered—in Nevada it is May 15; in Delaware and Montana it is May 1.¹⁶

5. *Legislation permitting contracts for more than one year*—The Ohio statute permitting employment of teachers for more than one year is the only illustration of this provision on a statewide basis. The chief difference between this plan and the continuing contract plan described above is that the former definitely limits the maximum term of employment, while the continuing contract, as described above, fixes no maximum limit. For example, the Ohio law provides that teachers

⁹ New Jersey. *New Jersey School Laws*. Trenton: Department of Public Instruction, 1931. Sections 231-32 (1) and (2), p. 123.

¹⁰ For tenure provisions in Maryland and Massachusetts, see: Maryland. *Public School Laws*. Baltimore: State Board of Education, 1927. Section 52, By-law 13. p. 23. Massachusetts. *General Laws Relating to Education*. Boston: State Department of Education, 1927. Section 41, p. 21.

¹¹ Act No. 58 to amend Section 48 of Act 100 of 1922 Louisiana. (1936 Session of Legislature.)

¹² Louisiana. *Supplement to Fourteenth Compilation of School Laws* (1934 Session of Legislature). Bulletin of the State Department of Education. No. 274. Baton Rouge: the Department, 1934. p. 42.

¹³ Nevada. *Session School Laws of the State of Nevada, 1929*. Carson City: Department of Public Instruction, 1929. Section 1, p. 17.

¹⁴ Nevada. *The School Code—1927*. Carson City: Department of Public Instruction, 1927. Section 67 (11), p. 31-32.

¹⁵ Delaware. *Laws*. Chapter 185.

¹⁶ Montana. *School Laws of the State of Montana*. Helena: Department of Public Instruction, 1931. Section 1075, p. 54.

in the state may be appointed for a term limited to a specified number of years. In villages and rural school districts this period is limited to three years.¹⁷ In the more populous districts the limit is placed at four years.¹⁸ If the district enters into a contract for the longer period, teachers may be dismissed during that time only if "the charges are reduced to writing and an opportunity be given for defense before the board or a committee thereof, and a majority of the full membership of the board vote upon roll call in favor of such dismissal."¹⁹

B. Varied Provisions for Different Classes of School Districts within the Same State

6. *Permanent tenure after probationary period for certain school units and either (a) annual election, or (b) no legal statement concerning duration of contract for other units*—Six states have the varying types of tenure provisions peculiar to this plan. Each of the six has permanent tenure after a probationary period for certain districts and either the annual election plan, or no legal provisions concerning duration of employment in the other districts. These six states are Colorado, Indiana, Minnesota, New York, Oregon, and Wisconsin.

In Colorado, any teacher who has been employed as a regularly elected teacher for three consecutive school years in any first-class school district having 20,000 or more inhabitants (Denver, Colorado Springs, Pueblo) shall without further election have stable and continuous tenure of his or her position during efficiency and good behavior. No legal provisions for duration of teachers' contracts have been made for teachers in districts having less than 20,000 inhabitants.²⁰

The Indiana statutes provide that a teacher who shall be reelected after a probationary period of five years "shall thereupon become a permanent teacher" in the school city or town

corporation with which the contract was made. No tenure is provided for teachers employed by rural districts unless they were under tenure in 1933 when the law was amended to exclude townships. The contract which the teacher signs upon beginning the first year after the probationary period, is considered, under the provisions of the law, to be an "indefinite contract" and remains in force until such teacher becomes sixty-six years of age unless succeeded by a new contract or unless it has been canceled according to legal procedure.²¹ The indefinite contract binds the teacher as well as the school city or town corporation. No permanent teacher is permitted to cancel his contract during the school term, or for a period of thirty days previous to the beginning of a school term, unless there is an agreement to that effect between the teacher and the school corporation, in which case the teacher may cancel his contract by giving a five-day notice.²²

Teachers in first-class cities in Minnesota (Duluth, Minneapolis, St. Paul) also have permanent tenure of position if reappointed after a three-year probationary period.²³ No legal provisions govern the duration of teachers' contracts outside of first-class cities.

New York state is divided into "city" and "rural" districts with respect to providing for appointment of teachers. Teachers in city school systems are granted permanent tenure of position after an initial period of service of from one to three years. In rural districts teachers are employed annually.²⁴ A 1935 law specifies that no state regulation is to be prescribed in cities of 400,000 or more population which might cause removal of teachers, examiners, and supervisors who have satisfactorily completed probation. These employees are to hold their positions during good behavior and satisfactory service.²⁵

In Oregon, teachers' appointments are made permanent after a probationary period of

¹⁷ Ohio. *School Laws*. Columbus: Department of Education, 1928. Section 7705, p. 365.

¹⁸ *Ibid.*, Section 7691, p. 355.

¹⁹ *Ibid.*, Section 7701, p. 362.

²⁰ Colorado. *School Laws of the State of Colorado*. Denver: Department of Public Instruction, 1933, Section 448, p. 203; Section 171 (1-8), p. 87-88.

²¹ Indiana. *School Laws Enacted in 1932 and 1933*. Indianapolis: Department of Education, 1933, p. 20.

²² *Ibid.*, p. 21.

²³ Minnesota. *Teachers' Tenure Act of 1927*. Chapter 36.

²⁴ New York. *Education Law*. Bulletin No. 929. Albany: University of the State of New York, 1929. Section 561, p. 184; Section 872, p. 263.

²⁵ New York. *Laws of New York, 1935*. Chapter 257.

three years, in districts having 20,000 or more inhabitants (Portland, Salem).²⁶ No legal provisions have been made for duration of contract in the school districts having less than 20,000.²⁷

In the first-class cities of Wisconsin (Milwaukee), teachers in the regular public schools and in vocational schools become permanent after a three-year probationary period. Instructors in state teachers colleges of Wisconsin also become permanent after three years of continuous service. No legal provisions for duration of contract are in effect in other school districts.²⁸

Provisions for the permanent appointment of teachers in the larger cities within a state are much the same as those in states having permanent tenure on a statewide basis. Teachers are assured of their positions during efficient service and good behavior. They may not be dismissed without proper legal procedure.

7. *Legislation permitting contracts for more than one year in certain units and either (a) annual election, or (b) no legal statement concerning the contract period in other school units*—Four states are included in this group: Mississippi, Nebraska, North Dakota, and Texas.

In the separate school districts of Mississippi, teachers' contracts may be made for three-year periods; but teachers appointed by the county superintendent in public school districts are elected annually.²⁹

In Nebraska, contracts may be made for three-year periods in cities of 40,000 to 100,000 population and in metropolitan cities (Lincoln, Omaha), but no legal provisions have been made concerning the length of time teachers may be employed in districts having less than 40,000 inhabitants.³⁰

The five independent districts of North Dakota may employ teachers for three-year periods, but no legal provisions have been

made for length of employment of teachers in common school districts.³¹

In Texas, teachers' contracts may be made for five years in independent districts having 5000 or more scholastics; and for three years in independent districts having less than 5000 scholastics. In common school districts there are no specific legal provisions.³²

8. *Permanent tenure compulsory in certain districts and optional in others*—California is the only state with this type of tenure provision. In districts having 850 or more units of average daily attendance, permanent tenure is compulsory after a probationary period of three years. In districts having fewer than 850 in average daily attendance this plan is optional with the employing board.³³ Effective September 1, 1937, tenure for permanent employees ceases at the age of sixty-five but such employees may be reengaged annually at the discretion of the governing board.³⁴

9. *Three types of provisions for duration of teachers' contracts in different areas of the same state*—Illinois has three types of tenure provisions in effect, each applying to different classes of school districts. In cities over 500,000 population (Chicago), teachers are placed on permanent tenure after a three-year probationary period. In districts having from 1000 to 100,000 inhabitants, contract periods may extend for three years after a two-year probationary period, while in districts having less than 1000 in population, no legal provisions have been made for duration of contract.³⁵

10. *Continuing contract in all except first-class districts*—The Pennsylvania statutes provide the continuing contract plan for all teachers in second, third, and fourth-class districts. Under this plan contracts continue in force year after year unless terminated by written notice from either party sixty days before the close of the school term. First-class districts

²⁶ Oregon. 1935 *Supplement to the 1931 Oregon School Laws and the 1933 School Law Supplement*. Salem: State Department of Public Instruction, 1935. Chapter 26, p. 22-26.

²⁷ The attorney general has held that boards of directors may contract with teachers for more than one year.

²⁸ Wisconsin. *Laws of Wisconsin Relating to the Common Schools*. Madison: Department of Public Instruction, 1928. Section 42.55, Subsections 18 and 19, p. 521; Section 40.19, p. 473.

²⁹ Mississippi. *School Laws of the State of Mississippi*. Jackson: State Department of Education, 1928. Section 126 (10), p. 61; Section 77, p. 33.

