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An Analysis of Perceptions, Attitudes and the Understanding of Pertinent Articles of the Teacher Tenure Act Held by Teachers in Selected School Districts in Michigan

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AN ANALYSIS OF PERCEPTIONS, ATTITUDES
AND THE UNDERSTANDING OF PERTINENT ARTICLES
OF THE TEACHER TENURE ACT HELD BY TEACHERS IN
SELECTED SCHOOL DISTRICTS IN MICHIGAN

by

William W. Carmody

A Dissertation
Submitted to the
Faculty of The Graduate College
in partial fulfillment
of the
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Western Michigan University
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William W. Carmody

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CHAPTER I

THE PROBLEM

Statement of the Problem

Teacher tenure, defined by Salmon (1973) as "guaranteeing that teachers cannot be fired except for cause, and only after due process has been accorded," was widely regarded as a bulwark of academic freedom. Even non-educators agreed that teachers needed protection from arbitrary dismissal for invalid reasons. William O. Douglas (1964) stated:

I have not been able to accept the recent doctrine that a citizen who enters the public service can be forced to sacrifice his civil rights. I cannot, for example, find in our constitutional scheme, the power of a state to place its employees in the category of second class citizens by denying them freedom of thought and expression. The constitution guarantees freedom of thought and expression to everyone in our society. All are entitled to it, and none needs it more than the teachers. (p. 247)

It is quite possible that teachers have clung tenaciously to the concept of tenure more because they were afraid of not being accorded due process than for any other reason. It appears to have been assumed by many that teachers could be treated rather capriciously as long as such treatment met administrative needs or even administrative whims.

The professional rights of teachers are sometimes ignored and openly violated in the schools and communities of our nation. Fischer

and Schimmel (1973) indicated that "it is paradoxical that in the schools, which have as one of their major purposes the preparation of citizens for effective participation in a democracy, teacher rights have never been consistently applied" (p. xvi).

Some teachers even believe that they voluntarily give up many of their rights when they sign their contracts. If teachers are unaware of their rights or believe that they have given them up, they may fail to assert them when these rights are ignored by school boards and administrators. By not challenging or questioning those who violate their rights, teachers may help to make such violations more likely and more frequent.

The Supreme Court of Texas in the case of Woods vs. Reilly (1962) stated, "teachers of the public schools, being the important element of our population that they are, the sooner and more completely they are advised of their rights, or lack of them, the better" (p. xvi). Teachers are generally unaware of their rights and the protections afforded them. Fischer and Schimmel (1974) pointed out that "part of the problem and much of the misunderstanding about the law is caused by the fact that 90 percent of the teachers in this country are legally illiterate" (p. 75).

In essence then, if teachers are to assert their rights, they must first know what they are. The assumption that many teachers are unaware of their rights needs to be tested. Hence, the

necessity of discovering how much teachers' actually do know about such rights and the protections afforded them by law serves as the major thrust behind this study. The purpose of this study is to analyze the level of understanding teachers in selected school districts in Michigan have regarding pertinent articles in The Teacher Tenure Act. This study will also examine the perceptions and attitudes of the teachers in these selected districts concerning tenure.

Rationale for the Study

Until recently it was considered inappropriate to question the wisdom of tenure. Since its inception, tenure has been considered a necessary and absolute safeguard for teachers in this country. These attitudes, however, are changing. Salmon (1973) states, "there is a trend across the nation to abolish or at least modify tenure laws even though more than 40 states have such statutes." Several factors account for this trend; new collective bargaining laws, recent court decisions regarding due process, and public concern over present practices. These are just a few of the reasons why people are beginning to question the concept of tenure. These factors will be examined in detail in chapter two.

In an opinion poll of administrators conducted by Nations Schools (1972) "a large majority of the respondents--71 percent--reported increasing public dissatisfaction with teacher tenure"

(p. 28). These are the results of that poll:

"HOW ADMINISTRATORS VOTED

- "1. Have you noticed increasing public dissatisfaction in your district with teacher tenure?

23% a lot 48% a little 12% none 17% do not have tenure

- "2. Do you favor teacher tenure as now set up?

18% yes 82% no

- "3. If not, do you believe tenure should be abolished or reformed?

14% abolished 86% reformed

- "4. If you favor reform, what changes would you like to see?

28% extension of probationary period to five or more years

54% renewal of tenure perhaps every five years

13% use of outside referees for contract termination hearings

4% other

- "5. Approximately what percentage of your teachers might you consider terminating if they were not protected by tenure?

25% less than 1% 45% 1-5% 21% 5-10% 7% 10-15% 2% 15-20%"

According to an article published by the American Association of School Administrators (1973) entitled "Teacher Tenure Ain't the Problem," it is mentioned that the public, those citizens paying taxes to support the school system, seem generally to believe that tenure guarantees that weak teachers can remain in their jobs and continue to perform ineffectively. Assuming then that teachers are protected, the public believes, with

some accuracy, that ineffective or nonproductive educational programs are almost ensured.

The American Association of School Administrators (1973) writes, "tenure laws were originally designed to insulate teachers from the twin evils characterizing much employment practice in the late nineteenth and early twentieth centuries--bossism and the accompanying spoils system" (p. 9). Advocates believed that teacher tenure, a statutory guarantee of fair employment practices, would make possible the employment and retention of a cadre of professional education workers free from unwarranted personal and political pressure--free to teach without fear of job insecurity caused by arbitrary and capricious actions of employing administrators or boards of education.

Quoting from the National Education Association Research Division's, "Trends in Teacher Tenure Through Legislation and Court Decisions" (1957) it stated:

The teaching profession seeks no special rights or privileges. It does, however, believe in and ask for definite guarantees of fairness and justice in employment practices and procedures for dismissal that provides a maximum security against unfairness, deceit and chicanery. (p. 4)

Herein may lie part of the answer to why teachers have continued to support the concept of tenure. It is quite possible that they have done so because they were afraid of not being accorded due process. Only until recent court decisions

have mandated that due process procedures be followed, has this practice received proper attention. It is reasonable to assume, however, that had there been a well-established policy and procedure for the use of due process half a century ago, the need for tenure laws might never have emerged.

Salmon (1973) argues that "the conditions necessitating the establishment of tenure laws no longer exist." Others, teachers included, say that tenure laws in many states have become a shelter for incompetent teachers and poor evaluation procedures.

Continuous review of the tenure situation in Michigan and throughout the country has been minimal. The lack of any change or revisions to the Tenure Act can have unfortunate effects. The last revision of The Teacher Tenure Act in Michigan was in 1967. Leahy (1968) states, "the greatest danger from any outmoded sections of present tenure legislation is that their procedural imperfection may dissuade some unjustly dismissed teacher from filing for a hearing, some school officials from firing an incompetent teacher, and some community leaders from supporting the concept of tenure itself" (p. 3).

Tenure must now also be examined within the context of the contemporary collective bargaining movement. Most of the present tenure laws were introduced at a time when only a few teachers' organizations had formed collective bargaining units.

Currently, the majority of teachers in approximately 40 states are covered by collective bargaining agreements. Lieberman (1975) writes, "as a result of recent Supreme Court decisions involving tenure, public employees now have forms of job security, even in the absence of statutes, which are not available to millions in the private sector" (p. 103).

The concept of tenure, with its misinterpretation, its misuse in protecting the guilty and ineffective, along with those teachers' needing protection, and its maladministration which satisfies few, may ultimately disappear. But what tenure laws intended, and have failed to do, will almost surely, if planned for, be preserved in other forms of administrative practice. Clear and detailed administrative procedures, set forth in written personnel policies, ratified in negotiated contracts, and fully consistent with constitutional requirements, will continue to afford the needed protection for teachers.

The search for imaginative and realistic alternatives to statutory teacher tenure is necessary because of the many recent changes in legislation and labor relations. Tenure must now be given a thorough review. It will require detailed planning, intensive preparation and possible alteration of present practices. It will also require a real commitment on the part of teachers, administrators and the public to make it a productive

enterprise.

In view of the changing circumstances concerning tenure, it is imperative to know teachers' attitudes, perceptions and knowledge about tenure. This is only one of many steps that can be taken in an area that is in need of review so that sound educational practices may be developed.

Overview

This dissertation consists of five chapters. Chapter two presents a review of the literature. Chapter three will describe: (a) the study design, and (b) the procedures used in gathering and analyzing the data. Chapter four will present an analysis of questionnaire responses. Chapter five will consist of an interpretation of findings, limitations of the study, and recommendations for further research.

The next chapter reviews the literature on: (a) tenure; a definition and its place in education today, (b) due process; a definition and its impact on education, and (c) collective bargaining; its relation to tenure and job security.

CHAPTER II

REVIEW OF THE LITERATURE

Chapter two contains three sections consisting of: (a) Tenure, a definition and its place in education today, (b) Due Process, a definition and its role in education, and (c) Collective Bargaining and its relation to tenure and job security. Because of the complexity of the tenure issue, these areas all need examination.

Tenure

A point that may create confusion when examining the concept of tenure is that tenure and The Teacher Tenure Act of Michigan are not synonymous. To clarify this issue further, listed below are definitions of tenure and The Teacher Tenure Act respectively.

Tenure

A definition:

Tenure is legal protection which (a) provides for continuing employment of professional employees who, under terms of the appropriate law, have acquired permanent (or tenure) status, and (b) requires school boards to comply with prescribed procedural provisions of notice, statement of charges, and the rights to a hearing before a tenured employee can be dismissed or demoted, or before non-renewal of his contract of employment can be effective. (p. 109)

The Teacher Tenure Act

A definition:

An act to continue tenure of office of certified teachers in public educational institutions; to provide for probationary period; to regulate discharges or demotions; to provide for resignations and leaves of absence; to create a state tenure commission and to prescribe the powers and duties thereof; and to prescribe penalties for violation of the provisions of this act. (p. 1)

Since the first tenure law was enacted in 1910, a never-ending debate has ensued concerning the merits of such protective legislation. The intensity of the arguments, both pro and con have been cyclical in nature, and now arguments are at the point in time where the critics of tenure are numerous. A few cases in point: On April 16, 1961, the Wall Street Journal ran an obituary for the principle of tenure. "Tenure," reported the Journal, "is suddenly under attack from many quarters. It is increasingly doubtful that tenure can survive much longer in its present form, the practice is already on the wane." Another article in the Kalamazoo Gazette dated January 15, 1975, carried this headline, "Teacher Tenure Law Unneeded" (p. A-11). This was a statement made by one of Michigan's top labor mediation officials, Robert G. Howlett. A 1970 Gallup Opinion Poll found that 53 percent of the public opposed teacher tenure. In an opinion poll of school administrators conducted by Nation's Schools (1971), it was found that a large majority of respondents (71 percent) had reported noticing some degree of public discontent with current tenure practices. The tenure system was also attacked

by the White House Conference on Youth . It was said that the present system of tenure protects poor teachers and puts the burden of success solely on the students and not on the ability of the instructor . In the literature reviewed by the writer it was not difficult to find articles written in opposition to tenure .

