

## Tenure makes bad teachers hard to fire

Some say teacher tenure rules need to be overhauled to address problem

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MIDDLE ISLAND, N.Y. - Few people know better than school superintendent Allan Gerstenlauer that disciplining a tenured teacher can be a long and expensive process.

An English teacher in his Long Island district remains on the payroll, earning an annual salary of \$113,559, even after pleading guilty earlier this month to drunken driving charges — her fifth DWI arrest in seven years.

The teacher will remain on paid leave at least until a disciplinary hearing in August, and it will be up to an impartial arbitrator to decide whether she needs to be fired as she faces a likely prison sentence.

"It is very frustrating that the process takes so long," Gerstenlauer conceded.

### Tenure reform?

The case illustrates a nagging problem in school districts in New York and elsewhere around the country: firing bad teachers. It is also part of the ongoing debate over education reform and the role tenure plays in the process.

Advocates for reform cite a list of egregious examples they say demonstrate why teacher tenure rules need to be overhauled.

In New York City, it often costs taxpayers \$250,000 just to fire one incompetent teacher. Some teachers remain on the payroll even after being convicted of serious felonies, requiring districts to hold disciplinary hearings behind prison walls.

"Protecting jobs of adults without regard to how well their students perform almost certainly will lead to greater costs, stagnant academic achievement, and greater dysfunction of our public education system," says tenure foe B. Jason Brooks of the Foundation for Education Reform & Accountability.

Richard Iannuzzi, president of New York State United Teachers, counters: "Tenure provides the right to due process. It is consistent with the American way; a person is innocent until proven guilty."

The issue has been gaining attention in New York.

New York legislators and Gov. David Paterson agreed this month on a bill that will automatically revoke the certification of teachers convicted of sex crimes against students. The law would end what is now often a yearlong administrative process to revoke the licenses of teachers and other school employees convicted of sex crimes against students.

And earlier this year, the Center for Union Facts launched a \$1 million ad campaign featuring a billboard in Times Square, offering \$10,000 to what it considers the 10 worst teachers in the country to quit their careers. The group claims unions back policies that protect all but the worst teachers.

"Paying teachers and school administrators based on how well they do their job rather than how long they've had their job makes sense," said Brooks.

**Laws vary by state**

Because tenure laws are different in every state, comparisons on the time and expense involved in disciplining or firing teachers are difficult. In New York state, the process can take six to 18 months and can run into hundreds of thousands of dollars, including the teachers' pay and fees for lawyers, stenographers and arbitrators.

In New York City, the cost to fire one incompetent tenured teacher is about \$250,000, said Education Department spokeswoman Melody Meyer. She said that of 55,000 teachers on staff, 10 were fired last year.

"The chancellor would prefer that teachers be taken off the payroll while going through arbitration," Meyer said. "If the decision is in favor of the teacher, that money would be paid back with interest."

Dave Albert, a spokesman for the New York State School Boards Association, said that from 1995 to 2005 there were 633 disciplinary hearings statewide, 60 percent of them in New York City. Of the 633 cases, 184 resulted in termination and 234 teachers were placed on unpaid suspension.

The Washington-based Center for Union Facts says that from 1995 to 2005, 112 Los Angeles tenured teachers faced termination — 11 per year — out of 43,000. It also said 47 New Jersey teachers out of 100,000 were fired in a 10-year period.

**Tenure considered milestone**

New York teachers are granted tenure after three years. Before it is granted, Iannuzzi says, teachers undergo a constant series of reviews. "The reality is that during that process, all the cards are in the hands of the school district," he said. "When a teacher receives tenure, it is a real milestone. It is recognition that the person is qualified to be there."

Iannuzzi contends teachers should not bear all the blame. "Often the time and cost is the result of an excessive charge, or that the charges are baseless," he said. "It still takes a long time to weed through the case to learn this."

Gerstenlauer, the Longwood school superintendent, declined to discuss specifics in the case of the teacher with the drunken driving arrest, citing personnel confidentiality issues.

He said part of the reason for the drawn-out process is staff cuts in the state education department. Department representatives did not respond to calls seeking comment.

"I'm not looking to shortchange anybody's due process. I'm looking at a system that would allow us to move through at a reasonable pace, that would allow the district to move forward and the employee to move forward," the superintendent said.

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