³⁰ Nebraska. *School Laws, 1929-30*. Lincoln: Department of Public Instruction, 1930. Section 6314, p. 64; Section 6617, p. 154; Section 6647, p. 161.

³¹ North Dakota. *General School Laws*. Bismarck: State Department of Public Instruction, 1931. Section 1297 (6), p. 75.

³² Texas. *General School Legislation*. Austin: State Department of Public Instruction, 1930. Article 2781, p. 5.

³³ California. *School Code of California*. Sacramento: State Department of Education, 1931. Sections 5.504, p. 246; also *Statutes 1935*, Chapter 690. Sections 5.500, 5.501, 5.502, 5.503.

³⁴ California. *Statutes 1935*. Chapter 690. Sections 5.505 and 5.506.

³⁵ Illinois. *School Law of Illinois*. Circular No. 225. Springfield: State Department of Public Instruction, 1928. Section 127a, p. 61; Section 161, p. 80; Section 138, p. 68. Also Circular 256, Section 138, p. 77.

(Philadelphia, Pittsburgh) make their own tenure regulations which differ from the provisions effective in other districts.³⁶

Number of Teachers Affected

The preceding sections have described a number of different types of tenure legislation, some of which apply in all school districts within a state and some of which are varied in the same state as among the different kinds of school districts. Figures are not available which would show precisely the number of teachers working under each of these different types of tenure laws. Table 2 gives an approximately accurate distribution, using data on the number of teachers as of 1932. An even better appreciation of the great number of teachers not protected by tenure legislation may be obtained from Figure II.

Table 2 does not take account of tenure provisions voluntarily adopted by local boards of education outside of state requirements.

Detailed Analysis of Tenure Laws in Six States

There are six states which now have, or which have had at some previous time, state legislation giving permanent tenure after a probationary period to all public school teach-

ers. These six states are California, Indiana, Louisiana, Maryland, Massachusetts, and New Jersey.

Maryland and Massachusetts laws apply outside of Baltimore and Boston, respectively, but since these two cities have tenure provisions of their own which are of the same general type as the corresponding state provisions, the laws may be considered for all practical purposes statewide in nature. Of the remaining four states, only Louisiana and New Jersey now have a tenure law which applies to all teachers. Table 3 shows the principal provisions

TABLE 2.—NUMBER OF TEACHERS AFFECTED BY VARIOUS TYPES OF STATE TENURE LAWS

Type of law	Number of teachers	Percent
1	2	3
Teachers in states without tenure legislation of any type.....	309,000	35
Teachers in states with an annual election plan.....	162,000	19
Teachers entitled to tenure after a probationary period.....	201,000	23
Teachers under continuing contract laws.....	53,000	6
Teachers in districts which are permitted by law to issue contracts for more than one year.....	86,000	10
Unclassified.....	58,000	7
Total.....	869,000	100

³⁶ Pennsylvania. *The School Law*. Harrisburg: Department of Public Instruction, 1929. Sections 1205, 1205a, and 1931 revision of Section 1205.

FIGURE II

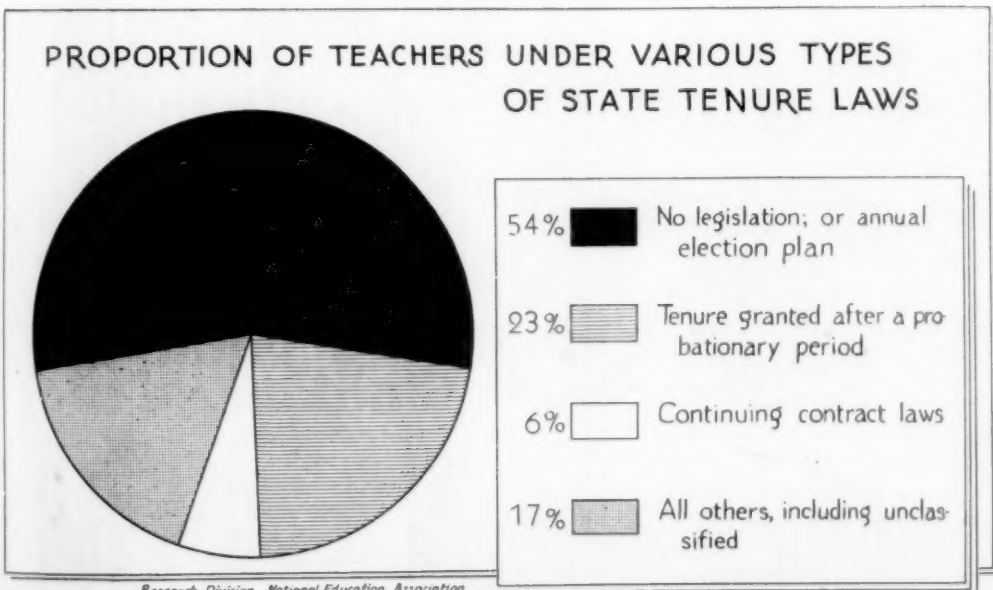


TABLE 3.—ANALYSIS OF LAWS RELATING TO TEACHER TENURE IN FIVE STATES¹

Provisions	California	Indiana	Maryland	Massachusetts	New Jersey
	2	3	4	5	6
(1) Employees to whom law applies.	Every certificated employee of school districts with more than \$50 in A.D.A.; permanent tenure optional with employing board for all certificated employees in districts with fewer than \$50 in A.D.A. Administrative and supervisory employees in certificated positions. Effective Sept. 1, 1937, permanent employee reaching age 65 loses tenure protection but may be reelected from year to year. Tenure in both day and evening schools of same district prohibited.	Licensed public school teachers, supervisors and principals in school city and school town corporations, and licensed assistant superintendents and superintendents of such school corporations, until age 66. ^a	Teachers, both principals and assistants holding certificates required for employment and members of State Teachers' Retirement System. Also professional assistants of county superintendents.	All teachers and superintendents, except union or district superintendents. Holders of certificates required of teachers in state-aided high schools.	Teachers, principals, supervising principals. Holders of proper teacher certificates in full force and effect.
(2) Probationary period.	Three complete consecutive school years and reelected for next succeeding school year.	Five or more successive years and subsequently reemployed by same school corporation.	Two years.	Three consecutive school years.	Three consecutive calendar years unless shorter period fixed by employing board; or 3 consecutive academic years and employed at beginning of next succeeding academic year.
(3) Causes for dismissal after probationary period.	Immoral or unprofessional conduct; committing, aiding, or advocating the commission of acts of criminal syndicalism; dishonesty, incompetency, evident unfitness for service, physical or mental condition unfitting him to instruct and/or associate with children; persistent violation of or refusal to obey state school laws or reasonable regulations prescribed for public schools by state board of education or by employing board; conviction of felony or any crime involving moral turpitude.	Incompetency, insubordination as defined by statute, neglect of duty, immorality, and other good and just cause. Not for political or personal reasons. Justifiable decrease in number of teaching positions.	Immorality, misconduct in office, insubordination, incompetency, wilful neglect of duty.	Inefficiency, incapacity, conduct unbecoming to a teacher or superintendent, insubordination. Other good cause. Decrease in number of pupils.	Inefficiency, incapacity, conduct unbecoming to a teacher. Other just cause. Decrease in number of pupils. Seniority of service to be observed in abolition of positions. Dismissals due to reduction in number of pupils, not to be by reason of residence, age, sex, marriage, race, religion, or political affiliation.
(4) Procedure for removal from service.	Filing of written charges duly signed and verified by person filing same with governing board or upon written statement of charges formulated by governing board.	No provision.	Written charges of county superintendent to county board.	Committee to furnish written charge or charges of cause or causes.	Written, signed by person making charges, filed with secretary or clerk of board of education.

b. Notice to teachers.	Governing board may, upon majority vote, give notice of intention to dismiss after 30 days from date of serving of notice, unless hearing demanded. Notice must not be given between May 13 and Sept. 15. Must be written and served upon employee personally or by registered mail. A copy of charges and of Article II, Chapter VII, Part III, Division V of School Code must accompany notice, if hearing demanded.	In writing, not less than 30 days, or more than 40 days before hearing by school corporation; exact date, time and place of hearing to be given. Written statement of reasons for hearing to be furnished within 5 days after written request for such.	Not less than a 10 day notice.	At least a 30 day notice of committee vote.	Reasonable notice.
c. Hearing.	Demand for hearing must be made within 30 days after receipt of notice. If action not withdrawn, governing board files complaint in Superior Court of county where district located, setting forth charges and asking court to determine if charges are true, whether they are sufficient grounds for dismissal and court judgment. Employee may demur to complaint or file answer within 10 days after summons. Either employee or board may, with a 5 day notice to the other party, request court to set matter for trial. Court may on motion of either party or on own motion, refer case to 3 referees appointed by court. Hearing before referees to be held not less than 10 days and not more than 20 days after appointment, and open to public unless otherwise stipulated. Board and employee entitled to have counsel and to present testimony and other evidence. Witnesses may be subpoenaed for either party. Written report of findings to be filed with court within 30 days after appointment, unless court extends time. Upon motion of either party, court sets hearing not later than 15 days after motion. A 5 day notice of time and place of hearing must be given other party. Exceptions must be filed at least 2 days prior to hearing.	Teacher desiring hearing must file request for same within 15 days after receipt of notice. Hearing must be held not less than 5 days after filing of request. At hearing, before schoolboard, teacher has right to full statement of reasons for proposed cancellation, right to be heard and to present testimony of witnesses and other evidence dealing with reasons for proposed cancellation.	Teacher must be given an opportunity to be heard by county board of education.	Before school committee. Public or private, at discretion of committee. Teacher may be represented by counsel, present evidence, and call witnesses. Charge or charges must be substantiated. In case of teacher's dismissal, superintendent shall have given the committee his recommendations.	Person charged may have counsel. Witnesses may be subpoenaed by board for either party.