Part of the problem and much of the controversy which surrounds tenure may be caused by the fact that very few people really know what tenure is or means . Those who are minimally informed may include teachers , administrators and the public . Tenure has been variously interpreted by all of these groups and does not appear to be clearly understood by many of those in these groups . An article appearing in The Clearing House (1971) entitled "Tenure and the Teacher" states , "it is erroneously assumed by many that a teacher with tenure has a single contract that extends over a period of years" (p. 355). The key point so often misunderstood is that tenure is not permanent . Unfortunately , the public and many school people are of the opinion that the term "permanent tenure" should be construed literally . The assumption made by many is that when a teacher obtains tenure they are assured a lifelong position in a teaching career . However , a tenured teacher can be removed under existing statutes , for "cause ." The problem may be that the "causes" have been too narrowly defined in contracts and their interpretation has often been poorly delineated . A tenured teacher does not have either a vested right to a job or to a contract underwritten by the state .

Tenure statutes are simply legislative acts that reflect current legislative policy which may be changed by future legislatures .

Tenure laws were originally designed to insulate teachers from the twin evils characterizing much public employment practice in the early part of this century , bossism and the spoils system . Similar to early civil service reform , tenure statutes were intended to formalize the ground rules of employment for those public servants whose positions were often endangered or demeaned by being subject to arbitrary or capricious whims of political chiefs . Bosses commonly looked upon jobs as something to be awarded to the faithful . An actual case cited in the Pennsylvania School Journal (1971) concerns the daughter of the local school board president in western Pennsylvania . The daughter of the school board president had just graduated from a state college with a degree in music education . Her father saw to it that the music teacher in the high school , who had 12 years of quality teaching in the music department , was dismissed . The next day , the school board president's daughter was hired as the new high school music teacher . Cases such as this were not rare during the early part of the century .

Advocates believed that teacher tenure , a statutory guarantee of fair employment practice , would make possible the employment and retention of a cadre of professional educators . This then may allow them

to be free from unwarranted personal and political pressure, also free to teach without fear of job insecurity caused by arbitrary and capricious actions of employers.

An important implication of tenure for society was that it would provide essential protection for learners. Tenure would protect students' freedom to learn from teachers secure enough in their own positions that they could devote their energies to the pursuit of truth. In essence, tenure would protect the concept of academic freedom so essential to both the teacher and the student.

As a group or as individuals, teachers were not intended by tenure legislation to be placed in a favored position. Tenure laws were enacted to protect the educational interests of the state. It is true that such legislation gives teachers a sense of security and technically protected them from loss of position either because of political or such other considerations that have no relation to their effectiveness as teachers. However, since the basis of tenure legislation is the public policy of protecting the educational interests of the state, emphasis will always be upon the improved quality of instruction. For further clarification of present tenure legislation, a copy of The Teacher Tenure Act for the state of Michigan is included as Appendix A.

One of several arguments heard against tenure is that it protects the incompetent teacher. Current mythology contends that a faculty

member with tenure cannot be dismissed from his position for incompetence.

Salmon (1973) writes:

Tenure laws become a haven for incompetence only when coupled with poor management by school administrators. If personnel evaluation is to be made more meaningful, if documentation is to be comprehensive, and if due process is to be accorded, then the role of administration, particularly at the building level, must change. Further, more administrators, not fewer, will be needed to perform the all important tasks.

A recent Court of Appeals decision in Michigan involving a kindergarten teacher has been regarded as a "benchmark" decision.

In its ruling, the Court of Appeals (1976) noted that:

Teachers may be dismissed for just and reasonable cause "which can be shown only by significant evidence proving a teacher is unfit to teach." It added, "the focus of this evidence must be the effect of the questioned activity on the teacher's students, other teachers, and school staff." The ruling continued, ". . . school boards and the Tenure Commission should in each case, make specific determinations concerning the challenged teacher's knowledge of his subject, his ability to impart it, the manner and efficacy of his discipline over his students, his rapport with parents and other teachers and his physical and mental ability to withstand the strain of teaching. In every case, the effect on the school and its students of the acts alleged to require dismissal must be delineated." (p. 3)

Under any definition of tenure, incompetence is a perfectly justifiable reason for dismissal. Kech (1972) writes, "of the dismissal cases I have investigated over the past four years, and the number has been in the hundreds, I have rarely found a man dismissed because he was incompetent" (p. 125). A question to

be explored, then, might be, "why are there so few dismissals of tenured faculty on the grounds of incompetence?" The reasons are many. One may be that administrators would lead people to believe that standards of fair treatment via due process make it too difficult. Another may be that administrators themselves shy away from this area because of their own incompetency. It may also be true that few school administrators have bothered to develop valid or reliable criteria, methods, or procedures for the evaluation of teaching effectiveness. Kech (1972) stated:

What passes for evaluation in most schools is a sham consisting of equal parts of rumor, whimsy, and personal bias given a semblance of legitimacy by a classroom visit and the filling out of one of those ubiquitous rating sheets which include such items as "cheerfulness" to be measured on a five-point scale. In the vast majority of schools today, no procedures have been instituted for full and fair evaluation of teaching performance. Nor have provisions been made for assistance to the inadequate instructor to enable him to overcome his or her difficulties. (p. 126)

Tenure in education, however, is something that is potentially very visible to everyone. Proclamations are made that tenured teachers have a right to their jobs and may be dismissed only for cause provided under the conditions of due process. The result is to ensure job security for all except in those cases of flagrant misconduct or incompetence of an instructor whose performance cannot possibly be concealed from the public. Other institutions do the same

thing. The positions of civil servants are practically invulnerable to dismissal except for reductions in force. Unions have defended job security openly through self interest and entrenched bargaining power.

Legislators, whose jobs are theoretically subject to their constituency, may question why teachers should enjoy this privilege of tenure. Yet in their own profession they are protected by the seniority system, methods of concealing their voting records from the public, and election laws which give advantages to incumbents.

The general fact according to Goode (1967) is that "groups do not typically expose or expel their members for lesser achievement or talent" (p. 10). He argues that the evidence supports this conclusion as it applies not only to unions but to informal work groups, to higher level management, and the professions generally.

Tenure in American society is practically guaranteed by both practical and ideological consideration. Some degree of protection of the incompetent may be necessary for the continuity and efficiency of any social unity, regardless of its goals. Practical reasons for the protection of incompetence include the fact that a minimum threshold for membership also acts as a base, a lowest permissible level of competence. When the most incompetent are fired the base is raised; those who are marginal, but comfortably

above this base, are now threatened. In essence, the mediocre need the really inept. The feeling that "I'm safe because there are a lot worse than me" will probably prevail. What must be taken into consideration, is the cost involved in expelling or downgrading less competent members. This must be weighed against the costs of allowing them to remain. Finally, many institutions protect individual incompetence out of a compassionate concern for common human frailties and stresses, family problems, marital crises, alcoholism, and aging. In many instances "promotions," "transfers," or "reassignments" are made, but more commonly the lowering of expectations of performance in the job are made.

Tenure, when viewed in depth, will reveal that there is much more involved than the question of incompetence or academic freedom. Livingston (1973) sums up the tenure question quite well when he states:

The basic issue in the battle over tenure goes far beyond the question of academic freedom. At issue is professionalism, that vague but lofty ideal of a calling whose rewards are intrinsic and whose members are bound together in a community of dialogue, whose members are motivated by internalized models of service and of excellence and whom society can therefore trust to function without the carrots and the strikes that characterize the competition of the market place. The very notion of a profession threatens to become a casualty to the voracious ethic of the market. The issue is excellent, but the problem is to protect standards from the assault of those who confuse the pursuit of excellence, happily open even to the mediocre, with the struggle for position and status in a meritocracy. (p. 72)

Due Process

The second section of this review of literature is related to due process and its impact on tenure. A definition of due process:

Due process refers to the standards and procedures which must be followed in dealing with any adverse action brought against an individual by the government or its agents. The elements involved in due process are: (a) specific written charges capable of verification must be presented; (b) there must be a hearing with counsel if desired; (c) there must be assurances that no new charges will be introduced at the hearing; and (d) there must be provision for appeal. (p. 60)

In an article entitled "Fourteenth Amendment: Significance for Educators" (1974) it stated:

As is the case with many concepts, due process resists definition in the dictionary sense. It is a dynamic rather than a static concept, the definition of which, in each instance, depends largely on a combination of the particular facts in a situation, the particular time in history in which judgment is being rendered, and the predilections of the particular judge(s) rendering the decision. The Supreme Court, for instance, has never unanimously agreed on a standard for due process. (p. 5)

There are two aspects of due process, substantive and procedural. Substantive due process means that the reasons for adverse action must not be arbitrary or capricious. They must be relevant to the competence of the individual to adequately perform the responsibilities and functions of his job; they must not either directly, or by their effect, deny the individual the right to exercise any rights under the Constitution or laws of

the United States. The reasons given must also be sufficient to warrant the action taken.

Procedural due process means that there must be safeguards to ensure that any adverse action can be dealt with fairly and equitably so that the individual affected has every opportunity to face his accusers, respond to the charges, and refute the evidence against him.

Due process has been a fundamental principle of English common law and has been basic to the legal procedures in and under American democracy. In the area of education, though, it is relatively a newcomer. Due process has always been required in theory, but it has taken court decisions to make it clearly apparent that due process is something which is applicable in the schools, as well as elsewhere. Such court cases as the Board of Regents vs. Roth, 92 S. Ct. 2701; 33 L. Ed. 548 (June 1972) and Perry vs. Sindermann, 92 S. Ct. 2694; 33 L. Ed. 570 (June 1972) are two major cases that have been heard by the Supreme Court. These two cases revolve around the issue of due process as it relates to school employees.

In the above mentioned cases, both dealt with teachers on one-year appointments at institutions of higher education. Much of the discussion revolving around due process concerns itself with the probationary teacher as well as the tenured teacher. Until recently due process was something that was generally assured in theory but

not so much in practice, to the tenured teacher, but not the probationary teacher. In the above mentioned cases, however, the United States Supreme Court noted, "when a nonrenewal of contract deprives a nontenured teacher of 'liberty' or 'property' a teacher must be accorded minimum due process, including a hearing prior to the decision to nonrenew" (p. 53). These decisions may well have a major impact on teacher rights cases involving the nontenured.

The nonrenewed instructors, Roth and Sindermann, had contended that by failing to renew their teaching contracts, their institutions as agencies of the states of Wisconsin and Texas respectively, had deprived them of the "liberty" to pursue their careers and the "property" of their salaries for the ensuing academic year. A non-renewal, the Court suggested, could restrict a teacher's opportunity for further employment in his profession by imposing a stigma and adversely affecting his standing in the academic community. The court also said that a property right may be established where a teacher has an objective expectancy of reemployment.

