



The Hidden Costs of Tenure

Why are failing teachers getting a passing grade?

An investigative report by Small Newspaper Group

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Tenure frustrates drive for teacher accountability

By *Scott Reeder*, Small Newspaper Group Springfield Bureau

SPRINGFIELD -- If you talk to Cicero Elementary School Superintendent Clyde Senters, it won't be long before the word "accountability" comes to his lips.

Recently a tenured staff member was fired, who had been routinely skipping work during the past seven years.

"Her last year as an employee, she skipped more days than she worked. Can you believe there was still a question of whether she should be fired?" he said.

"When I hire talented new college graduates to teach I tell them, 'You are going to meet a lot of people in this profession who just shouldn't be in it. But there is not a lot that can be done to hold them accountable -- because of tenure,'" Senters said.

That assessment is bolstered by the findings of a six-month-long Small Newspaper Group investigation. About 1,500 Illinois Freedom of Information Act requests were filed with the State Board of Education and all 876 of the state's school districts requesting information on disciplinary action taken against tenured teachers.

After achieving a 100 percent response rate from all governmental entities contacted, databases were built tracking every formal proceeding in which any school district in Illinois has attempted to fire a tenured teacher during the last 18 years and every case in which a tenured Illinois teacher was placed in formal remediation over the past decade.

The results of the investigation are startling:

-- Of Illinois' 876 school districts only 61, or 7 percent, have ever attempted to fire a tenured faculty member since the teacher evaluation reforms were imposed 18 years ago.

-- Of those 61 school districts, only 38 were successful in actually firing a teacher.

-- Of an estimated 95,500 tenured educators now employed in the state an average of only seven have their dismissals approved each year by a state hearing officer. Of those seven, only two on average are fired for poor job performance. The remainder is dismissed for issues of misconduct.

These results show that 20 years after the Illinois Legislature mandated changes designed to increase accountability among teachers, it remains almost impossible to fire a tenured educator. Tenure, a type of job protection afforded

teachers with more than four years experience, was created 64 years ago as a safety net protecting instructors against political reprisals, but all too often it has become a hammock for some of the worst in the profession.

Before the 1985 legislative reforms, poor job performance was not a grounds for dismissing a tenured teacher. Because of this, many school districts didn't bother to evaluate those with tenure.

They said it...



Former State Senate President Phil Rock, a key player in the 1985 education reforms: "Tenure is a reward for acts of public service. I think in most cases it is well deserved. What's the downside of it? Unfortunately some get disillusioned, some are not happy with their work and yet they stay there and force their attentions on a bunch of unknowing school children. They are not doing what they are supposed to be doing and they know it."

But the 1985 reforms were intended to change that. Lawmakers mandated that teachers be evaluated at least every two years. And if a teacher rated unsatisfactory failed to receive improved marks after an intense period of remediation, dismissal would follow.



Cicero Elementary School Superintendent Clyde Senters

At least that was the way it was supposed to work.

Because of the legislative mandates, school principals have spent more than 2.5 million hours evaluating tenured teachers over the last 20 years, and yet it has had little impact in weeding out underperforming teachers or for rewarding good ones.

In fact, in the last decade, less than 6 percent of Illinois school districts have given any tenured teacher an unsatisfactory rating. Small Newspaper Group gathered this data by filing Freedom of Information Act requests with each of Illinois' 876 school districts and achieving a 100 percent response.

"No workforce out there is so good that there isn't someone who isn't doing their job. There is one word for why school boards aren't doing

something about problem teachers – unions. For a school board to do anything about a problem teacher – it often will cost hundreds of thousands of dollars," said Jeanne Allen, president of the Center for Education Reform, which is based in Washington, D.C.

They said it...



Gary Koeller, Moline High School principal: *"The goal is to make a teacher better. If we are going to go through this evaluation process we need to be collaborative. We need to identify areas that they are deficient in. Nothing is more frustrating than to be told, "You're not doing a good job. But, by the way, I don't really know why you're not."*

But for Jim Dougherty, president of the Illinois Federation of Teachers, such statements are nonsense. He contends the reason so few tenured teachers are fired is because so few need to be.

Just what portion of the faculty ranks as less than effective is subject to debate. But former Stanford University professor Edwin Bridges, who wrote the book "The Incompetent Teacher" pegs it at 5 percent.

The most cited reasons for not dealing with this problem are the uncertain outcome and extensive legal costs shouldered by taxpayers in attempting to fire someone with tenure. A tendency of some administrators to avoid conflict may also lay at the root of the problem.

"Tenure is bad public policy because it breeds mediocrity," said Kevin Frelander, a certified teacher and speech therapist in East Aurora School District.

"I have one co-worker who shows up late several days a week and nothing is ever done because he's tenured. A fourth-grade teacher, who was down the hall from me, couldn't control her class and would routinely scream at them. Nothing was done about it – for the same reason. His point-of-view about tenure reflects a minority position among teachers, but his frustration with underperforming colleagues is shared by many educators.

They said it...



Andy Baker, math and history teacher Shepherd Middle School (Ottawa): *"Most teachers are dedicated and work their rear ends off. But there are some out there, who just want to cruise. I have to wonder if those people are being evaluated correctly."*

"When I was principal in Huntley, there were two teachers who every day would sit at their desks and read the newspaper when they should have been teaching. I went into their classrooms and told them I never wanted to see them do it again. Things improved -- for a little while. But I'm told they are both back to their old tricks again,"

Cicero School Superintendent Senters said.