^a Teachers under tenure when law amended in 1933 still under tenure. Teachers who in 1933 had not taught more than 5 years in a given township and teachers since employed by townships cannot obtain tenure status.

After hearing on report, court may confirm report or set it aside and order new report. Court may take additional evidence. After trial or hearing, court renders judgment.

TABLE 3.—ANALYSIS OF LAWS RELATING TO TEACHER TENURE IN FIVE STATES (Cont.)

Provisions	California	Indiana	Maryland	Massachusetts	New Jersey
1	2	3	4	5	6
(4) Procedure for removal from service. (Cont.) d. Removing agency.	Governing board.	Schoolboard, upon majority vote. Vote must be recorded in signed statement in board minutes.	County board, upon unanimous decision.	School committee, upon two-thirds vote of whole committee	Board of education, upon majority vote.
(5) Procedure governing appeal.	By employee or governing board to District Court of Appeal or State Supreme Court.	No appeal. Schoolboard decision final.	State superintendent of schools, if decision of county board not unanimous.	No provision.	Commissioner of Education. Further appeal to state board of education and then to Supreme Court and Court of Errors and Appeals.
(6) Miscellaneous provisions: Suspension, rank, salary, resignation.	No permanent employee may be dismissed due to decrease of pupils in attendance or to discontinuance of service while a probationary employee is employed in service which the permanent employee is competent and qualified to perform. If number of teachers increased or service reestablished within one year from dismissal, employees dismissed have preferred right to reemployment in order originally hired. In case of dismissal of permanent employee for immoral conduct, conviction of felony, or crime involving moral turpitude, governing board must send to state board of education and to county board which issued employee's certificate, a copy of reporter's transcript of hearing and request that certificate be revoked in case employee is not reinstated.	Teacher may be suspended pending hearing on cancellation of contract. If cause of cancellation is immorality or insubordination, cancellation takes immediate effect. For other causes, effective at end of school term following cancellation. Cancellation by teacher not permitted during school term or for 30 days previous to beginning of term except by mutual agreement. A 5 day notice at any other time. Teacher failing to conform to conduct of unprofessional conduct and state superintendent authorized to suspend teacher's license for not more than one year.	Termination of contract permitted by either teacher or county board of education upon a 30 day notice during June or July of first or second school year, except that such notice from teacher may be waived in case of emergency of which the board shall judge. After the second year the board may terminate the contract only for cause. On written recommendation of county superintendent the county board of education may suspend any teacher, principal, supervisor, or assistant superintendent for immorality, dishonesty, incompetence, insubordination, incompetency or wilful neglect of duty. The county board may recommend to state superintendent revocation of certificate, the grounds for such recommendation to be stated in writing. Person to receive at least a 10 day notice and given opportunity to be heard either in person or by counsel. State superintendent	Committee has right to suspend teacher or superintendent for unbecoming conduct. No teacher or superintendent, lawfully dismissed, shall receive compensation for services thereafter or for any period of lawful suspension followed by dismissal. No committee shall dismiss any teacher for exercising right of suffrage, signing nomination papers, petitioning general court or appearing before its committees, provided that such rights, except voting, are not exercised on school premises during school hours or when their exercise interferes with performance of school duties.	Dismissals due to decrease in number of pupils must begin with those with least service. Dismissed teachers to be placed on preferred eligibility list in order of length of service for reemployment. Superintendent of schools in city school districts with approval of board of education may suspend any assistant superintendent, principal, or teacher. Such action must be reported to board of education which restores or removes teacher. Teachers wishing to resign shall give a 60 day notice to employing board unless board approves release on shorter notice. Teacher failing to give notice guilty of unprofessional conduct and commissioner of education authorized to suspend certificate for not more than one year.

stitute employees may be dismissed at any time at pleasure of governing board.

Any permanent employee may be suspended immediately for immoral conduct, conviction of felony, or any crime involving moral turpitude by governing board. Thirty days after notice of suspension, employee dismissed unless he desires hearing. Notice of suspension and intention to dismiss must be in writing and served upon employee personally or by registered mail. Copy of charges and of Chapter VII, Division V, Part III, Article II of Tenure Law to be attached. Employee suspended pending hearing must be reinstated within 5 days of judgment in his favor and receive salary for period of suspension.

Governing boards shall accept resignation of any employee and fix time which shall not be later than close of school year during which time resignation has been received.

In cases of charges of incompetency, not due to mental or physical disability, governing board shall not act unless during preceding year or 90 days prior to filing of charge, employee shall have been notified in writing of such incompetency and thereby given opportunity to correct his faults.

intendent may require investigation. If recommendation approved, teacher's certificate revoked and teacher dropped.

¹ Copy of the Louisiana tenure law, passed in the 1936 session of the legislature, was received by the Research Division just before this Bulletin went to press; it is therefore not included in Table 3. The principal features of the tenure law in Louisiana are: the law applies to all teachers of any parish school or all those whose legal employment requires a teacher's certificate. The probationary period of three years must be served, at the end of which time the teacher is automatically placed on tenure unless the board has notified him in writing that he has been dismissed. Causes for dismissal after probationary period: incompetency, neglect of duty, or dishonesty. Procedure for removal from service: charges must be written and signed; hearing by schoolboard may be public or private upon option of teacher; copy of charges furnished teacher at least 15 days before hearing. Teacher has right to answer charges before board at hearing with witnesses and with counsel. Procedure governing appeal: teacher has right of appeal to court of appropriate jurisdiction.

of the tenure laws in these states, excepting Louisiana,³⁷ under the following headings: Employees to whom the law applies; Probationary period; Causes for dismissal after probationary period; Procedure for removal from service—(a) manner of preferring charges, (b) notice to teachers, (c) hearing, (d) reviewing agency; and Procedure governing appeal.

Certain miscellaneous provisions of these laws which are not readily classified are given at the end of this tabulation. The table has been submitted to each of the states concerned for checking. The sources upon which Table 3 has been based are as follows:

CALIFORNIA: *Statutes, 1935*, Chapters 690, 691, and 697. Also *School Code of California, 1931*. Sacramento: State Department of Education, 1931. p. 241-64.

INDIANA: *School Laws Enacted in 1932 and 1933*. Indianapolis: State Superintendent of Public Instruction, 1933, p. 20-21. Also *School Laws of the State of Indiana*. Indianapolis: State Superintendent of Public Instruction, 1932. Section 145, p. 70.

MARYLAND: *Public School Laws of Maryland*. Baltimore: State Board of Education, 1927. Section 52, By-law 13, p. 23; Section 86, p. 56.

MASSACHUSETTS: *General Laws Relating to Education*. Bulletin of the Department of Education, No. 7. Boston: State Department of Education, 1932, p. 21. Also *Laws Relative to Education 1934*, Chapter 123. Boston: State Department of Education, 1934. 2 p. (Mimeo.)

NEW JERSEY: *New Jersey School Laws, 1931*. Trenton: Commissioner of Education, 1931. Article II, Section 24 (10) p. 15; Article VII, Section 165 (86) p. 83-84, 86; Article VI, Section 105 (69) p. 46; Article VIII, Section 232 (2), p. 123. Also *New Jersey Teacher Tenure Law and Interpretation*. 2 p. (Mimeo.) Chapter 243, Public Laws 1909 as amended by Chapter 27, Public Laws 1935; Chapter 126, Public Laws 1935.

Tenure for School Administrative Officers

It is probable that the schools in the states having statewide tenure suffered less, financially, during the depression than any comparable group of non-tenure states, and that

one of the basic causes of this condition is that the tenure teachers have not been afraid to fight for school support.