In an article entitled "The Law and Teacher Rights: Rulings Define Rights of Nontenured Teachers" (1973) four cases are mentioned:

1. A federal court in Minnesota, "has ordered the reinstatement of a physical education instructor and coach to a position in the state's junior college system. Nonrenewed without a hearing and without being apprised that charges against him of racism had been placed in his personal file, the

instructor alleges that the nature of the charge and the resultant stigma involved in nonrenewal for such reason deprived him of 'liberty.' The court noted that the likelihood that the charge would lead to foreclosure of the teacher's total career is sufficient to require procedural due process."

2. The Seventh Circuit Court "reversed a district court ruling adverse to the dismissed President of an Illinois junior college, holding that he had been entitled to notice of and an opportunity to refute the reasons blatantly given for his dismissal."
3. A federal court in Massachusetts found that a teacher who alleged that he was dismissed on a question of his honesty had a "right to a day in court" to refute such charges. Without such due process, he would be unconstitutionally deprived of "liberty."
4. However, "the Fifth Circuit Court indicated that the fact that a discharged administrator 'received approximately 20 offers of employment within 11 days after being fired' militates against him that his reputation is at stake." (p. 63)

The courts continue to interpret "due process," "liberty," and "property." The United States Supreme Court has been asked by the National Education Association to clarify the intent of Roth and Sindermann and to further extend the due process rights of the nontenured. It appears that the United States Supreme Court has, first, reaffirmed that if a teacher, regardless of his tenure status, can show that a First or Fourteenth Amendment right has been violated by the governing board, he cannot be denied employment. Secondly, a governing board or institution may, by formal written

policy or by its actions , create a situation in which the employee may have an expectancy of tenure .

Due process in education is a relatively new concept. There is good reason to believe, however, that had there been a well-established policy and procedure for the use of due process half a century ago, the need for tenure laws might never have emerged. Due process follows certain legal precepts and embraces certain legal safeguards, but essentially it is a humanistic commitment rather than an adherence to strict legal principles. If educators are committed to the concept of due process, then it becomes imperative that it be applied at all times, to all persons who might be affected adversely by administrative decisions. If this is recognized as a necessity, the distinction between probationary and nonprobationary teachers may well disappear. The two cases mentioned earlier, *Perry vs. Sindermann* and *the Board of Regents vs. Roth* are examples of the changing attitudes toward probationary or nontenured teachers. When and if the concept of due process is accepted in total, then even new teachers should be afforded the same guarantees of fair and responsible treatment as those who have completed the probationary period.

Collective Bargaining
and Its Impact on
Tenure and Job Security

The third section of this review of literature is related to collective bargaining and its possible impact upon tenure. As the subject of tenure is examined it must also be placed in the context of the existing collective bargaining movement.

Collective bargaining in the schools of the United States is almost wholly a post World War II phenomenon, and most significant bargaining relationships between teacher organizations and boards of education have developed since 1960. The major teacher organizations in this country, the National Education Association (NEA) and the American Federation of Teachers (AFT) have been in existence since the late 1800's and 1900's. However, they have not until recently sought power for the improvement of teachers' rights through negotiations between local school districts and unions.

Many of the present tenure laws were introduced at a time when only a few teachers' organizations had collective bargaining rights. California, for example, has just now developed legislation mandating collective bargaining rights for public employees.

Job security clauses can and are placed into written collective bargaining contracts. Over a dozen locals of the American Federation

of Teachers have negotiated the right to receive, and respond to, evaluation reports. This is just one of many additional areas that can be negotiated for job security clauses. Leahy (1973) stated:

Collective bargaining activity does not negate tenure legislation but, instead, enhances it. Perceptive negotiators realize that good tenure legislation reinforces contract clauses and acts as a platform on which even better local security devices can be created. The higher the platform, the better the contract demands. Conversely, in those states where tenure is weak or non-existent, even the simplest security device introduced during bargaining will be fiercely fought because of its precedent-setting effect and its radical departure from state-wide norms. (p. 3)

A finding that helped initiate this study was the fact that over 90 percent of 31 teachers, in a pretest of the instrument used to survey teachers in this study, indicated that teachers were more familiar with their own contracts than they were with The Teacher Tenure Act in Michigan. An assumption then might be: If protective clauses and delineation of rights were negotiated at the bargaining table, teachers' familiarity with the protective clauses and rights afforded them might improve.

Prior to collective bargaining agreements the question of whether tenure decisions should be subject to grievance arbitration was not addressed. Recent literature is mentioning this procedure more and more frequently. The grievance procedure, culminating in binding or advisory arbitration, is the procedural "heart" of

the negotiated agreement, providing orderly and peaceful redress when there is an allegation that one party had violated the rights of the other during the term of the contract. Perry and Weldman (1970) write "perhaps the most dramatic application of the grievance and arbitration procedure in school collective agreements is to provide 'due process' protection, through arbitration of 'just cause' standards, to discharged teachers or substitute teachers, non-tenured teachers whose contracts are not renewed, and teachers who are removed from extra-increment, extra-curricular positions" (p. 211). This due process protection under a collective agreement is very similar in purpose and effect to the rights already enjoyed by certified, tenured teachers in states with rigorous tenure legislation. In some areas, school boards have agreed to contract due process clauses which, in conjunction with the grievance procedure, do allow for such an impartial, neutral review of a boards' or an administrations' judgment in demoting, discharging, or refusing to rehire a teacher. Such a procedure may cause administrators to complain even more vehemently that it is practically impossible to get rid of the "undesirables" or "incompetents." This procedure only further complicates the matter. However, as mentioned before, many administrators simply have not documented the alleged incompetence of the tenured or probationary teachers.

Metzler and Brondon (1973) state:

Collective bargaining releases forces which inevitably must result in a collision course between it and faculty governance. Many attempts are made to measure the economic impact of collective bargaining upon faculties but frequently overlooked is a most valuable benefit, the grievance procedure which ends in binding arbitration. (p. 38)

In view of such recent Supreme Court decisions such as Roth and Sindermann, and coupled with the present national economic conditions, the upsurge of militancy by the formerly staid teacher organizations can reasonably be expected to continue and intensify. If this faculty unrest does continue, collective bargaining will probably be the vehicle chosen to establish the legal basis necessary for a faculty property interest in employment.

It has been recognized as a basic tenet of labor relations that one singularly important benefit of collective organizations is for protection against arbitrary discharge. A member who is discharged looks to his or her organization for protection and assistance in utilizing a negotiated grievance procedure which removes unilateral power from the employer. This fact will not go unnoticed by nontenured teachers and it is difficult to conceive of any faculty bargaining representative not being pushed to demand incorporation of a third party neutral review within any negotiated instrument. Though differences exist among the American Federation of Teachers and the National Education Association, job security

will be a prime issue compelling similarity of tactics for each organization approaching the issue.

It is not difficult to foresee that the cornerstone of every faculty collective agreement may eventually be binding arbitration of the procedural elements of due process as this relates to the filing of grievances covering nonreappointment of nontenured personnel. Such a review by an arbitrator will seek to discover whether the lack of contract offer to nontenured staff members is capricious, unreasonable, or discriminatory. Knowing that their actions are subject to review and may be overturned if procedurally incorrect, administrations and boards of education can be expected to become bureaucratic and sophisticated in personnel matters.

The literature also reveals that some authorities on the subject of tenure believe that dual remedies, tenure legislation versus binding arbitration, should not coexist. Lieberman (1971) for example writes:

The new approach (grievance handling of tenure decisions) will make good sense if the tenure statutes are repealed, a course of action that has more appeal to teacher organizations than is generally realized. For one thing, repeal of the tenure statutes would obviously enhance the power of teacher organizations. It would be clear to teachers that their protection lay with the organization, not with the statutes. (p. 9)

This also would strengthen the present author's point that teachers' knowledge of their rights and protections may increase

through the grievance and bargaining process. The rationale for this is that through continuous bargaining and the administrative processing of tenure decisions at lower and more personal levels, familiarity and knowledge of protective clauses, rights, and procedures afforded teachers may increase.

In summary of this chapter, the author has provided information about the concept of tenure by exposing the many intricacies and ambiguities that surround the concept. The areas examined, due process, and collective bargaining should also be examined when questioning the concept of tenure for reasons already indicated. Situations which warranted the implementation of tenure have changed and today educators are facing many new problems for which old policies and procedures may no longer offer the best solutions. This, then, has been the author's intent in the review of literature, to expose and indicate possible alternatives to present practices in education. Alternatives to present statutes and procedures should be explored and present practices constantly reviewed so that all parties concerned are assured of receiving fair and equitable treatment.

CHAPTER III

DESIGN OF THE STUDY

Introduction

The objective of this study was to determine the level of knowledge and the perceptions and attitudes held by teachers in selected school districts in Michigan regarding The Teacher Tenure Act. In order to meet the stated objectives of this study it was necessary to collect data. To accomplish the collection of data, a survey instrument was developed, which will be referred to herein as the questionnaire.

The Questionnaire

The questionnaire was divided into three sections containing 36 questions. Section I contained five questions which provided the following background information about the respondents': (1) teaching position, (2) highest degree held, (3) length of time in teaching, (4) sex, and (5) tenured or nontenured status.

Section II contained seven questions which provided attitudinal and perceptual information about the respondents': (1) attitudes toward The Teacher Tenure Act in Michigan, (2) opinions as to whether the Act should be reformed or abolished, (3) opinions as to changes which they would like to see in The Teacher Tenure Act,

(4) feelings about dismissal of teachers, (5) knowledge of their own labor contract, (6) knowledge of whether or not their system is unionized, and (7) familiarity with The Teacher Tenure Act as opposed to their own contracts.

Section III contained 24 multiple choice questions providing an index of the respondents' levels of knowledge about The Teacher Tenure Act in Michigan. This level was measured by a total score comprising the number of correct answers to be 24 questions. These questions were adopted from The Teacher Tenure Act in a manner such that as much of the original wording was retained as possible. A copy of the questionnaire is listed as Appendix B.

Reliability and validity of the questionnaire

The reliability of the questionnaire was determined by pretesting it using 31 graduate students enrolled in the Introduction to Educational Leadership class on the campus of Western Michigan University. Space for comments, criticisms, and suggestions was made available at the end of the questionnaire. As a result of the pretest, one change in wording was found necessary.

The results from the pretest of the questionnaire were key punched onto IBM cards, and subsequently were analyzed. The analyses focused on five categories: (1) calculation of reliability using the Kuder-Richardson formula #20, (2) calculation of split-half reliability using the Spearman-Brown formula,

(3) determination of an index of average difficulty, (4) determination of an index of discrimination, and (5) preparation of frequency distributions and percentages of responses for questions 13-36.

The results of the analyses were as follows:

1. The reliability using the Kuder-Richardson formula #20 was: .687.
2. The split-half reliability using the Spearman-Brown formula was: .814.
3. The index of average difficulty was: .699.
4. The index of discrimination was: .446.

Content validity

To determine the content validity of the questionnaire, two authorities on the subject of school law and legal aspects in education reviewed the questionnaire. One authority was the Deputy Executive Director of the Michigan School Board Association and editor of the "Legal Corner" of the Michigan School Board Journal. The other authority was an Associate Professor and instructor of School Law at Western Michigan University.