When education reform legislation was enacted in 1985 by the Illinois Legislature, it was heralded as a means of bringing greater accountability into the classroom by creating a system of teacher evaluations geared toward eliminating the worst in the profession. Under those reforms, when educators fail to receive satisfactory evaluations, they are put into intense "teacher remediation" programs in which they are continually coached and evaluated. If their performance fails to improve sufficiently, they can be fired.

But the reality has been quite different.

In an in-depth investigation, Small Newspaper Group examined every case in which an Illinois school district has attempted to fire someone with tenure since this evaluation system was imposed.

Illinois State Superintendent of Schools Randy Dunn said his agency has no record of how many tenured teachers are fired each year or even how readily teacher remediation is used as a tool within school districts across the state.

Because the state has failed to keep this information, it has been easy for the state's two dominant teacher unions to contend an accountability problem doesn't exist.

In fact, Ken Swanson, president of the Illinois Education Association, went so far as to say it's an "urban legend" that a tenured teacher cannot be fired in Illinois. While it is possible to fire a bad teacher, it is exceedingly uncommon.

Teacher unions have effectively blocked efforts to make it easier to fire teachers. They have done this through legislative lobbying, campaign contributions, collective bargaining agreements and vigorous legal defenses of teachers facing dismissal.

The 1985 Illinois reforms were part of a national movement sparked by the scathing 1983 report "A Nation at Risk," which contended the nation's educational system was inadequate.

The response of Illinois lawmakers was to create the "teacher remediation" system. If the teacher's performance failed to improve sufficiently, a school district could recommend to a state tenure hearing officer that the teacher be fired.

Under Illinois law, only Chicago Public Schools has the authority to overrule a hearing officer and fire a teacher. For the state's remaining 875 school districts, school boards can only recommend to an arbitrator that a teacher be dismissed. In 35 percent of those cases over the past 18 years, hearing officers have ruled that the teacher should remain.

They said it...



Yvonne Vitosky, 3rd grade teacher. Leal Elementary School (Urbana): *"More than just lip service needs to be given to how teachers are evaluated."*

Since a school district typically will pay its attorneys about \$100,000 to see a case through arbitration, many cash-strapped school districts simply opt to put up with problem teachers rather than go through the legal process.

When the legislature created the process, it was designed to be an efficient, effective way of moving underperforming teachers out of the classroom. The reality is quite different.

It has proven to be costly, cumbersome and only marginally effective. In fact, in the last five years, hearing officers have only approved the dismissal of one non-Chicago teacher because of poor job performance. In that case, the dismissal of Cecil Roth from Geneseo Public Schools, more than five years has passed since he was placed on remediation and that small, rural district has spent more than \$400,000 so far on attorney fees – and the case is still pending on the appellate level.

The school district has incurred these costs despite winning every lawsuit Roth has filed against it.

They said it...



Jim Dougherty, president Illinois Federation of Teachers: *"The fact of the matter is these are human beings and it's a human-resource problem. You go about it in such a way that causes the least pain, the least disturbance, and gets the job done. You might have somebody who has to be helped to see the light. And it's a much better way to do things than to say, 'Oh, by the way, here's your pink slip.'"*

Because of the difficulty of firing teachers school districts have resorted to other tactics.

One approach has been to quietly pay the teacher to leave. For years, the state's two teacher unions have been engaging in these types of secret deals with school districts across the state. Often these agreements include confidentiality clauses that prohibit school officials from disclosing to the public how much in tax dollars a teacher was paid to leave.

They said it...



Christy Myers, art teacher Ottawa Township High School *"It is really nice to have tenure. But it protects some people who really shouldn't be in teaching. I see some people who stop pushing themselves so hard once they get tenure. I know some older teachers who seem to be more concerned about retirement than teaching. They know nothing can be done to them because of tenure."*

The burden of proof that school districts must meet in dismissal cases is extremely high. School districts must not only prove a teacher did something wrong but also prove that the conduct cannot be corrected over time.

This circumstance often leaves on the job those who may well have behaved badly.

For example:

An East St. Louis assistant principal was allowed to stay on the job despite evidence that he had impregnated a 7th grader, who attended his school. A paternity blood test showed a greater than 99 percent chance that he was the father, but a hearing officer ruled that was insufficient evidence. The administrator was ordered to pay child support nine years later. But he was acquitted of criminal charges in the case. He has denied any wrongdoing.

A Chicago teacher took a 15-year-old student to Wisconsin to attend an anti-Ku Klux Klan rally where the student was arrested after allegedly kicking a police officer in the groin. The teacher is alleged to have never informed the student's guardian or school officials of the arrest during the unauthorized trip. A hearing officer ruled the teacher could keep her job.

Less affluent school districts are more likely to simply put up with a problem teacher or shuffle them off to a position where they can do less harm than shoulder the financial burden of firing someone, Geneseo School Superintendent Scott Kuffel said.

In fact, it is rare for any school district outside the Chicago area to have even attempted to fire a teacher.

Some of the state's largest downstate and suburban school districts – Springfield, Plainfield, Moline, Rock Island, Kankakee, Peoria, Evanston, Bloomington and Carbondale – have never fired a tenured teacher in the 18 years that the state has kept records.

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