The superintendent cannot, single-handed, protect and develop a school system. Superintendents need the support of a fearless body of teachers, and tenure makes such support possible. Teachers without tenure are very much handicapped in opposing such practices as overloading classes, eliminating necessary school subjects, and unjustifiable cutting of salaries.

It is also apparent that the adoption of an actual rather than a theoretical program by the schools for the preparation of students for a changing society can only be possible under the protection of tenure. That there can be no real academic freedom in the public schools without tenure is admitted by most students of the subject.

It is probable that there is no member of the school force so much in need of tenure as the superintendent. The teachers hold him responsible for a professional administration of the schools, and the board members expect him to carry out their desires and wishes. He is always under attack from some quarter. There seems to be an interesting trend at the present time toward including superintendents under tenure. In both Indiana and Massachusetts superintendents are under tenure. The effect has apparently been to improve the relationship between administrative and teacher groups and to more easily present a united front for the protection and improvement of the schools.³⁸

The Department of Superintendence, February 1936, passed the following resolution: "That the Department of Superintendence here assembled in St. Louis, Missouri, February 25, 1936, condemn, as contrary to the principles upon which the public schools of America were founded, any removal or appointment of a teacher, administrator, or any other employee of these schools, on the basis of or in any manner because of political or partisan considerations; . . ."

³⁷ Regarding Louisiana see footnote at end of table, p. 181.

³⁸ This section has been condensed from the following article: DuShane, Donald. "The Superintendent and Tenure," *Journal of the National Education Association* 24:156; May, 1935.

III. Teacher Tenure in Foreign Countries

Indefinite tenure for teachers during efficiency and good behavior is characteristic of the school systems in many countries outside of the United States. In order to secure detailed information on the gradation given teachers in other positions in foreign countries, the following four questions were asked either of the diplomatic representatives in Washington, D. C., or of the proper official in these countries:

1. Who appoints teachers in the schools of your country that are supported wholly or principally thru public taxation?
2. Are such teachers reappointed at regular intervals, such as once every year, or are they appointed to a position for an indefinite period so long as they give satisfactory service?
3. For what causes may a teacher be removed from his position?
4. What difference is there in the regulation affecting the appointment and tenure of teachers and those affecting the appointment and tenure of supervisory or executive officials in the schools of your country?

A review of the following specific provisions covering the appointment, tenure, and dismissal of teachers and school administrators in foreign countries shows a large amount of divergent practise. Clearly, however, the "hire-and-fire" practise, under which nearly half of the teachers of the United States work, is not characteristic of the educational systems of other countries where a high degree of educational development has taken place.

In the review which follows the paragraph numbers indicate the answers given to the numbered questions listed above.

Irish Free State

1. The national schools, of which there is at least one in every parish, are entirely a public charge. The schools are built and maintained by the state and the salaries of the teachers called national teachers are paid directly by the state. In these schools primary education is given free to all pupils. Persons who wish to qualify as national teachers are required to attend one of the national teachers-training colleges which again are financed entirely by the government. When a teacher has qualified he applies for a position in a school where there is a vacancy. The application is sent to the manager of the school, who is, in the Catholic

schools the parish priest, and in the Protestant schools the parish rector.

The secondary teachers, who are a much smaller body, teach in schools which are equivalent to high schools in the United States. Secondary teachers are now required to meet high standards. They must all possess a university degree. Unlike the national teachers the secondary teachers are paid by the school employing them tho such schools receive fees on results from the department of intermediate education which is financed by the government. As these fees are generally considered not sufficient to maintain the schools the pupils are required to pay small school fees. The greater number of these intermediate schools are owned by and managed by religious orders.

The university teachers are employed by the universities and paid by them. There are only two universities in the country, one of them consisting of three colleges and the other one college. The government makes a grant to each of the universities but these grants are not meant to be sufficient to give free university education.

The technical schools are financed by the government but there is a supplementary rate levied by the local authorities who manage the schools. Mainly these schools are night schools where young men and women study technical and art subjects. The teachers are appointed by the local authorities subject to the approval of the board of technical education which is financed by the state.

2. Teachers in the national schools are appointed for an indefinite period and are retained as long as they give satisfactory service. Secondary teachers are not so well organized as the national teachers, but in late years their lot with respect to security of office and salary standard has been considerably improved. The employment of university teachers is for an indefinite period and generally is for life or until retiring age. Teachers in the technical schools are also appointed for an indefinite period.

3. The manager of the national schools has full control in matters concerning the teacher, including the power of dismissal but it is rarely the case that there is a dismissal except on grounds of continued intemperance or serious moral turpitude. University and tech-

nical teachers are removed only for some grave misdemeanor.

4. The policy, programs, etc., in connection with the national school system are controlled by a board of national education which employs inspectors (generally recruited from the ranks of the teachers). The members of this board as well as the inspectors rank as civil servants with pension rights. The teachers also are entitled to pensions to which, however, they contribute a percentage from their salaries.

Great Britain

1. The appointment and dismissal of teachers in public elementary schools provided by the local education authorities, i. e., the councils of counties, county boroughs, certain other boroughs, and certain urban districts, rest with the authorities. The teachers in voluntary schools, i. e., schools provided by voluntary bodies but maintained by the local education authorities, are appointed by the managers of the school subject to the consent in each case of the local education authority, which consent must not be withheld except on educational grounds.

2. In schools which are maintained or aided from public funds, teachers are employed under contract of service terminable on either side at a specified period of notice. Save in special circumstances a teacher may not be employed after the age of sixty-five.

3. Teachers may, however, be removed without notice on grounds of misconduct. The consent of the authority is also required to the dismissal of a teacher from a voluntary school unless such dismissal is on grounds connected with the giving of religious instruction.

4. The board of education for England and Wales and the committee of council on education for Scotland appoint H. M. inspectors of schools. Inspectors are placed on probation for two years. Their appointment may be canceled at any time during or after the period of probation on the ground of unfitness or misconduct.

Finland

1. Teachers in the public elementary schools of Finland are appointed by a board of school directors. According to the Finnish laws, such a board must exist in every parish

or city. The appointment of a teacher must be affirmed by the inspector of public schools in each district, but in case of controversy between the board of directors and the inspector, by the board of schools of Finland in Helsingfors, which is the highest school authority in the country. Teachers in the public secondary schools are appointed by the board of schools.

2. Teachers are first taken on trial for two years, and only after that do they get the final appointment which is for an unlimited time.

3. A teacher can be removed from his position if he, after having been (a) warned and (b) suspended for a limited time from service, continues to be negligent or inattentive in his work or to make errors in performing his duties. He may be removed without any warning if he, thru immoral living or otherwise, endangers the welfare of his pupils or the activities of the school. In all cases the board of schools pronounces the sentence of removal after legal proceedings before the board. If a teacher commits a crime he will be tried, sentenced, and removed by an ordinary court.

4. The members of the board of schools of Finland are appointed by the president for an unlimited time as generally are all officials in Finland.

Australia

Queensland

1. The Teachers Training College in Brisbane is the main avenue for admission to the teaching service. Candidates are admitted to the College after consideration of the quality of their passes at the University examination, their personality, and their physical fitness. If their career at the Training College is satisfactory, they pass automatically into the service. The Minister for Education appoints all teachers on the recommendation of the director of education, who is the permanent head of the department.

2. Having been admitted to the service, teachers are permanent officers. They may resign at any time, or may continue until they reach the age of sixty-five years, when, according to regulations, they are retired.

3. A teacher may at any time be removed from his position if his service is unsatisfactory, or if he has been guilty of improper conduct. Females cease automatically to be officers of the public service when they marry.

4. Executive and supervisory officials are appointed by the Minister on the recommendation of the director of education. They have the same rights and privileges as teachers, and are subject to the same public service regulations.

South Australia

1. The Minister of Education appoints teachers on the recommendation of the director of education.

2. Teachers are appointed to a position for an indefinite period so long as they give satisfactory service.

3. Any teacher is liable to dismissal for wilful breach of regulations, falsification of records or returns, immoral conduct, intemperance, insubordination, conduct unbecoming a teacher, or habitual neglect of duty.

Victoria

1 and 2. Classified (adult) teachers are recruited from the ranks of student teachers. Student teachers are appointed by the Minister of Public Instruction, on the advice of his administrative officers, and are on probation during their course. After serving two years they enter the teachers college, and, on the termination of a successful course therein, they receive appointment as classified teachers. Classified teachers are appointed permanently, subject to good behavior.

3. A teacher can be removed from his position for neglect of duty, for inability to carry out his duties, and for conduct unbecoming to a teacher. Being a public servant, he can be removed only by direction of the public service commissioner.