Population

Teachers within four school districts in Michigan comprised the population for this study. These school districts were located

in four distinct separate geographic areas throughout the state. The school districts involved were: (1) the Munising Public Schools in Munising, Michigan, located in the Upper Peninsula, (2) the St. Louis Public Schools in St. Louis, Michigan, (3) the Carman Community Schools in Flint, Michigan, and (4) the Portage Public Schools in Portage, Michigan.

In these four districts, a total of ten separate school buildings were involved. From these ten schools, 330 teachers were selected to receive the questionnaire. Two-hundred and three questionnaires were returned with 198 in usable form. This constituted a return rate of 60 percent.

A total of 1,157 teachers comprised the population that was to be sampled. Of this total, 330 teachers were actually surveyed. The number of teachers responding from each of the school levels was as follows: (1) four high schools, 191 teachers; (2) four elementary schools, 74 teachers; and (3) two middle schools, 65 teachers.

Data Collection Procedures

The questionnaires along with preaddressed, stamped envelopes and answer sheets were hand delivered to the superintendent of each school district. In each district a cover letter of endorsement for participation in the study was attached, signed by the superin-

tendent and the president of the local teacher organization. See Appendix C for copies of these letters of endorsement. The questionnaires were then distributed to the teachers either by the building principal or by the local teacher association president.

As the questionnaires were returned, a careful monitoring and tabulation was recorded on the return rate from specific schools. The first mailing produced a return of approximately 50 percent. However, the return rate from teachers at different grade levels varied considerably.

A follow-up procedure was established for those schools with a return rate of less than 50 percent, in which case another set of questionnaires were delivered by the researcher about 4 weeks after the initial contact. The number of questionnaires needed was determined by checking the original returns from each school. For example, school A received 25 questionnaires in the first mailing and seven were returned. In the follow-up procedure, 18 questionnaires were delivered to school A and made available to the teachers. As a result of these follow-up procedures, a final return rate of 60 percent for usable returns was obtained.

Hypotheses

The following were the research hypotheses:

1. There are no differences in the level of knowledge held

about The Teacher Tenure Act as a function of the school level at which the teachers are employed.

2. There are no differences in the level of knowledge teachers have of The Teacher Tenure Act as a function of the highest degree held.

3. There is no difference in the level of knowledge teachers have of The Teacher Tenure Act in relation to the length of time they have been teaching.

4. There is no relationship between the amount of knowledge of The Teacher Tenure Act and status as tenured or nontenured teachers.

5. There is no relationship between the attitude held by teachers about tenure and length of teaching service.

6. Those teachers not in favor of The Teacher Tenure Act will have no differential preference as to whether The Teacher Tenure Act should be reformed or abolished.

7. Those teachers in favor of reforming The Teacher Tenure Act will have no differential preferences as to the changes they would like to see made in the Act.

8. There is no relationship between teachers with 10 years or less teaching experience and those with more than 10 years experience in regard to their attitude on dismissal of teachers not protected by tenure.

9. There is no difference in the level of knowledge of The

Teacher Tenure Act between men and women.

Treatment of the Data

Once the data were collected according to the procedures described in this chapter, each of the hypotheses was tested using the appropriate statistical technique.

For hypotheses one, two and three an analysis of variance model was applied. In those cases where a significant F value was found, a Scheffe multiple comparison test was subsequently used.

For hypotheses four through eight, a chi-square test was used. A t test for unmatched groups was used for hypothesis number nine.

Other descriptive analyses were completed such as calculating the Spearman-Brown and Kuder-Richardson reliabilities. Also, the index of average difficulty and the index of discrimination were established.

Summary

The objective of this chapter was to explain the procedures used to collect and analyze the data obtained from the questionnaires. Three-hundred and thirty questionnaires were delivered to teachers in four specific school districts throughout the state of Michigan. Two-hundred and three questionnaires were returned with 198 in usable form. This was a response rate of 60 percent.

The questionnaire contained three sections with a total of 36 questions. The analyses of data included analysis of variance, chi-square, and a t test.

CHAPTER IV

RESULTS

Introduction

The objectives of this study were to examine and analyze the perceptions, attitudes and level of knowledge teachers in selected school districts had concerning the concept of tenure and The Teacher Tenure Act in Michigan. To accomplish these objectives, a questionnaire was developed. Emphasis was placed on three major areas in this questionnaire, they were: (1) background information about the respondents, (2) perceptions and attitudes of respondents about the concept of tenure, and (3) knowledge held by respondents about The Teacher Tenure Act in Michigan. The questionnaires were distributed to 330 teachers in selected school districts throughout the state of Michigan at three grade levels. The questionnaires were delivered in person by the researcher.

Chapter four is organized as follows: first, a discussion of the characteristics of the population and sample; second, the data analyses as related to the null hypotheses; and third, a summary of the overall results of this section is made.

Characteristics of the Population and Sample

The population for this study consisted of 1,095 teachers from which a sample of 330 teachers was selected at three grade levels.

Three tables in this section show the characteristics of the population and sample. Table I provides information about (1) the school districts surveyed, (2) population size by teaching level, (3) initial sample size, (4) total usable returns, and (5) percentage response rate. Table II provides the following information about the characteristics of the respondents: (1) teaching level, (2) highest degree held, (3) length of time teaching, (4) sex, and (5) tenure status. Table III shows a comparison between the population and the sample on selected characteristics.

Table I
Population, Sample Size, and Return Rate

School District	Teacher Population by School Level			Sample Size	Total Usable	Return Rate
	Elem.	Middle	Secd.			
Munising Public Schs.	34	0	37	49	33	67.4
St. Louis Public Schs.	42	26	26	38	25	65.8
Portage Public Schools	256	141	136	120	60	50.0
Carman School District	171	86	140	123	80	65.0
Totals	503	253	339	330	198	Avg. 60.0%

Table II
 Characteristics of Teachers
 Responding to the Questionnaire

Teaching Level	Elementary	Middle	Secondary	Other Level	No Response
	43	36	116	2	1
Highest Degree Held	Bachelors		Masters	Specialist	
	103		92	3	
Length of Time in Teaching (Years)	0-5	6-10	11-15	16-20	21-30
	63	55	42	14	24
Sex	Male		Female		No Response
	94		103		1
Tenure Status	Tenured		Nontenured		No Response
	172		24		2

Table III
Comparison of Population and
Sample on Selected Characteristics

Characteristic	Population (N = 1,095)		Sample (n = 198)	
	N	%	n	%
<u>School District</u>				
Munising Public Schs.	71	6.4	33	16.7
St. Louis Public Schs.	94	8.5	25	12.6
Portage Public Schs.	533	48.7	60	30.3
Carman Public Schools	397	36.3	80	40.4
<u>School Level</u>				
Elementary	503	45.9	43	21.7
Middle	253	23.1	36	18.2
Secondary	339	31.0	116	48.6
Other			2	.01
No Response			1	.005
<u>Sex</u>				
Men	457	41.7	94	47.5
Women	638	58.3	103	52.0
No Response			1	.5
<u>Tenure Status</u>				
Tenured	1022	93.3	172	86.9
Nontenured	73	6.7	24	12.1
No Response			2	1.0

Hypotheses and Data Analyses

To examine the teacher attitudes, perceptions, and level of knowledge about the concept of tenure and The Teacher Tenure Act, nine research hypotheses were postulated stating that no differences would exist in nine distinct areas. Each of these null hypotheses was tested by use of appropriate tests to determine acceptance or rejection at the .05 level of significance. The results of the testing of these null hypotheses are as follows:

1. There were no differences in the level of knowledge held about The Teacher Tenure Act as a function of the school level at which the teachers were employed. Hypothesis not rejected.

2. There was a difference in the level of knowledge teachers had about The Teacher Tenure Act as a function of the highest degree held. Hypothesis rejected.

3. There was a difference in the level of knowledge teachers had about The Teacher Tenure Act in relation to the length of time they had been teaching. Hypothesis rejected.

4. There was a relationship between the level of knowledge about The Teacher Tenure Act and the teachers' status either tenured or nontenured. Hypothesis rejected.

5. There was no relationship among those teachers in favor or not in favor of tenure and their length of time in teaching. Hypothesis not rejected.

6. Teachers who were not in favor of The Teacher Tenure Act in its present form preferred having the Act reformed rather than abolished. Hypothesis rejected.

7. Teachers who were in favor of reforming the Act had specific differential preferences as to the changes they would like to see made in the Act. Hypothesis rejected.

8. There was no relationship between teachers with ten years or less teaching experience and those with more than ten years experience in regard to their attitude on dismissal of teachers not protected by tenure. Hypothesis not rejected.

9. There was no difference in the level of knowledge about the Teacher Tenure Act between men and women. Hypothesis not rejected.

For Hypotheses one, two and three, an analysis of variance was performed. Chi-square tests were used for Hypotheses four through eight. For Hypothesis nine, a t-test was used.

Table IV displays the results of the one-way analysis of variance of scores from The Teacher Tenure Act information test for teachers at three grade levels. The mean scores reported throughout are based on the number of correct answers out of 24 questions asked in the knowledge section of the questionnaire. The mean scores for teachers at the elementary, middle, and secondary levels were 5.74, 7.00, and 6.53, respectively. The results of the analysis of variance failed to indicate that statistically significant differences existed

among teachers at different grade levels with respect to their knowledge about The Teacher Tenure Act, ($F = 1.20$), $p > .05$. Thus Hypothesis one was accepted.

Table IV
Mean Teacher Tenure Act
Test Scores by Grade Level

Group	<u>n</u>	<u>M</u>	<u>SD</u>
Elementary	43	5.74	3.48
Middle	36	7.00	3.28
Secondary	116	6.53	3.90

F Analysis

Source	<u>SS</u>	<u>df</u>	<u>MS</u>	<u>F</u>	Probability
Grade Levels	32.96	2	16.48	1.20	.3034
Within	2637.10	192	13.73		
Total	2670.07	194			

$p > .05$

The results related to Hypothesis two are displayed in Table V. The data indicated that there were significant differences between information test scores for teachers depending upon the type of degree they held. The mean scores on the knowledge test for teachers

with bachelors, masters, and specialist degrees were 5.48, 7.30, and 12.00, respectively. The analysis of variance, along with a Scheffe multiple comparison test allowed for the rejection of the null hypothesis, ($F = 10.09$), $p < .01$. A statistically significant difference at the .01 level was found to exist among teachers with their bachelors degrees and both those with their masters and specialist degrees in the amount of correct knowledge they had about The Teacher Tenure Act of Michigan.

Table V
Mean Teacher Tenure Act Information
Test Scores by Type or Degree Held

Group	<u>n</u>	<u>M</u>	<u>SD</u>
Bachelors	103	5.48*	3.51
Masters	92	7.30	3.66
Specialist	3	12.00	2.00

F Analysis

Group	<u>SS</u>	<u>df</u>	<u>MS</u>	<u>F</u>	F-Probability
Degree Type	257.12	2	128.60	10.09	.000
Within Groups	2485.17	195	12.74		
Total	2742.36	197			

*Scheffe Test Results, Comparison significant at .01 level.

