

Teacher tenure is under attack in Louisiana

A highly profiled and controversial report from the National Council on Teacher Quality was extremely critical of Louisiana's teacher tenure laws. Based on that report, we may see legislative efforts to water down the protection that tenure provides for teachers.

The concept of teacher tenure is under attack in Louisiana and across the nation. A recent, suspect report from the National Council for Teacher Quality identified tenure as “complicit” in keeping “ineffective teachers” in the classroom.

One of the offensive and misleading passages in the NCTQ report claimed that "Louisiana's probationary period for new teachers is just three years and the state does not require any meaningful process to evaluate cumulative effectiveness in the classroom before teachers are awarded tenure."

After reading that study, State Superintendent of Education Paul Pastorek told a reporter, "The finding that tenure is granted in Louisiana based on the passage of time, not on the quality of the teacher, is a fair criticism."

Pastorek's communications director took the next logical step, telling the reporter, "it's a possibility that there will be legislation on tenure. We're looking at exploring that, examining the pluses and minuses. We're not ruling that out."

What is tenure, and why is it important?

Teacher tenure exists for two essential reasons: to protect educators from political or personal retribution and to guarantee their academic freedom to teach according to the best practices in their fields of expertise. Tenure does not guarantee lifetime employment. It does not protect the unqualified or incompetent individual.

The most important function of tenure is to provide a due process when questions arise about a teacher's qualifications, ability or suitability to teach.

Technically, teacher tenure is a property right established in Louisiana state law. Most teachers are covered under LRS 17:441 through 17:446; Orleans Parish teachers are covered under LRS 17:461 through 17:464. It is not an absolute, irrevocable right. Procedures for revocation of tenure are listed in LRS 17:441 through 17:446 and 17:464 through 17:464.

Fact is: **Tenure is earned upon successful completion of a closely monitored process that takes a minimum of three years.** Before that process begins, potential teachers must first complete a college-level teacher preparation program or its equivalent as established in Bulletin 746 of the Louisiana Department of Education.

Teachers must be properly certified before they can be tenured. As every attorney is required to pass a qualifying examination, every teacher must pass the relevant sections of the PRAXIS examination and meet all other requirements to be certified. State law provides three alternative routes to certification for those who do not complete a traditional teacher education program.

Certification must be renewed every three or five years, depending on the type of certification held by the teacher. Continuing education is a critical component of certification renewal.

During a probationary period that lasts at least three years, dismissing teachers is a simple matter. The law states, “During the probationary term the parish or city school board, as the case may be, may dismiss or discharge any probationary teacher upon the written recommendation of the parish or city superintendent of schools, as the case may be, accompanied by valid reasons therefor.”

The term “valid reasons” has been very broadly defined by precedent, and essentially gives administrators *carte blanche* to release teachers they deem ineffective. In other words, probationary teachers are barely one step removed from being “at will” employees.

Properly certified teachers who successfully complete the probationary period automatically become tenured and are considered “permanent teachers” in that particular school system. The standard for dismissing a tenured teacher is much higher:

A permanent teacher shall not be removed from office except upon written and signed charges of willful neglect of duty, or incompetency, dishonesty, or immorality, or of being a member of or contributing to any group, organization, movement, or corporation that is by law or injunction prohibited from operating in the state of Louisiana, and then only if found guilty after a hearing by the school board of the parish or city, as the case may be...

The law further spells out the procedure for such a hearing. A tenured teacher has the right to challenge dismissal in a court of law. Such challenges are very rare.

Because tenure is an employment relationship between a teacher and a school district, it is not transferable. Tenured teachers who transfer to a different system must start the tenure process anew.

What is the NCTQ’s complaint about tenure?

The executive summary of the NCTQ study includes at least one very loaded sentence: “The state should require that tenure decisions be meaningful.” There is room for much mischief in the statement.

While teachers who have gone through Louisiana’s tenure process would disagree, our state does not meet NCTQ’s “goals” for meaningful tenure. Those goals are:

- A teacher should be eligible for tenure after a certain number of years of service, but tenure should not be granted automatically at that juncture.
- The state should articulate a process, such as a hearing, that local districts must administer in considering the evidence and deciding whether a teacher should receive tenure.
- Evidence of effectiveness should be the preponderant criterion in tenure decisions.
- The minimum years of service needed to achieve tenure should allow sufficient data to be accumulated on which to base tenure decisions; five years is the ideal minimum.

The claim is disingenuous.

Point one: Tenure is granted in Louisiana only after a rigorous process that includes certification, mentoring and evaluation by local administrators. It is “automatic” only after all requirements have been successfully met. NCTQ’s claim is as false as saying, “A college degree is automatically conferred after four years.”

Point two: This change would do nothing but add a layer of bureaucracy to the tenure process.

Point three: Evidence of effectiveness, demonstrated over a period of three years, lies at the heart of the tenure process. That process is sound, but it is only as good as the people charged with the responsibility of carrying it out. During the three year probationary period, administrators have ample opportunity to closely monitor and evaluate a teacher’s performance. Diligence is required on the part of principals and supervisors.

Point four: The NCTQ study boldly claims, “Most states also require probationary periods that are too short to allow for the accumulation of sufficient data on teacher effectiveness to support meaningful tenure decisions. The majority of states require probationary periods of only three years...” There is, however, little supporting data for this claim. Evaluators would also probably know more about a teacher’s ability after eight, 10 or 15 years. It seems suspicious that the think tank would single out the period used by a majority of states for special criticism.

What can we expect in the legislature?

The NCTQ report was released in January. Just a few weeks later, Superintendent Pastorek signaled his agreement with the report. Shortly thereafter, a major Northwest Louisiana newspaper endorsed the study’s findings. Clearly, there is a trend.

We expect legislation to water down Louisiana’s tenure. While no particulars have been revealed, we can expect that the NCTQ report will be used to advance such legislation.

The study essentially calls for more centralization of authority over teachers. More importantly, it can be categorized as just another in a library of such reports that suggests that the problems in public education are “teacher problems.”

Since the study is peppered with the buzz word of the day, “value added,” we could see efforts to tie tenure to student performance (as measured by standardized tests’ results). Like “merit pay” the details of such a scheme hold much potential for mischief.

How will the LFT respond?

Given what we already know about the priorities of the current administration, we must prepare for an agenda that is not in the best interests of our schools, our children or our profession. Given what we already know about the priorities of the current administration, we must prepare for an agenda that is not in line with LFT’s call for a bolder, broader approach to public education.

Teacher tenure is a vital protection, and a key professional right. The Louisiana Federation of Teachers will vigorously fight any efforts to water down the state’s tenure law. We will wage this battle in the context of our call for a bolder, broader approach to public education.

In 1983, an alarm bell report entitled *A Nation at Risk* created a sense of urgency that launched the establishment of much tougher educational standards and the stampede to standardized tests with consequences.

However, as noted by David S. Steely, the assistant U.S. Commissioner of Education under President Lyndon B. Johnson, “The tragedy of *A Nation at Risk* is that those who were roused to action by the language of crisis got only half the report’s message: the need for standards. The other half, what students, parents, and the broader community must do to achieve these standards, was ignored and forgotten.”

The Federation has essentially been engaged in a campaign to recover that forgotten message. *A Nation at Risk* was not warning to just educators and policy makers. It was a warning and challenge to “all of us” to create and support a “learning society” through a commitment to high quality, life long education for all.

In closing, tenure is not the problem. The problem is that we have approached our nation at risk from a school reform only perspective. This approach produced new standards, tests, and consequences, but did not address a new vision of education that views education as a shared responsibility.