4. Executive officials are appointed from the professional division of the service, and this latter staff is recruited from the ranks of the teachers; there is no difference in the tenure of their positions.

Western Australia

1. The Minister for Education appoints teachers in the state schools of Western Australia.

2. There are two types of teachers, those on the permanent staff and those on the relieving staff. Of course, the relieving staff is comparatively small. Teachers on the permanent staff are appointed for indefinite periods so long as they give satisfactory service. Teachers on the relief or supply staff are appointed for "stop-gap" purposes only.

3. Any teacher on the permanent staff may be removed from his position or reduced in classification for inefficiency of work or misconduct.

4. There is no difference in the regulations affecting the appointment and tenure of teachers and those affecting the appointment and tenure of inspectors and other executive officers.

Tasmania

1. Teachers' appointments are made by the governor in council after being recommended by the director of education and approved by the Minister for Education.

2. Teachers in this department are appointed for a position for an indefinite period so long as they give satisfactory service.

3. Regulation 32 states: "The certificate of any teacher may be reduced or canceled for inefficiency, neglect of duty, or serious misconduct, and the

Minister may remove him to a less important position or to a lower class school or to a school of less importance in the same class, or may recommend to the governor in council that his services be dispensed with altogether."

4. There is no difference in the regulations affecting the appointment and tenure of teachers and supervisory or executive officials.

Austria

1. For the federal medium schools (which include what would be considered high schools in the United States), the directors are appointed by the federal president; the right to appoint the other teachers for federal schools the president has entrusted to the competent federal minister (Minister of Education).

2. Regular federal teachers are appointed for an indefinite period; auxiliary teachers, however, merely for the period of absolute necessity (the latter's appointment can be revoked at any time).

3. The permanently appointed federal teachers can be removed from their position by being pensioned or by dismissal, either as the result of a disciplinary sentence for gross violation of duty or of a criminal verdict.

The service regulations for elementary-school teachers are governed by federal legislation only as far as the principles are concerned; the details are governed by state legislation so that certain discrepancies exist between the different states. This appointment is, as a rule, made by the respective state authorities (state government, state teacher appointment board). They are appointed first as provisional teachers and after a certain period of satisfactory services and the passing of certain practical examinations, in most of the states, they then automatically acquire a permanent appointment. The removal provisions correspond to those of federal teachers.

4. The supervisory school officials are federal employees; those of higher rank, the so-called *Landesschulinspektoren*, are appointed by the president; the others, *Bezirksschulinspektoren*, by the federal Minister of Education. Their tenure of office corresponds to that of the federal teachers.

France

1. University professors are appointed by the president of the Republic from a list of candidates whose names are submitted by the faculty council. Lycée professors are ap-

pointed by the Minister of Public Education. Primary school teachers, *gallice*, *instituteurs publics* are appointed by the prefects; that is to say, by the governors of the departments, upon recommendation of primary school inspectors and académie inspectors. (Prefects are appointed by the president of the French Republic on advice of the Ministry of the Interior; France is divided into 89 departments.)

2. All primary school teachers and lycée professors, as well, are appointed for an indefinite period, as long as they give satisfactory service; the actual tenure of office may vary from twenty-five to thirty years.

3. As a rule, no teacher can be removed from office unless he has been found guilty of a very grave misdemeanor. Removals are very rare, and cases carefully investigated. The removal from office of a French public teacher, or, when it comes to that, of any other state official, is a most serious matter. A teacher may appeal for redress to the state council, the Minister of Public Education, or the higher council of public education.

4. Supervisory or executive officials, i. e., primary school inspectors, académie inspectors, and lycée proviseurs (principals) are appointed by the Ministry of Public Education for an indefinite period, as long as their services are satisfactory.

Union of Soviet Socialist Republics

1. The people's commissariats for education of the seven republics of the U. S. S. R. (each republic has its own commissariat for education) appoint the teachers in the Soviet schools. The district divisions of the commissariats appoint the teachers in their respective districts.

2. The teachers are appointed for an indefinite period so long as they give satisfactory service.

3. If teachers are found inadequate to the demands of their positions, they may be removed.

4. There is no difference in the regulations affecting the appointment and tenure of teachers and those affecting the appointment and tenure of supervisory or executive officials in the schools of the Soviet Union.

Union of South Africa

1. All teachers in South Africa are appointed by the governing authorities of the respective educational systems:

(a) For higher education, that is, university education, the control is vested in the respective university councils on which the union government is represented.

(b) For technical, vocational, and special education the control is vested in the union government acting for all such education, excepting agriculture, thru the Union Department of Education, and thru the Union Department of Agriculture and Forestry for agricultural education.

(c) For education other than (a) and (b) above the control is vested in the respective provincial governments.

2. All teachers are, after a probationary period, appointed on permanent tenure, subject to an age limit, their good behavior, and satisfactory service.

3. Removals can only be made after a proper public hearing, if so desired by the teacher, by the governing authority.

4. There is no essential difference between the appointment and tenure of teachers and supervisory or executive officials in the schools in South Africa.

Switzerland

1. Teachers of the public schools in Switzerland are appointed either by the municipal assembly or, in cities, by the town council, and in certain localities by the schoolboard.

2. Teachers are appointed for a term of four to six years, appointments for an unrestricted period are known only in Bâle-City.

3. A teacher may be removed for the following reasons: Undutiful and improper conduct or behavior which is incompatible with the position of a teacher. In the cantons where pension laws exist, teachers are pensioned off in case of long illness or decrepitude; otherwise, as a rule, at the age of sixty-five.

4. Supervisory or executive officials and members of the schoolboard are nominated by the municipal assembly, or the town council, usually for a period of from four to six years.

Sweden

1 and 2. Distinction is made in Sweden between *ordinary* teachers who are appointed without other time limit than that stipulated in connection with pensions, and *non-ordinary* teachers, who are appointed for brief fixed periods.

Ordinary teachers at the state secondary schools are, as a rule, appointed by the cabinet upon the recommendation of the central board of education. The latter, however, appoints certain teachers: women teachers and teachers in the so-called training subjects (for example, drawing, gymnastics, music, and handiwork). For limited periods (usually not more than five years) ordinary teachers are appointed headmasters of the secondary schools by the cabinet upon the recommendation of the board of education. Non-ordinary teachers at the secondary schools (extra teachers, substitutes, and teachers on a time basis) are usually appointed for not more than one school year by the board or—in certain specific cases—by the headmasters of the secondary schools.

At communal intermediate schools subsidized by the state (communal girls' schools and higher elementary schools), the ordinary teachers are appointed by the schoolboard concerned, which also appoints extra teachers and substitutes, as a rule for only one year at a time. Protest against the appointment of ordinary teachers at these schools may be made before the board of education. Headmasters of these schools are appointed by the board of education, usually for a period of five years, from among the teachers of the schools.

At the private secondary schools subsidized by the state (higher boys' or coeducational schools, and private intermediate schools), the board of education sets the number of so-called regular teaching positions. The holders of these positions as well as substitutes and extra teachers are appointed by the appropriate schoolboards.

The boards of both the communal and private schools referred to above are required to notify the board of education of the teachers employed, and the board looks into the competence of the non-ordinary ones.

Regarding the lower public school education at the elementary level, the entire expenditure for teachers, which is now paid by the state, the teachers are appointed by the different municipalities either at regular assemblies or by special bodies organized by the municipalities. The state has established certain restrictions with regard to the announcement of openings for elementary-school teachers.

3. An ordinary teacher as a rule cannot be dismissed except by decision of a court, which in certain cases is the appropriate ecclesiastical

chapter. For error or negligence in duties or because of behavior in general, an elementary-school teacher may, however, be dismissed by the schoolboard (school council) concerned. Teachers may in certain cases be suspended from duty for a certain time by the appropriate schoolboard (by the board of education when teachers at the state secondary schools are concerned). A sick teacher may under certain circumstances be retired (compulsorily) with pension, ahead of time.

4. For the appointment of teachers there are special, detailed regulations set down in the bylaws of the various schools. On the other hand, the same regulations apply to administrative civil employees in the school system (except for headmasters, rectors, etc., who along with their administrative duties have their duties as teachers) as apply to the civil service in general. With respect to the appointment of teachers, there are special regulations concerning competence and promotion, the announcement of a vacancy, application documents, and appointment procedure, as well as the right to protest against an appointment. The board of education in this respect wishes to refer to the current regulations for the various schools, which may be obtained in the bookshops.

Spain

1. The Government thru its proper authority, the Ministry of Education, appoints teachers. To become a national teacher in Spain one is required to be a *bachiller*, that is a high-school graduate, and then pass the four years of normal courses of the *Normal de Maestros*, which are specialized studies for teachers.