Table VI shows the results of an analysis of variance with a Scheffe multiple comparison test being used as they relate to Hypothesis three. A statistically significant difference at the .05 level was found to exist when comparing the level of knowledge held by teachers about The Teacher Tenure Act and their length of time in teaching. The null hypothesis was rejected at the .05 level of significance. The mean scores on the knowledge test in relation to years of experience were as follows: (1) 0-5 years experience, 5.02, (2) 6-10 years experience, 6.36, (3) 11-15 years experience, 7.36, (4) 16-20 years experience, 7.64, and (5) 21-30 years experience, 7.91 ($\bar{F} = 4.54$), $p > .05$.

For Hypotheses four through eight, chi-square analyses were performed. Table VII indicates the findings of the chi-square analysis for Hypothesis four. A statistically significant relationship was found to exist at the .05 level of significance between teachers with and without tenure and their level of knowledge about The Teacher Tenure Act, thus the null hypothesis was rejected. The chi-square value was 4.88 ($df = 1$) with a probability of .049. Tenured teachers more frequently obtained scores above the mean than did those teachers not tenured.

Table VI
Mean Teacher Tenure Act Test
Scores by Years of Teaching Experience

Group	<u>n</u>	<u>M</u>	<u>SD</u>
0-5 years teaching	63	5.02*	3.21
6-10	55	6.36	3.25
11-15	42	7.36	3.57
16-20	14	7.64	5.42
21-30	24	7.92	4.16

F Analysis

Source	<u>SS</u>	<u>df</u>	<u>MS</u>	<u>F</u>	F-Probability
Years Teaching Experience	235.96	4	58.99	4.54	.002
Within Groups	2506.40	193	12.99		
Total	2742.36	197			

*Scheffe Test Results , Comparison significant at .05 level.

Table VII

Contingency Table for Chi-Square Analysis
for Tenured and Nontenured Teachers
on the Teacher Tenure Act Information Test

Group	Score			
	0-6		7-21	
	O	E	O	E
Tenured	91	96.5	81	75.5
Nontenured	19	13.5	5	10.5

Chi-Square = 4.88, $df = 1$, $p < .05$.

Table VIII shows the findings of the chi-square analysis in relation to Hypothesis five. No significant relationship was found to exist between teachers with 10 or less years teaching experience and those having more than 10 in their attitude about whether or not they were in favor of the tenure concept. The chi-square value was 3.54 ($df = 2$), $p > .05$; therefore, the null hypothesis was not rejected.

The chi-square analysis performed for Hypothesis six was based on data found in Table IX. It indicated that those teachers not in favor of The Teacher Tenure Act in its present form would more likely prefer to have the Act reformed, rather than abolished.

Table VIII

Contingency Table for Chi-Square
Analysis of Teacher Attitude Toward
Tenure and Length of Teaching Experience

Group	In Favor of Tenure					
	Yes		No		Not Sure/Blank	
	O	E	O	E	O	E
10 years or less experience	37	42.90	46	41.12	35	33.96
More than 10 years experience	35	29.09	23	27.87	22	23.03

Chi-Square = 3.54, $df = 2$, $p > .05$.

This leads to the rejection of the null hypothesis. The chi-square value found was 56.52 which was significant at less than the .01 level of significance ($df = 1$), $p < .01$.

Table IX

Table for Chi-Square Analysis of Teachers
Not in Favor of Tenure and Their
Preferences as to Abolishing or Reforming the Act

Teachers Not in Favor of Tenure	Reformed		Abolished	
	O	E	O	E
68	65	34	3	34

Chi-Square = 56.52, $df = 1$, $p < .01$.

The chi-square analysis performed for Hypothesis seven indicated that those teachers in favor of reforming The Teacher Tenure Act preferred certain kinds of changes to the Act over others. This, then, resulted in the rejection of the null hypothesis. The chi-square value found was 98.00 which was significant at the .01 level of significance ($df = 4$), $p < .01$. Table X shows the results of this analysis.

Table X

Observed and Expected Frequencies
with which Teachers who Favored Reformation
of the Teacher Tenure Act Selected Means of Change

Preferred Changes in Teacher Tenure Act		Responses	
		O	E
For Teachers In Favor of Tenure	Review of tenure every five years	42	20.6
	Negotiated job security	5	20.6
	Better evaluation techniques	48	20.6
	Renewable contracts	1	20.6
	Longer probationary period	7	20.6

Chi-Square = 98.00, $df = 4$, $p < .01$

For Hypothesis eight, a chi-square analysis was performed. The findings failed to allow for the rejection of this hypothesis which indicated that there is no relationship between teachers with 10 years or less teaching experience and those with more than 10 years experience in regards to their attitude on dismissal of teachers not protected

by tenure. The chi-square value found was 3.29 ($df = 2$), $p > .05$.

Table XI shows the results of this analysis.

Table XI
Contingency Table for Chi-Square
Attitudes on Dismissal of Teachers Not
Protected by Tenure and Years of Teaching Experience

Group	Percentage of Teachers Dismissed					
	Less 10%		11-20%		21-100%	
	O	E	O	E	O	E
10 years or less experience	96	99.93	17	13.24	5	4.01
More than 10 years experience	70	66.06	5	8.75	3	3.18

Chi-Square = 3.29, $df = 2$, $p > .05$.

A t -test was performed for Hypothesis nine and the results indicated that there was no significant difference at the .05 level of significance between male and female teachers in their level of knowledge about The Teacher Tenure Act. The mean scores on the test for males was 6.58 and that for females was 6.30. Thus Hypothesis nine was accepted.

Table XII shows a frequency distribution of all test scores on The Teacher Tenure Act information test.

Table XII

Frequency Distribution for All
Test Scores on Teacher Tenure
Act Information Test

Score	Frequency
0	4
1	11
2	12
3	19
4	21
5	23
6	22
7	12
8	23
9	14
10	10
11	4
12	10
13	3
14	6
15	2
17	1
21	1

$\bar{M} = 6.42$, $\text{Mdn} = 6.00$, $SD = 3.73$

Kuder-Richardson #20 = .7756, Spearman-Brown
odd-even reliability = .7948.

Summary

Of the nine research hypotheses which suggested that no differences in attitude, perception, and knowledge of tenure would exist, five were rejected and four failed to be rejected. Null hypotheses

2, 3, 4, 6 and 7 were rejected in the area of knowledge of The Tenure Act and the attitudes held by teachers about the concept of tenure.

At the .01 level, teachers holding a masters or specialist degree had a significantly higher level of knowledge about The Teacher Tenure Act than those with a bachelors degree.

At the .05 level a statistically significant difference existed in these areas: (1) between teachers' level of knowledge about The Teacher Tenure Act depending on their length of time in teaching, (2) between teachers' level of knowledge about The Teacher Tenure Act as a function of their status as tenured or nontenured, (3) between teachers who were not in favor of the present form of tenure and their choice as to reforming or abolishing the concept, and (4) between teachers who were in favor of reforming the tenure concept and their preferences as to the changes they would make in the Act.

CHAPTER V

DISCUSSION

Introduction

The purpose of this chapter is to discuss this study and the results. The chapter is arranged as follows: first, a summary of the problem and procedures; second, the conclusions; third, the recommendations.

Review of the Problem and Procedures

Tenure, over the years, has been a subject of much debate. Arguments about tenure both pro and con have been heard from both teachers and administrators. However, even with all the exposure the subject of tenure receives, it is still a concept that is surrounded by misconceptions and ambiguity. With this in mind the researcher implemented a study that might help clarify some of the issues surrounding the concept of tenure and The Teacher Tenure Act for the state of Michigan.

The purpose of this study was to determine teachers' attitudes, perceptions, and understanding of the concept of tenure and their knowledge of The Teacher Tenure Act. In view of the changing circumstances surrounding tenure, such as the recent court rulings and the collective bargaining movement, it may be time to examine

and review the concept of tenure and The Teacher Tenure Act.

Using a questionnaire developed by the researcher, teachers in four school districts throughout the state were surveyed. These teachers, from three different grade levels, were asked to fill out this 36 item questionnaire which had three major areas of emphasis: (1) background information of respondents, (2) perceptions and attitudes of respondents about the concept of tenure and The Teacher Tenure Act, and (3) knowledge held by the respondents about The Teacher Tenure Act.

Conclusions

This study examined the possibility that no differences or relationships would exist between the respondents perceptions, attitudes, and knowledge of tenure and The Teacher Tenure Act. The main variables involved were: (1) grade level, (2) degree held, (3) length of time in teaching, (4) sex, and (5) tenure status.

It was found that no significant difference in knowledge of The Teacher Tenure Act existed among teachers at various grade levels. On the 24 question knowledge section of The Teacher Tenure Act information test, elementary, middle, and secondary teachers scored an average of 5.74, 7.00, and 6.53 respectively. Across all groups in the sample, the average score was 6.42. This is an accuracy level, on balance, of about 29 percent. This would seem

to clearly indicate that little is known about the substantive aspects of The Teacher Tenure Act by the teachers sampled in the three grade levels. (Hypothesis one)

When comparing the levels of knowledge about The Teacher Tenure Act with degree held, a significant difference was found to exist between teachers with their bachelors degree and those with either a masters or a specialist degree. Teachers with bachelors degrees scored on an average 5.48, while the means scores for masters and specialist teachers were 7.30 and 12.00, respectively. A logical reason for this result may be that undergraduate curricula in education fail to cover such topics as tenure or The Teacher Tenure Act, whereas a graduate level program may introduce such topics. (Hypothesis two)

A significant difference was found to exist between the level of knowledge teachers held about The Teacher Tenure Act and their length of time in teaching. As years of teaching experience increased, so did the average score on the knowledge test of The Teacher Tenure Act. Those teachers with 11-15 years and with 21-30 years experience had scores significantly higher than did those having 5 or fewer years of teaching experience. This result might be attributed to the fact that overall exposure to various procedures and rules increases with time spent in the profession. Contrary to these results though was the fact that those people scoring at or above

the 95th percentile on The Teacher Tenure Act information test had 10 years or less teaching experience. (Hypothesis three)

A significant relationship was found to exist between the level of knowledge for teachers with tenure and those that were nontenured. All teachers scoring at or above the 86th percentile on The Teacher Tenure Act information test were tenured teachers. No nontenured teachers obtained more than 10 correct answers. A possible explanation may be that exposure to rules and procedures that relate to tenure over a period of time allowed for an increase in knowledge. (Hypothesis four)