2. Such teachers are appointed for life.

3. Teachers may only be removed on charges by a regular trial.

4. All teachers enter by competitive examination. Supervisory or executive officials in the schools are subject to the same regulations which affect appointment and tenure of teachers.

Norway

1. In the primary schools the teachers are appointed by a school council (*skolestyre*) which is in operation in every parish and town. The successful passing of an examination at a public training college for teachers is a necessary condition for permanent appoint-

ment in a primary school. In the secondary schools which may be public, municipal, or private, and which build on the primary school, the teachers are appointed by the government. A university education is a condition for permanent appointment as assistant master or mistress (*lektor*), or principal (*rektor*) in secondary schools, but in the lower forms teachers with lower academic qualifications are also employed.

2. The teachers are appointed for an indefinite period so long as they give satisfactory service.

3. A teacher may be removed from his position for incompetence or failing health, but this is very rarely done. Teachers have an "old age limit" and have to retire at the age of seventy and sixty-five (men and women, respectively). They belong to the state pension fund (*statens pensionkasse*) and receive an annual pension on their retirement.

4. While teachers in primary schools are appointed by the school council the school inspector supervising the schools of the municipality is appointed (permanently) by the municipal board. The school directors (usually one for each diocese) are appointed by the government. Thru the medium of the school directors the school councils are in connection with the highest educational authorities, the Ministry of Education, where there is a special department for primary schools.

The Netherlands

1. In the schools supported out of the public funds of the central government the teachers are appointed by Her Majesty the Queen, while in the schools supported out of the funds of the municipalities, they are appointed by the municipal councils.

2. The teachers are appointed for life on condition of good behavior.

3. A teacher can be removed on account of inefficiency or bad conduct.

Italy

1. The Italian schools are to be divided into three degrees: elementary schools, secondary schools, universities. Both elementary and secondary schools may be public and private. There are no private universities. This information concerns the public schools only, as the directors of private schools appoint

their teachers without any general or formal criterion.

The public schools depend entirely upon the government, and the appointment of teachers is ruled by the Ministry of National Education, thru public competitions among those Italian citizens who are entitled to teach in each degree or type of school. For the elementary schools such competitions have a regional character and extent; while for the secondary schools there is only a difference between larger and smaller cities.

2. A teacher, once he has been appointed, must pass a three-year period of experiment, after which, if confirmed, he does not need any other reappointment, keeping his position until he reaches his sixty-fifth year of age (his seventieth in the universities).

3. A teacher may be removed from his position either for serious motives of discipline, or for disease, after a long period of temporary discharge.

4. There is no difference in the regulations affecting the appointment and tenure of teachers and those affecting the appointment and tenure of supervisory or executive officials, the latter positions being simply higher stages of the same career.

Canada

Yukon Territory

1. Teachers are appointed by the comptroller of the Yukon Territory, acting on the recommendation of the superintendent of schools for the Yukon Territory.

2. The appointment is for an indefinite time. It is understood that in ordinary cases changes are not made during the school year.

3. In former formal contracts the following clause appears: The teacher may be dismissed without notice at any time during the said period upon any one or more of the following grounds: inefficiency; insobriety; insubordination; conduct detrimental to the general welfare of, and tone of the school. The superintendent of schools shall be the judge in the above cases, but the teacher shall have the right to appeal to the comptroller against the superintendent's decision.

4. There is no difference.

Province of Saskatchewan

1. In schools that are supported wholly or principally thru public taxation the teachers are appointed by the local schoolboard.

2. Under the school law the agreement between a teacher and a board of trustees may be terminated

at the end of a school term, June 30 and December 31, by written notice to that effect given at least thirty days previously. The teacher's agreement form, however, provides for a continuity of service.

3. The board of every district shall have power to suspend or dismiss any teacher for gross misconduct, neglect of duty or refusal or neglect to obey any lawful order of the board, and to forthwith transmit a written statement of the facts to the department.

4. The government of the province appoints inspectors of schools who have under their supervision from 100 to 150 teachers. Local boards appoint, subject to the approval of the Minister, the executive officials in the school districts if the number of teachers warrants such appointment. Superintendents must be qualified and holders of the proper certificate.

Province of Quebec

1. Teachers are appointed by local schoolboards of commissioners or trustees, in schools which receive part of their support thru public taxation.

2. Teachers are engaged yearly by contract or to complete a school year already begun or for more than one school year in special cases approved by the superintendent of education. If a schoolboard decides not to reengage a teacher for the following year, notice in writing must be given such teacher before June 1 preceding the expiration of the engagement. If such notice is not received, the teacher is deemed to be reengaged on the same terms, for the same school, for the following year.

3. The engagement of a teacher may be canceled, after deliberation of the schoolboard, at a meeting called for the purpose, on account of incapacity, negligence in the performance of duties, insubordination, misconduct, or immorality.

4. The superintendents of schools, where there are such in particular areas, are appointed by the schoolboard they serve, on its terms. Inspectors of schools are appointed by the lieutenant-governor in council.

Province of Prince Edward Island

1. Teachers are appointed by the boards of trustees of the several districts.

2. The appointments are for a year and reappointments then take place.

3. The teacher may be summarily removed for gross neglect of duty or immorality and without cause by giving a three-month notice.

4. The appointment of supervisory or executive officials is done by the Provincial Government and both the appointments of teachers and government officials are done at the pleasure of the respective appointing bodies.

Province of Ontario

1. Each urban municipality and rural school section elects a board of school trustees whose duty it

is to engage the teacher or teachers for the school or schools under its control.

2. All teachers are appointed under contracts which contain clauses relative to their resignation or dismissal. The contracts may be renewed periodically or they may state that the teachers are to remain in office until legally terminated.

3. The teachers may be dismissed at the pleasure of their boards, or their certificates may be suspended or canceled by the Minister for inefficiency, neglect of duty, or other causes which the Minister deems sufficient.

4. Teachers, supervising teachers, or principals are appointed by the local boards. Inspectors in the larger urban municipalities are appointed by boards subject to the approval of the Minister. Inspectors in rural communities are appointed by the Minister. Inspectors may be removed from office by the Minister or with his consent.

Province of Nova Scotia

1. Teachers of the public schools are appointed by the school trustees of the section. Under the Education Act for the province the trustees are in duty bound to keep the schools open on each of the prescribed teaching days, in charge of a teacher or teachers holding regularly obtained Nova Scotia licenses. No teachers in the public schools of the province are appointed by the central education office.

2. When a teacher is engaged by contract the teacher continues to be a teacher year after year until his contract is terminated as provided by the terms of the contract. The non-continuance of the teacher's service requires a three-month notice in the case of town schools and a one-month notice in the case of country (rural and village) schools.

3. A teacher may be dismissed for cause only, such as incompetency, neglect of duty, and immoral conduct.

4. The officials of the department of education, such as school inspectors, normal college teachers, etc., are appointed by the council of public instruction. Strictly, the officials are appointed at the pleasure of the council of public instruction. A Public Service Act for the province has been passed, and this may secure a greater permanency in tenure of office.

Province of New Brunswick

1. School teachers are appointed by boards of school trustees.

2. The teacher's contract may be for one term, July to December, or January to June, or for one year, July to June. If the contract is not terminated by a written notice, given either by the teacher or the trustees on or before the last day of November, or on or before the last day of May, the contract automatically continues in force from school year to school year, which results in the teachers practically being appointed for an indefinite period.

3. A teacher may be removed from his position if he fails to keep the second section of his contract,

whereby he promises to teach the school diligently and faithfully. He also may be dismissed for gross neglect of duty or for immorality, but only, however, if the chief superintendent of education of the province is satisfied of the correctness of such dismissal.

4. School inspectors, local superintendents, secretaries of schools, and other officials do not have contracts similar to those of teachers, and are not appointed for any definite period, but it is very rarely indeed that any official is dismissed, after he has once been appointed.

Province of Manitoba

1. Each school district in this province is under the direction of a local board of school trustees in whom is vested the power of appointing teachers.

2. In practise, teachers really are appointed from year to year. There is some certainty of tenure in the case of the four cities in the province and in the larger suburban areas about Winnipeg, but in the great bulk of the schools of the province tenure is very uncertain.

3. Contracts usually run for one year and may be terminated at the end of the year without any cause other than the desire of the board or the community to make a change. It is not easy, however, for a board to shift a teacher in the middle of the year unless the teacher in the opinion of the public school inspector proves utterly incompetent.

4. Apart from the city of Winnipeg, which has its own staff of supervisors, the schools of the province are supervised thru an inspection staff working under this department. These men are civil servants and their positions are fairly secure as long as they do their work. This really applies also to the supervisory officials of the city of Winnipeg, altho they are servants of the local schoolboard.

Province of British Columbia

1. Teachers are appointed by the elected boards of school trustees, or by the official trustee when there is no elected board. The teachers must have a certificate of qualification issued by the provincial department of education.