Hypothesis five was based on the assumption that length of time in teaching would have no relationship with whether or not teachers would be in favor of tenure. This assumption proved to be true. No significant relationship was found to exist. Realistically the opposite assumption may have been considered by many that teachers with a greater length of time in the profession might feel a stronger commitment to the concept of tenure than those with less experience. A reason for this assumption might have been that teachers with a greater length of time in the profession would have worked longer under the security of tenure and felt the absolute necessity of such a concept. These same teachers may have remembered circumstances where teachers were dismissed arbitrarily or capriciously. A point to be considered here in light of the results is, even though the new breed of teachers today appear to be more liberal and change oriented in

their rhetoric and thinking, they are still supporting traditional modes of operation. (Hypothesis five)

Teachers who were not in favor of tenure as it presently existed, clearly preferred reform of The Teacher Tenure Act rather than its abolition. Of 68 teachers responding to the question as to their preference of reforming or abolishing The Teacher Tenure Act, only three responded in favor of abolition. This, then, clearly indicates that teachers though not in favor of The Teacher Tenure Act, in its current form, would prefer to see it revised rather than abolished. In other words, it is still seen as a protection of job security, but one which needs improvement. (Hypothesis six)

The survey asked the respondents, if they favored reform or abolishment of The Teacher Tenure Act, what changes would they like to see. Certain changes were selected significantly more or less often than chance would dictate. Five options for possible changes could have been selected. They were: (1) review of tenure every five years, (2) negotiated job security, (3) better evaluation techniques, (4) renewable contracts, and (5) longer probationary periods. Two choices received the greatest response. Forty-one percent of the respondents favored review of tenure every five years, and 46.6 percent of the respondents favored better evaluation techniques and policies. The fact that better evaluation techniques and policies were selected more frequently probably indicates that teachers feel the area of

evaluation needs improvement. A point to be made here, however, is that evaluation is not mentioned in The Teacher Tenure Act. This, then, comes back to the many misconceptions that surround The Teacher Tenure Act itself. Teachers possibly feel that because tenure is usually granted on the basis of work performed and evaluations made by administrators, that this is an area that should be improved upon. (Hypothesis seven)

Hypothesis eight was based on the assumption that no relationship would exist between length of time in teaching and perceptions of the number of teachers dismissed if not protected by tenure. This was found to be a valid assumption. Contrary to the results, one may have thought that those teachers with a greater length of time in the profession would feel more teachers would have been dismissed if they were not protected by tenure. (Hypothesis eight)

There was no significant difference in the level of knowledge about The Teacher Tenure Act between men and women. The mean score on the test for males was 6.58 and for females 6.38. This is plausible on the grounds that one would not necessarily expect differential application of the Act on the basis of sex, and also this is clearly a professional field where women are a very significant proportion of the work force. (Hypothesis nine)

The results of this study, which concerned itself with the perceptions, attitudes and knowledge of tenure and The Teacher Tenure

Act, led to the conclusion that generally, the teachers level of knowledge about The Teacher Tenure Act is minimal. This is also reinforced by the fact that on question twelve, which stated, "In comparison, which do you feel you are the most familiar with, your own master (union) contract or The Teacher Tenure Act," only 1.52 percent of the respondents answered "The Teacher Tenure Act." One of the interesting aspects of this study was that such strong opinions existed in certain areas when there seemed to be so little factual knowledge upon which to form these opinions. One example of this is that 70 percent of the teachers responding to question 6 on The Teacher Tenure Act information test were either in favor or opposed to The Teacher Tenure Act in its present form. Yet, as pointed out, the level of knowledge about The Teacher Tenure Act of those teachers surveyed was minimal.

Recommendations

First and foremost the researcher believes that a thorough review of The Teacher Tenure Act must take place. Revisions and reviews of the Act have been minimal over the past decade. Like any act, policy or procedure, its effectiveness depends on continuous evaluation. Another point here is that within the last ten years, there has been a significant move toward collective bargaining for public school teachers throughout the state. This movement has many implications, some of which directly concern tenure and indirectly

touch upon The Teacher Tenure Act. It is possible that much of what is covered in The Teacher Tenure Act at present, could and should probably be negotiated into contracts, thus enhancing the possibility of creating a greater awareness on the part of teachers of the procedural rights afforded them. An example of this would be the number of days notice a teacher must be given before he or she is notified that they will not be employed in the school district the following year. At present, within The Teacher Tenure Act, the time limit on such notification is 60 days. This time limit, if incorporated into a contract, could be expanded upon to the teachers benefit; i.e., negotiated possibly to 90 days.

The second recommendation is that alternative approaches to tenure and The Teacher Tenure Act be explored. In an attempt to remove any duplication of effort, a single efficient procedure should be sought. The Teacher Tenure Act came about as a result of circumstances which today are almost non-existent; i.e., mainly arbitrary and capricious firing of teachers. The civil rights movement, with its emphasis on due process, has made great strides in the area of teacher protection. It is now time to examine our possibly outdated and inefficient policies and The Teacher Tenure Act to see if alternative approaches may provide for a more effective and cost-efficient system.

A third recommendation would be to make a concerted effort to introduce into undergraduate and graduate programs for prospective

teachers more factual information concerning tenure and The Teacher Tenure Act. Realizing that changes in course content and curricula are often difficult to bring about, still such relevant material and information should be made available to students expecting to enter the field of education as teachers. Spending four years in preparation for a teaching career without being afforded any information on the concept of tenure and The Teacher Tenure Act seems to be a weakness on the part of teacher preparation curricula.

The fourth and final recommendation is that more research in the area of tenure needs to be done. Much is yet to be learned about the concept of tenure and The Teacher Tenure Act. From the literature reviewed in this study it is obvious that very few researchers have concerned themselves with the concept of tenure or The Teacher Tenure Act. As the case should be, more research must be done before changes can take place. But until alternative approaches are explored and put into practice, misconceptions will not be eliminated and ambiguities will still surround tenure and The Teacher Tenure Act. Without a concerted effort in this area a continuation of the status quo could very well prevail.

APPENDIX A

THE
TEACHER TENURE
ACT

State of Michigan

Act No. 4 of the Public Acts of the Extra Session of
1937, as amended, including the amendments of 1967.

Michigan Teachers' Tenure Act

An Act relative to continuing tenure of office of certificated teachers in public educational institutions; to provide for probationary periods; to regulate discharges or demotions; to provide for resignations and leaves of absence; to create a state tenure commission and to prescribe the powers and duties thereof; and to prescribe penalties for violation of the provisions of this act.

Act 4, P.A. (Ex. Sess.), 1937

The People of the State of Michigan enact:

ARTICLE I.

DEFINITIONS.

(711) & 38.71 Definitions; teacher.

Section 1. The term "teacher" as used in this act shall include all certificated persons employed for a full school year by any board of education or controlling board of any public educational institution.

(712) & 38.72 Same; certificated.

Section 2. The term "certificated" shall be as defined by the state board of education.

(713) & 38.73 Same; controlling board.

Section 3. The term "controlling board" shall include all boards having the care, management, or control over public school districts and public educational institutions.

(714) & 38.74 Same; demote.

Section 4. The word "demote" shall mean to reduce compensation or to transfer to a position carrying a lower salary.

(715) & 38.75 Same; school year.

Section 4. The "school year" shall be defined as the legal school year at the time and place where service was rendered.

ARTICLE II.

PROBATIONARY PERIOD.

(716) & 38.81 Probationary period; teachers that have served one system the required period on effective date of act; authority of controlling board.

Section 1. All teachers during the first two years of employment shall be deemed to be in a period of probation: Provided, That any teacher under contract at the time of this act becomes effective who has previously rendered two or more years of service in the same school district shall be granted continuing tenure immediately upon reappointment by the controlling board: Any such controlling board by unanimous vote of its members, however, may refuse to appoint a teacher who has rendered two or more years service in the school district under its control. In the event the vote against reappointment of such teacher is not unanimous the controlling board shall deem such teacher as on continuing tenure with full right to hearing and appeal as provided in article four and article six of this act: Provided further, That the controlling board, after this act becomes effective, may place on continuing tenure any teacher who has previously rendered two or more years of service.

(717) & 38.82 Same; number a teacher may be required to serve; extension of period.

Section 2. No teacher shall be required to serve more than one probationary period in any one school district or institution: Provided, That a third year of probation may be granted by the controlling board upon notice to the tenure commission.

(718) & 38.83 Same; notice to teacher, written statement.

Section 3. At least sixty days before the close of each school year the controlling board shall provide the probationary teacher with a definite written statement as to whether or not his work has been satisfactory. Failure to submit a written statement shall be considered as conclusive evidence that the teacher's work is satisfactory. Any probationary teacher or teacher not on continuing contract shall be employed for the ensuing year unless notified in writing at least sixty days before the close of the school year that his services will be discontinued.

Section 4. Article 4, 5 and 6 shall not apply to any teacher deemed to be in a period of probation.

ARTICLE III.

CONTINUING TENURE.

(719) & 38.91 Continuing tenure; administrative capacity, provision in contract to govern.

Section 1. After the satisfactory completion of the probationary period, a teacher shall be employed continuously by the controlling board under which the probationary period has been completed, and shall not be dismissed or demoted except as specified in this act. If the controlling board shall provide in a contract of employment of any teacher employed other than as a classroom teacher, including but not limited to, a superintendent, assistant superintendent, principal, department head or director of curriculum, made with such teacher after the completion of the probationary period, that such teacher shall not be deemed to be granted continuing tenure in such capacity by virtue of such contract of employment, then such teacher shall not be granted tenure in such capacity, but shall be deemed to have been granted continuing tenure as an active classroom teacher in such school district. Upon the termination of any such contract of employment, if such controlling board shall not re-employ such teacher under contract in any such capacity, such teacher shall be continuously employed by such controlling board as an active classroom teacher. Failure of any controlling board to re-employ any such teacher in any such capacity upon the termination of any such contract of employment shall not be deemed to be a demotion within the provision of this act. The salary in the position to which such teacher is assigned shall be the same as if he had been continuously employed in the newly assigned position. Failure of any such controlling board to so provide in any such contract of employment of any teacher in a capacity other than a classroom teacher shall be deemed to constitute the employment of such teacher on continuing contract in such capacity and subject to the provisions of this act. Continuing tenure shall not apply to an annual assignment of extra duty for extra pay.

(720) & 38.92 Same; employment by another controlling board, maximum length of probationary period, option of board.

Section 2. If a teacher on continuing tenure is employed by another controlling board, he shall not be subject to another probationary period of more than one year, beginning with the date of employment, and may at the option of the controlling board be placed immediately on continuing tenure. Any notice provided

under section 3 of article 2 shall be given at least 60 days before the completion of the year of probation. If a teacher on continuing tenure becomes an employee of another controlling board as a result of school district annexation, consolidation or other form of school district reorganization, he shall be placed on continuing tenure within 30 days unless the controlling board, by a 2/3 vote on an individual basis, places the teacher on not more than 1 year probation.

ARTICLE IV.

DISCHARGE, DEMOTION OR RETIREMENT.

(721) & 38.101 Discharge, demotion or retirement of teacher.

Section 1. Discharge or demotion of a teacher on continuing tenure may be made only for reasonable and just cause, and only after such charges, notice, hearing, and determination thereof, as are hereinafter provided: Provided, however, That nothing in this act shall be construed as preventing any controlling board from establishing a reasonable policy for retirement to apply equally to all teachers who are eligible for retirement under Act No. 136 of the Public Acts of 1945 or having established a reasonable retirement age policy, from temporarily continuing on criteria equally applied to all teachers the contract on a year-to-year basis of any teacher whom the controlling board might wish to retain beyond the established retirement age for the benefit of the school system.

(722) & 38.102 Same; written charges, signatures; professional services.

Section 2. All charges against a teacher shall be made in writing, signed by the person making the same, and filed with the secretary, clerk or other designated officer of the controlling board. Charges concerning the character of professional services shall be filed at least sixty days before the close of the school year. The controlling board, if it decides to proceed upon such charges, shall furnish the teacher with a written statement of the charges including a statement of the teacher's rights under this article, and shall, at the option of the teacher, provide for a hearing to take place not less than thirty nor more than forty-five days after the filing of such charges.

(723) & 38.103 Same; suspension, compensation.

Section 3. On the filing of charges in accordance with this section, the controlling board may suspend the accused teacher from active performance of duty until a decision is rendered by the controlling board, but the teacher's salary shall continue during such suspension: Provided, That if the decision of the controlling board is appealed and the tenure commission reverses the decision of the controlling board the teacher shall be entitled to all salary lost as a result of such suspension.

(724) & 38.104 Same; hearing.

Section 4. The hearing shall be conducted in accordance with the following provisions:

- a. The hearing shall be public or private at the option of the teacher affected.
- b. No action shall be taken resulting in the demotion or dismissal of a teacher except by a majority vote of the members of the controlling board.
- c. Both the teacher and the person filing charges may be represented by counsel.
- d. Testimony at hearings shall be an oath or affirmation.
- e. The controlling board shall employ a stenographer who shall make a full record of the proceedings of such hearing and who shall, within ten days after the conclusion thereof, furnish the controlling board and the teacher affected thereby with a copy of the transcript of such record, which shall be certified to be complete and correct.
- f. Any hearing held for the dismissal or demotion of a teacher, as provided in this act, must be concluded by a decision in writing, within fifteen days after the termination of the hearing. A copy of such decision shall be furnished the teacher affected within five days after the decision is rendered.
- g. The controlling board shall have the power to subpoena witnesses and documentary evidence, and shall do so on its own motion or at the request of the teacher against whom charges have been made. If any person shall refuse to appear and testify in answer to any subpoena issued by the controlling board, such

controlling board may petition the circuit court of the county setting forth the facts which court shall there upon issue its subpoenas commanding such person to appear before the controlling board there to testify as to the matters being inquired into. Any failure to obey such order of the court may be punished by such court as contempt thereof.

(725) & 38.105 Necessary reduction in personnel, first vacancy.

Section 5. Any teacher on permanent tenure whose services are terminated because of a necessary reduction in personnel shall be appointed to the first vacancy in the school district for which he is certified and qualified.

ARTICLE V.

RESIGNATION AND LEAVE OF ABSENCE.

(726) & 38.111 Resignation and leave of absence; teacher's duties, notice.

Section 1. No teacher on continuing tenure shall discontinue his services with any controlling board except by mutual consent, without giving a written notice to said controlling board at least sixty days before September first of the ensuing school year. Any teacher discontinuing his services in any other manner than as provided in this section shall forfeit his rights to continuing tenure previously acquired under this act.

(727) & 38.112 Same; leave of absence; physical or mental disability.

Section 2. Any controlling board upon written request of a teacher may grant leave of absence for a period not to exceed one year, subject to renewal at the will of the board: Provided, That without request, leave of absence because of physical or mental disability may be granted by any controlling board for a period not to exceed one year: Provided further, That any teacher so placed on leave of absence shall have the right to a hearing on such unrequested leave of absence in accordance with the provisions for a hearing in article four, section four of this act: Provided, That no leave of absence shall serve to terminate continuing tenure previously acquired under this act.

ARTICLE VI.

RIGHT TO APPEAL.

(728) & 38.121 Appeal; hearing notice.

Section 1. A teacher who has achieved tenure status may appeal any decision of a controlling board under this act, within 30 days from the date of such decision, to a state tenure commission. The state tenure commission shall provide for a hearing to be held within 60 days from the date of appeal. Notice and conduct of such hearing shall be the same as provided in article 4, section 4 of this act, and in such other rules and regulations as the tenure commission may adopt.

ARTICLE III.

STATE TENURE COMMISSION.

(729) & 38.131 State tenure commission; creation, members, ex-officio secretary; legal advisor.

Section 1. There is hereby created a state tenure commission of 5 members: 2 of whom shall be classroom instructors, 1 a member of a board of education of a graded or city school district, 1 a person not a member of a board of education or a teacher, and 1 a superintendent of schools. The superintendent of public instruction shall be ex-officio secretary of the commission, and the attorney general shall assign to the commission an assistant who shall be legal advisor to the commission.

(730) & 38.132 Same; terms, vacancy.

Section 2. Within thirty days after the effective date of this act, the governor shall appoint the members of the tenure commission for the following terms: One for a term of two years and one for a term of one year. Each term shall begin on the first day of September. Immediately preceding the expiration of their respective terms the governor shall appoint succeeding members of the tenure commission for terms of five years. In the event of a vacancy on the tenure commission the governor shall immediately appoint a successor to complete the unexpired term.

(731) & 38.133 Same; geographical qualifications of members.

Section 3. Not more than one member of the tenure commission shall be appointed from any school district.

(732) & 38.134 Same; qualification of teacher member.

Section 4. Any teacher appointed to the tenure commission after September one, nineteen hundred thirty-eight, must be on continuing tenure.

(733) & 38.135 Same; teacher member's status with controlling board.

Section 5. Membership on the state tenure commission shall not adversely affect the status of the teacher's tenure with a controlling board.

(734) & 38.136 Same; meetings.

Section 6. The tenure commission shall meet twice a year at stated times in the city of Lansing, and at such other times and in such other places as shall be determined by the commission.

(735) & 38.137 Same; power to enforce act.

Section 7. The tenure commission is hereby vested with such powers as are necessary to carry out and enforce the provisions of this act.

(736) & 38.138 Same; compensation and expenses.

Section 8. The members of the state tenure commission shall receive \$35.00 per day while hearing cases and shall be reimbursed for necessary traveling and other expenses incurred in the performance of the duties of the commission. The expenses of the state tenure commission shall be paid out of appropriations made by the Legislature. (Editor's note: Act No. 120 of the Public Acts of 1971 increases the per diem reimbursement to \$45.00 per day per member, not to exceed 40 meeting days.)

(737) & 38.139 Same; duty to act as board of review.

Section 9. The tenure commission shall act as a board of review for all cases appealed from the decision of a controlling board. All records shall be kept in the office of the superintendent of public instruction.

(738) & 38.140 Same; first meeting, election of chairmen and secretary, rules and regulations.

Section 10. Within thirty days after the effective date of this act, the tenure commission shall hold a meeting in the city of Lansing for the purpose of organization and the election of a chairman and secretary, both of whom shall be members of the commission. The tenure commission shall draw up rules and regulations and shall have the power to amend same and to provide for the conduct of its affairs in such manner as shall be consistent with the provisions of this act.

ARTICLE VIII.

DISTRICTS.

(740) & 38.151 Applicable to all districts.

Section 1. This act shall apply to all school districts of the state.

ARTICLE IX.

PENALTY.

(741) & 38.161 Penalty.

Section 1. Failure of any member of a controlling board to comply with any provisions of this act shall be deemed a violation of the law and shall subject said member to the same penalty as prescribed for a violation of the general school law.

ARTICLE X.

INCONSISTENT ACTS.

Sec. 1 repealed 1947, Act 129.

(742) & 38.172 Waiver of rights by teachers.

Section 2. No teacher may waive any rights and privileges under this act in any contract or agreement made with a controlling board. In the event that any section or sections of a contract or

agreement entered into between a teacher and a controlling board make continuance of employment of such teacher contingent upon certain conditions which may be interpreted as contrary to the reasonable and just causes for dismissals, provided by this act, such section or sections of a contract or agreement shall be invalid and of no effect in relation to determination of continuance of employment of such teacher.

Article XI repealed 1945, Act 267.

ARTICLE XII.

(743) & 38.191 Effective date.

Section 1. This act shall take effect and be in force from and after September first, nineteen hundred thirty-seven.

APPENDIX B

14

This instrument was developed to determine the attitudes, perceptions and knowledge teachers have concerning tenure. This information will be strictly confidential and available to no one other than myself. The data results are reported on a group basis with no identification made of the respondents. The information will be used only for the purpose of my dissertation. Do not make any marks on this questionnaire--only on the answer sheet. Please answer all questions, 1-36, and fill in your birthdate. Use only a No. 2 lead pencil. Thank you for your time and cooperation.

William Carmody
Western Michigan University

SECTION I

GENERAL INFORMATION:

Please fill in on the answer sheet the following information about yourself in questions 1-5.

1. Teaching position

- | | | | | | |
|-----|---------------|------|-----|-----------|-------|
| (1) | Elementary | (43) | (3) | Secondary | (116) |
| (2) | Middle School | (36) | (4) | Other | (2) |

2. Highest degree held

- | | | | | | |
|-----|-----------|-------|-----|------------|-----|
| (1) | Bachelors | (103) | (3) | Specialist | (3) |
| (2) | Masters | (92) | (4) | Doctorate | |

3. Length of time in teaching (years)

- | | | | | | |
|-----|-------|------|-----|-------|------|
| (1) | 0-5 | (63) | (4) | 16-20 | (14) |
| (2) | 6-10 | (55) | (5) | 21-30 | (24) |
| (3) | 11-15 | (42) | | | |

4. (1) Male (2) Female

5. Are you a tenured teacher:

- | | | | | | |
|-----|-----|-------|-----|----|------|
| (1) | yes | (172) | (2) | no | (24) |
|-----|-----|-------|-----|----|------|

SECTION II

For questions 6-12 please fill in on the answer sheet the response that most clearly represents your opinion.

6. Do you favor the teacher tenure act in its present form: (If answer is yes, skip questions 7 and 8 and go directly to question 9 below.)

(1) yes	(72)	(3) not sure	(52)
(2) no	(69)		

7. If not, do you believe the tenure act should be abolished or reformed:

(1) Reformed	(110)	(2) Abolished	(10)
--------------	-------	---------------	------

8. If you favor reform or abolishment, what changes would you like to see?

(1) Review of tenure every five years	(43)
(2) Negotiated job security through collective bargaining	(6)
(3) Better evaluation techniques and policies	(50)
(4) Renewable contracts	(3)
(5) Longer probationary periods	(8)

9. Approximately what percentage of the teachers in your building do you feel would be dismissed if they were not protected by tenure?