2. Teachers are appointed for an indefinite period. Boards, however, have the power to make probationary appointments for one year. Probation may be extended for a second year. After the probationary period, the appointment is a permanent one.

3. Teachers may be dismissed by the board of school trustees for inefficiency and gross misconduct, subject to the right of the teacher to appeal to the council of public instruction, which may investigate the matter, or may refer it to a board of reference for investigation and report. The council of public instruction may then confirm or disallow the action of the board of school trustees.

In practise, the board of reference investigates appeals, chiefly in the months of July and August. This system has protected teachers against the worst forms of injustice.

4. Supervisory and executive officials may be classified as those who are officials of the provincial department of education and those who are officials of boards of school trustees.

Officials of the department of education include such officials as the provincial superintendent of education, the provincial inspectors of schools, the directors of home economics and technical education, and the minor officials and clerical staff of the department of education. These officials are appointed by the provincial government (called also the cabinet or the executive council) thru an order-in-council signed by the lieutenant-governor of the province. This last step is a purely formal one. They hold office "during the pleasure of the crown" and may be removed at any time without explanation by the passing of an order-in-council revoking their appointments. Except in the case of a few clerical appointees there have not been more than half a dozen dismissals since the passing of the Public Schools Act in 1872. A permanent official of the department of education has practically permanent appointment until superannuated.

The teachers in the normal schools are in the same position.

Non-educational officials (secretaries, architects, building superintendents, heating engineers, clerical employees) are appointed by the schoolboards and are subject to the ordinary civil law in the matter of dismissal. They may be dismissed upon a thirty-day notice, but like other public employees are entitled to bring action for unjust dismissal. They have no special advantage in law with respect to dismissal merely because of being employed by a board of school trustees.

The board of school trustees of the city of Vancouver may appoint a city superintendent of schools, who exercises the functions usual in such an official. His appointment, however, and the revocation of his appointment require the approval of the council of public instruction (that is, of the provincial government when it deals with education).

Certain other cities (New Westminster and Victoria at present) have an equivalent official, termed a municipal inspector. Municipal inspectors are appointed by the council of public instruction upon the recommendation of the provincial superintendent of education and the board of school trustees concerned. They hold office during the pleasure of the council of public instruction (which pays half of the salary); that is to say, they cannot be dismissed by the board of school trustees. In the only case where a board has tried to dismiss a municipal inspector, the council of public instruction upheld the inspector.

Vancouver, in addition to having a superintendent of schools, has two inspectors, who would be called assistant superintendents in the United States. They are covered by the provisions of the preceding paragraph.

Supervisors and other special certificated employees are appointed by the boards of school trustees. Such officials may be dismissed, at the end of each half year, for the same reasons as teachers and, like them, they may appeal to the council of public instruction against the dismissal, in which

case the matter would be referred to the board of reference for investigation and report.

Province of Alberta

1. A teacher is appointed by the board of trustees of the school district. Such teacher must hold a valid certificate of qualification issued under the regulations of the Minister of Education.

2. A teacher may be engaged under an agreement which continues in force from year to year, or for a definite period.

3. A teacher may be suspended or dismissed summarily by the board of trustees for gross misconduct, neglect of duty, or for refusal or neglect to obey any lawful order of the board. Appeal may be made to the Minister of Education. A teacher's agreement may be terminated as provided by law. If termination is brought about at any time after the end of July and before the end of June in the following year, an appeal may be presented to the board of reference which either confirms or disallows the action of the board of trustees. The findings are binding and conclusive upon both parties.

4. Inspectors of schools, who act in a supervisory capacity on behalf of the provincial government,

are appointed and paid by the government, and hold office during the pleasure of the government. In some of the larger school districts, the school-board appoints a superintendent, who acts in a supervisory capacity for the board. His secretary is paid by the board, and he holds office during the pleasure of the board.

Hungary

1. Teachers in the schools of Hungary which are supported wholly or principally thru public taxation are appointed by the Royal Hungarian Minister of Religious Affairs and Public Instruction.

2. Such teachers are appointed for life.

3. A teacher may be removed from his position for inefficiency, for gross negligence, or for committing acts punishable by law.

4. There is no difference in the regulations affecting the appointment and tenure of teachers and those affecting the appointment and tenure of supervisory or executive officials in the schools.

IV. Digest of Research Studies on Teacher Tenure

The following list of references deals with the legal aspects of teacher tenure. No attempt has been made to include statistical studies of teaching experience or turnover¹ except as they emphasize the operation of teacher tenure laws or lack of such laws.

ALLEN, IRA MADISON. *The Teacher's Contractual Status as Revealed by an Analysis of American Court Decisions*. Contributions to Education, No. 304. New York: Teachers College, Columbia University, 1928. 147 p.

Analyzes state and federal court decisions to determine legal principles governing the contractual status of public school teachers. Compares trend of court decisions with professional standards as stated by authorities.

The decisions established, among other matters, the right of states to fix prerequisite qualifications for teaching service. Local schoolboards have wide discretionary powers to set up additional requirements. Statutory requirements must be met, at least in substance, when contracts are granted. Oral contracts are valid in the absence of statutes to the contrary. Dismissals must comply with statutory requirements. Tenure teachers may be dismissed, but only for cause and in accordance with procedures prescribed. Certain situations render salary deductions legal.

ANDERSON, EARL W. *The Teacher's Contract and Other Legal Phases of Teacher Status*. Contributions to Education, No. 246. New York: Teachers College, Columbia University, 1927. 180 p.

To outline the teacher's contractual status reports data from: 393 contract forms; copies of rules and regulations from 33 city school systems; state laws, including legislative trends since 1905, in ten states; state constitutions; court decisions; and rulings by school authorities in three states.

Contracts in small school systems were found to be a little more apt to contain stipulations rendering the teacher's tenure uncertain. Few of the rules and regulations place restrictions on teachers, and constitutional provisions seldom affect the teacher's status. The right of local schoolboards to extend their control thru contractual provision depends upon powers granted by the legislature. Contract items were specified by law in 23 states; causes for dismissal in 44 states; provisions for appeal in 21 states. Since 1905, statewide legislation and centralized control had increased in ten states at least.

BETTS, GILBERT L. "The Influence of Teacher Tenure Laws on Supply and Demand." *Journal of Educational Research* 28: 118-31; 175-86; October, November, 1934.

A study based on data from 247,045 elementary-school teachers. This survey of supply and demand in states having different types of tenure provision took into account such factors as size of place, sources of supply, and reasons for vacancies.

The effect of statewide and partially applicable tenure laws on the number of new teachers needed annually was mainly confined to 1- and 2-room schools and villages below 2500 population. Statewide laws were more effective in reducing the number of teachers changing positions within a state than in any other respect. In securing permanent tenure, the principle of efficient selection proved superior to the principle of difficult dismissal.

CALIFORNIA TEACHERS ASSOCIATION, TENURE COMMITTEE. "California Teacher Tenure." *Sierra Educational News* 28: 17-21; September, 1932.

Reports an investigation of the teacher tenure problem in California. Includes results of questionnaires sent to boards of trustees and 1400 classroom teachers. Also gives recommendations from several groups of trustees, administrators, and tenure committees.

DUSHANE, DONALD, chairman. *Report of the Committee on Civil Service for Teachers*. Washington, D. C.: National Education Association, 1934. (Mimeo.) 42 p. Excerpts: *Proceedings, 1934*. Vol. 72. p. 172-78. Also: *Journal of the National Education Association* 23: 194; November, 1934.

Reports the results of an inquiry among city school superintendents of Indiana. Replies were received from 83 of the 102 cities in the state. A total of 8378 teachers were covered by the inquiry. Results indicate that in Indiana "the benefits of tenure have outweighed the detriments."

ELSBREE, WILLARD S. *Teacher Turnover in the Cities and Villages of New York State*. Contributions to Education, No. 300. New York: Teachers College, Columbia University, 1928. p. 65-67.

Part of a study of teacher turnover in 125 city and village school systems of New York state, based on records for 1925-26.

Compares the rate of avoidable tenure and the rate of dismissal for New York state in the twenty smallest cities affected by tenure and the twenty largest villages not affected by tenure. Absence of significant difference between the rates for these cities and villages indicated that state tenure legislation did not tend to reduce turnover.

HOLMSTEDT, RALEIGH W. *A Study of the Effects of the Teacher Tenure Law in New Jersey*. Contributions to Education, No. 526. New York: Teachers College, Columbia University, 1932. 111 p.

¹ For list of such studies see: National Education Association, Research Division. "Teacher Demand and Supply." *Research Bulletin* 9: 305-408; November, 1931. Washington, D. C.: the Association.