(1) less than 10%	(166)
(2) 11-20%	(22)
(3) 21-30%	(7)
(4) 31-40%	(0)
(5) 41-100%	(1)

10. Does your present master contract include provisions previously included only in The Michigan Teacher Tenure Act?

(1) yes	(45)	(2) no	(13)	(3) not sure	(134)
---------	------	--------	------	--------------	-------

11. Are the teachers in your system unionized, i.e., do you have collective bargaining?

(1) yes	(189)	(2) no	(3)	(3) not sure	(3)
---------	-------	--------	-----	--------------	-----

12. In comparison, which do you feel you are most familiar with, your own master contract or the Teacher Tenure Act?
- | | | | | | |
|-----|--------------------|-------|-----|--------------------------|------|
| (1) | Master Contract | (158) | (3) | Not familiar with either | (13) |
| (2) | Teacher Tenure Act | (3) | (4) | Equal familiarity | (21) |

SECTION III

For questions 13-36 please fill in the correct answer. If you are not sure of the answer, don't guess, mark not sure. There is only one correct answer to all questions. These questions were developed from information provided in The Teacher Tenure Act for the state of Michigan.

13. A teacher on continuing tenure is employed by another school board; the new board can . . .
- | | | |
|-----|---|------|
| (1) | place the new teacher on another probationary period of 2 years. | (41) |
| (2) | place the new teacher on probation for an indefinite amount of time, not to exceed two years. | (47) |
| (3) | award the new teacher immediate tenure. | (56) |
| (4) | not sure. | (53) |
14. A controlling board must give the probationary teacher written notice at least _____ days before the close of each school year if his or her work is unsatisfactory.
- | | | | | | |
|-----|----|-------|-----|----------|------|
| (1) | 90 | (33) | (3) | 45 | (2) |
| (2) | 60 | (116) | (4) | not sure | (46) |
15. When filing charges against a teacher, the controlling board may suspend the teacher from active performance of duty until a decision is rendered by the controlling board, the teacher's salary will . . .
- | | | | | | |
|-----|-----------------------------------|------|-----|--------------|------|
| (1) | be withheld | (48) | (3) | be continued | (46) |
| (2) | be continued at $\frac{1}{2}$ pay | (1) | (4) | not sure | (99) |
16. If a hearing takes place, no action will be taken resulting in the demotion or dismissal of a teacher except by a _____ vote of the members of the controlling board?
- | | | | | | |
|-----|-----------|------|-----|-----------|-------|
| (1) | majority | (45) | (3) | plurality | (3) |
| (2) | unanimous | (17) | (4) | not sure | (129) |

17. The hearing involved in question 16 will be _____?
- | | | | |
|-------------------------------|------|--------------|------|
| (1) the option of the teacher | (44) | (3) private | (43) |
| (2) public | (11) | (4) not sure | (98) |
18. Any hearing for the dismissal or demotion of a teacher, as provided in this Act, must be concluded by a decision in writing within _____ days?
- | | | | |
|--------|-----|--------------|-------|
| (1) 15 | (3) | (3) 30 | (33) |
| (2) 10 | (7) | (4) not sure | (149) |
19. A copy of such decision shall be furnished the teacher affected within _____ days after the decision is rendered?
- | | | | |
|--------|------|--------------|-------|
| (1) 15 | (5) | (3) 5 | (18) |
| (2) 10 | (14) | (4) not sure | (155) |
20. The controlling board shall employ a stenographer who shall make a full record of the proceedings of such hearing and who shall within _____ days after the conclusion thereof, furnish the controlling board and the teacher affected thereby with a copy of the transcript?
- | | | | |
|--------|------|--------------|-------|
| (1) 5 | (16) | (3) 15 | (3) |
| (2) 10 | (11) | (4) not sure | (163) |
21. Any teacher on permanent tenure whose services are terminated because of a necessary reduction in personnel shall be appointed . . .
- | | |
|--|------|
| (1) the first vacancy in his district for which he/she is qualified. | (35) |
| (2) the first vacancy in his district that he/she is certified for. | (38) |
| (3) the first vacancy in the district for which he/she is qualified and certified. | (63) |
| (4) not sure | (60) |
22. No teacher on continuing tenure shall discontinue his/her services with any controlling board except by . . .
- | | |
|--|-------|
| (1) mutual consent. | (71) |
| (2) majority vote of the controlling board. | (18) |
| (3) unanimous vote of the controlling board. | (7) |
| (4) not sure. | (100) |

23. Any controlling board upon written request of a teacher may grant leave of absence for a period not to exceed . . .
- | | | |
|-----|--|------|
| (1) | one year | (39) |
| (2) | one year subject to renewal at will of board | (59) |
| (3) | two years | (12) |
| (4) | not sure | (85) |
24. A _____ teacher may appeal any decision of a controlling board under this Act, within 30 days from the date of such decision to a state tenure commission?
- | | | | | | |
|-----|--------------|------|-----|--------------|------|
| (1) | probationary | (4) | (3) | both a and b | (60) |
| (2) | tenured | (63) | (4) | not sure | (68) |
25. All charges against a teacher shall be signed by the person making the same, and filed with the . . .
- | | | |
|-----|---|-------|
| (1) | building principal | (21) |
| (2) | superintendent of schools | (28) |
| (3) | designated officer of the controlling board | (33) |
| (4) | not sure | (113) |
26. All teachers during the first ____ years of employment shall be deemed to be in a period of probation?
- | | | | | | |
|-----|---|-------|-----|----------|------|
| (1) | 3 | (14) | (3) | 4 | (2) |
| (2) | 2 | (171) | (4) | not sure | (10) |
27. Any such controlling board by a ____ vote of its members, however, may refuse to appoint a teacher who has rendered two or more years service in the school district under its control?
- | | | | | | |
|-----|-----------|------|-----|----------|-------|
| (1) | majority | (40) | (3) | 2/3 | (12) |
| (2) | unanimous | (13) | (4) | not sure | (131) |
28. No teacher shall be required to serve more than ____ probationary period(s) in any one school district or institution?
- | | | | | | |
|-----|---|------|-----|----------|------|
| (1) | 2 | (28) | (3) | 3 | (82) |
| (2) | 1 | (30) | (4) | not sure | (57) |

29. Any probationary teacher or teacher not on continuing contract shall be employed for the ensuing year unless notified _____ at least 60 days before the close of the school year that his/her services will be discontinued?
- | | | | |
|-----|--|-------|--|
| (1) | by his/her building principal (verbally) | (3) | |
| (2) | by his/her school board (verbally) | (3) | |
| (3) | in writing | (162) | |
| (4) | not sure | (28) | |
30. Continuing tenure shall not apply to . . .
- | | | | | | |
|-----|--------------------|------|-----|--------------|------|
| (1) | annual assignments | (6) | (3) | both a and b | (83) |
| (2) | extra duty | (44) | (4) | not sure | (64) |
31. If a teacher on tenure becomes an employee of another board, because of district annexation, he/she shall be placed on tenure within 30 days unless the board by a _____ vote, places the teacher on not more than 1 year of probation?
- | | | | | | |
|-----|-----------|------|-----|----------|-------|
| (1) | unanimous | (16) | (3) | 2/3 | (6) |
| (2) | majority | (24) | (4) | not sure | (150) |
32. _____ teacher(s) may waive any right and privilege under this Act in any contract or agreement made with a controlling board?
- | | | | | | |
|-----|-----|------|-----|----------|-------|
| (1) | all | (13) | (3) | tenured | (6) |
| (2) | no | (46) | (4) | not sure | (133) |
33. Charges concerning the character of professional services shall be filed at least _____ days before the close of the school year?
- | | | | | | |
|-----|----|------|-----|----------|-------|
| (1) | 30 | (4) | (3) | 90 | (22) |
| (2) | 60 | (51) | (4) | not sure | (120) |
34. The _____, if deciding to proceed upon such charges shall furnish the teacher with a written statement of the charges?
- | | | | | | |
|-----|-------------------|------|-----|---------------------|-------|
| (1) | superintendent | (31) | (3) | executive secretary | (0) |
| (2) | controlling board | (61) | (4) | not sure | (105) |

35. At the option of the teacher, if the controlling board decides to proceed upon such charges the controlling board shall provide for a hearing to take place, _____ days after the filing of such charges?
- | | | |
|-----|----------------------------------|-------|
| (1) | not less than 30 or more than 45 | (15) |
| (2) | not less than 15 or more than 30 | (27) |
| (3) | not less than 45 or more than 60 | (0) |
| (4) | not sure | (154) |
36. The state tenure commission shall provide for a hearing to be held within _____ days from the date of an appeal?
- | | | | | | |
|-----|----|------|-----|----------|-------|
| (1) | 45 | (13) | (3) | 60 | (3) |
| (2) | 30 | (31) | (4) | not sure | (149) |

APPENDIX C

January 8, 1976

The teachers at St. Louis High School and Carrie Knause Elementary School have been selected to participate in a study on teacher knowledge about the Michigan Teacher Tenure Act.

Your cooperation is requested. Please respond as requested by Mr. Carmody and return the answer sheet in the enclosed envelope.

Eugene M. Nikkari

Don Pavlik

*Carman School District*

ZANE H. STEIN
Superintendent

PHONE (313) 732-9770
G-3475 WEST COURT STREET
FLINT, MICHIGAN 48504

MEMO TO: Dye Junior High School Teachers
Utley Middle School Teachers

FROM: Zane H. Stein - Superintendent

DATE: January 6, 1976

This questionnaire is part of a survey that William Carmody, a graduate student at Western Michigan University, is conducting on a state-wide basis. Mr. Carmody has assured us that the results of this survey are reported on a group basis and no identification is made of the respondents or of the school district surveyed.

It is essential that Mr. Carmody receives a good return on this questionnaire. We are asking your cooperation in filling this questionnaire out and returning it in the stamped self addressed envelope.

Thank you.

mm

OFFICE OF THE
SUPERINTENDENT

AREA 616
PHONE 327-3081

January 19, 1976

To: Central High School Teachers
West Junior High School Teachers
Pershing Elementary School Teachers

From: Ted Vliek, Administrative Assistant and
Gary Gillett, PEA President

This questionnaire is part of a survey that William Carmody, a graduate student at Western Michigan University, is conducting on a state-wide basis. Mr. Carmody has assured us that the results of this survey are reported on a group basis and no identification is made of the respondents.

It is essential that Mr. Carmody receives a good return on this questionnaire. We are asking your cooperation in filling this questionnaire out and returning it to your building representative no later than January 30.

Thank you.

MEMORANDUM - 1/21/76

TO: Professional Staff of Mather High School and Central Elementary School

FROM: John Blanchetti, MEA President
Loren Hulsizer, Superintendent

SUBJECT: Cover letter on attached survey

Bill Carmody, a Mather High graduate in the Class of 1965, is currently a graduate student at Western Michigan University where he is working on a Doctor's Degree in Education.

Bill is requesting your assistance in completing and mailing to him the attached questionnaire on the Teacher Tenure Act. We wish to encourage you to assist him in this very important project.

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