(Abstract: Rowland, Albert Lindsay, chairman. *Report of the Committee of One Hundred on Tenure Problems*, 1931. Washington, D. C.: National Education Association, 1931. p. 2-8. Same: *Proceedings*, 1931. Vol. 69. Washington, D. C.: National Education Association, 1931. p. 266-70.)

An evaluation of the New Jersey state teacher tenure law, with reference to its effect upon dismissals, turnover, professional improvement, administrative policies, and attitudes of teachers and administrators. Based on data for 1695 teachers in 79 New Jersey school systems and 1712 teachers in 51 comparable Connecticut school systems.

Found that the New Jersey tenure law had not appreciably reduced the amount of dismissal. Its stabilizing effect was mostly confined to teachers having 15 to 20 years' experience. The law proved effective in protecting married teachers, especially where a definite policy existed against their employment. The difficulty of dismissing unsatisfactory teachers was increased. Teachers had about an even chance of winning an appeal taken to the commissioner of education. No evidence was found to indicate that tenure teachers were less interested than non-tenure teachers in professional improvement.

KANDEL, ISAAC L. "Tenure of Service of Teachers." *Teachers College Record* 26: 127-44; 197-204; October, November, 1924.

Pages 140-42 refer to findings in 1920 by the National Committee for Chambers of Commerce Cooperation with the Public Schools. Only 22 out of the 295 cities over 8000 population replying reported a teacher tenure law effective in their city. The article concludes with a survey of the attitude assumed by courts when a teacher, in certain typical states, takes legal action for dismissal during term of service. Schoolboards in general practise were allowed much freedom. Courts based their inquiry largely upon whether statutory procedures in dismissal had been followed.

NATIONAL EDUCATION ASSOCIATION, RESEARCH DIVISION. "The Problem of Teacher Tenure." *Research Bulletin* 2: 137-76; November, 1924. Washington, D. C.: the Association.

A reprint and extension of the 1924 Report of the Committee of One Hundred on the Problems of Tenure, Fred M. Hunter, chairman. Statistics on teacher turnover during 1922-23 and a number of court cases on dismissals indicated a need for tenure protection. An analysis is made of existing and proposed tenure laws and of local teacher tenure regulations. Texts of eleven state and seven local laws are given. Teacher tenure provisions in nine foreign countries are given to show the greater tenure given to teachers in Europe during efficiency and good behavior. A questionnaire returned from 2112 educators and laymen indicated defensible causes of dismissal and provisions which should be in a good tenure law.

NATIONAL EDUCATION ASSOCIATION, RESEARCH DIVISION. "Administrative Practices Affecting Classroom Teachers. Part 2: The Retention, Promotion, and Improvement of Teachers." *Research Bulletin* 10: 36-38; March, 1932. Washington, D. C.: the Association.

Presents information on types of laws and regulations governing the duration of teachers' contracts, policies governing term of employment in 1443 city school systems, general principles underlying contractual relations, and the extent to which city school systems use formal contracts.

NATIONAL EDUCATION ASSOCIATION, DEPARTMENT OF SUPERINTENDENCE. *The Status of the Superintendent*. First Yearbook, 1923. Washington, D. C.: the Association, 1923. Chapter 7, "The Tenure of Office of the Superintendent of Schools," p. 110-22.

A study of tenure conditions among city school superintendents, giving data on range in tenure of office, length of terms and length of contracts. Submits recommendations on bases of selection, term of employment, and conditions which should govern the superintendents' recall and release.

SCOTT, CECIL WINFIELD. *Indefinite Teacher Tenure*. Contributions to Education, No. 613. New York: Teachers College, Columbia University, 1934. 165 p. (Abstract: *Teachers College Record* 36: 222-23; January, 1935.)

Purpose: The study was undertaken to discover the necessary provisions of an indefinite teacher tenure law and the fundamental principles which should be considered in securing protection for teachers, children, and society. Recommendations for indefinite tenure laws are developed in light of other educational laws.

Definition of Terms: "Indefinite tenure" as used in this study means the protection of teachers in office after completing a probationary period. "Teacher" signifies any educational employee enjoying protection under indefinite tenure laws.

Method: Indefinite tenure legislation in the twelve states with either statewide tenure laws, or laws applying to certain districts, and the District of Columbia law are analyzed as of 1932 and subjected to an evaluation based upon a review of educational legislation upon the subject. Criteria used were (1) comprehensiveness of the law—whether the law was statewide in application and applied to all personnel; (2) whether the law assured competent educational personnel; (3) whether administration of the personnel was facilitated; and (4) whether teachers are guaranteed just treatment.

The operation of tenure legislation was studied by reviewing earlier research studies, comments in educational journals, and the relation of indefinite tenure laws to other teacher personnel problems. These problems are the application of the law to rural teachers; salary and retirement policies; problems arising during the probationary period; and transfers and resignations, devices used to avoid dismissal of teachers.

Court cases in Illinois and New Jersey were analyzed to illustrate major and minor problems of indefinite tenure.

A more detailed study of the operation of existing state indefinite teacher tenure laws is made by studying the 137 appeal cases thru 1931 which were decided by state departments of education and courts of record. Cases were studied chronologically and the legal interpretation given in cases relative to eligibility requirements of teachers, the manner of preferring charges, hearings, appeal procedures, powers of local boards, probationary teachers as well as cases involving administrative problems of transfer, abolition of position, suspension, resignation, and salary reductions.

Findings: An analysis and evaluation of the indefinite tenure laws indicated "indefinite wording of provisions and incompleteness of the laws." Existing statutes rated only 60 percent of perfect, judged by the accepted criteria.

The operation of indefinite tenure legislation as viewed thru studies and comments shows that "two-thirds of the principal claims made for indefinite tenure are untenable and these, along with the valid one-third, constitute either singly or together serious problems."

Operation of the laws shows that local boards frequently refuse teachers permanent status at the end of the probationary period; rural districts have shown an unwillingness to accept indefinite tenure in California and Indiana; teachers are disposed of by transfers and requested resignations, as illustrated by cases in Chicago, Newark, and Duluth; and other problems have arisen as the result of the relationship between indefinite tenure and salary and retirement policies, difficulties due to married women teachers, restricted application, and indefinite wording.

The comprehensive treatment of the appeal cases based on tenure shows "how indefinite tenure laws have been interpreted and applied by appeal authorities. Other values are that it reveals, at least by implication, good and bad features of the statutes, and presents statistical or summary facts regarding the appeal cases." Of the 137 cases studied 85, or 62.04 percent, were decided in favor of the boards and 52, or 37.96 percent, in favor of the teacher.

Comparison of tenure in the six European countries and in America reveals that: more

training is required in European countries; in Europe, central authorities control in a large measure the appointment of teachers; in America, teachers are selected and appointed by local authorities; altho probationary requirements in Europe are no higher than in America, yet permanent status is more difficult to attain because of the existence of non-permanent jobs and flexible probationary periods; in Europe, transfers of teachers are easier in both theory and practise than in America where local administration makes for difficulty; tenure in Europe offers the teacher more prestige since the European teacher is often a civil servant.

The first prerequisite for an indefinite tenure law should be "intelligent, clear, consistent wording." The principles embodied in the law should be determined by the educational group in the state but a lawyer should frame the law. Provision should be made for amendment or revision.

"Wise interpretation and application of an indefinite tenure statute and of all other educational laws, in short, good school administration, can do more than anything else to make indefinite tenure function in practise so as to promote the good of all concerned."

TALL, LIDA LEE, CHAIRMAN. *Report of the Committee of One Hundred on Tenure Problems*. Washington, D. C.: National Education Association, June, 1932. 18 p. (Mimeo.)

A study of laws governing the duration of teachers' contracts. Based on information obtained from school codes, reports, and letters from state and city school officials.

UPDEGRAFF, HARLAN. "Report of the Committee on Tenure." *Proceedings*, 1923. Vol. 61. Washington, D. C.: National Education Association, 1923. p. 370-75.

Contending for teacher tenure is asking for "essential protection, not for teachers alone, but for the schools and the school children." Outlines procedure in eight states for teacher removal. Some of the principles that should operate in the framing of tenure laws are also stated. Difficulties that had arisen in California due to indefinite wording of law and because of general application are presented.

AVAILABLE RESEARCH BULLETINS

The Efforts of the States To Support Education As Related To Adequacy and Ability. Vol. XIV, No. 3, May, 1936. 64 p. \$.50	Facts on School Costs. Vol. X, No. 5, November, 1932. 24 p. .25
The Preparation of Teachers' Salary Schedules. Part II. Drafting the Schedule. Vol. XIV, No. 2, March, 1936. 52 p. .25	Crime Prevention Through Education. Vol. X, No. 4, September, 1932. 68 p. .25
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