

*Section 5 -
Education Issues -*

Tenure for Public Education Administrators

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Issue Statement

A key factor in determining the success of education reform is the quality of leadership staff at all levels of the educational system, the state level, the county or district level, and the school level. The leadership staff are expected to be the vanguard in recognizing the need for and helping to design and establish new curricula, improved organizational structures, research-based teaching strategies, and improved community outreach procedures. All of this must be accomplished with sensitivity to the multicultural population of communities, fiscal constraints, and skill in establishing and maintaining interpersonal relationships.

For the educational institution to be effective, it is imperative that the leadership staff be capable of adjusting to the needs of a society undergoing revolutionary change from manually done tasks to automated functions, from homogenous to heterogeneous ethnic populations, from traditional to diverse family structures, from rural to suburban and urban communities, and from economic stability to instability.

Educational institutions must be able to call upon their most talented members to provide leadership. When it is cumbersome to change leaders because of legal procedures, these procedures must be examined both for their fairness to the institution and to the individuals who are affected.

In this issue paper, we evaluate current state policies and strategies regarding tenure for public school administrators. Our objective is to identify barriers which affect the ability of the State to implement educational reform and to make recommendations to address those issues.

Background

Currently in the State of North Carolina, teachers, principals, assistant principals, directors, and supervisors are covered by the Fair Employment and Dismissal act which provides them tenure rights in their administrative positions.

Typically teachers have tenure in all states in the US. With projected shortages of teachers in specific content areas, many states have developed alternative forms of certification and tenure. In North Carolina in 1985, the state began a lateral entry program through which qualified persons can begin teaching while earning credits toward state certification. In a few instances, individuals with appropriate qualifications can become certified immediately.

While all states have a tenure law for teachers, it is less common to find tenure for administrators. The state receives certain advantages from providing tenure for their administrative group. A level of stability accrues from the continuation of personnel in the same positions over a period of years. There is also the likelihood of a sense of history within each district because the administrative personnel are stable. Fewer administrators are likely to leave the state for other positions because of the guarantee of job security unless they are involved in some flagrant violation of their professional responsibilities.

Serious disadvantages to the state can also result from provision in the state law. Administrators' roles require so many varied responsibilities that it becomes difficult to document incompetence in the primary area of responsibility: instructional leadership. The administrator's role is itself redefined periodically by the educational and fiscal policies of the state; therefore, under the current law, before documenting an administrator's performance deficiencies it is necessary for the evaluator to provide ongoing written clarification of the administrator's responsibilities. The local superintendents and state

1

assistant superintendents need to focus on the causes of students' success and failure and their role in bringing all the necessary supports to the classroom, not on a belabored process for reassigning an administrator who is not providing the strength of leadership a community or office requires. The provision of tenure for administrators denies superintendents the flexibility they need to see that the strongest leadership available is provided.

Findings

Finding 1: Inclusion of administrators in the current tenure law is an obstacle to the local and state superintendents' responsibility to provide high quality leadership appropriate for the district.

The local superintendent and state superintendent-level persons must have the flexibility to change leadership staff to meet the current challenges. This is particularly important when it is clear that conditions require a person of special skills or background. Whereas the current leader may be quite able to maintain the status quo, the school and community may, for example, need a person with extraordinary people skills or experience in implementing institutional change. As instruction in math and science have become critically important, leadership at both the district and state level in math and science curriculum requires new approaches and increased vigor.

Staff retraining is not the sole answer to this personnel question. While ongoing administrative training must be provided to all administrators, one cannot expect a school community to wait for new programs and approaches while the principal is receiving training.

Finding 2: The loss of tenure does not preclude a provision of due process to protect administrators from arbitrary or capricious action by a superior.

Most states do not provide tenure for administrators. In New York City, the chancellor of New York Public Schools was recently instrumental in having the tenure law covering administrators reversed.

States that do not provide tenure for administrators generally permit the administrator to maintain teacher tenure. In these states, if an administrator had tenure as a classroom teacher before becoming an administrator in the same state, if removed from an administrative position, the administrator has the choice of returning to a teaching position.

A variety of due process procedures are also provided when tenure is not granted administrators. One alternative that has been proposed is the use of two- or four-year contracts between the administrator and the local board of education. In some states an administrator can expect to receive in writing an explanation of the reasons for a change in assignment. In these states administrators are guaranteed continued the same salary for a period up to a year regardless of the level of the new assignment. Procedures may also include the right to appeal the decision to the local board of education.

Finding 3: Based on education reform reports in North Carolina over the past 10 years, there is broad support for reversing tenure for administrators.

Among the reports issued in the last decade that support a change in the tenure status for administrators are:

"Restructuring North Carolina's Public Schools: A Report of the State Superintendent's Task Force on Excellence in Secondary Education"

"Recommendation for the Reform of Public Education in North Carolina" prepared by North Carolina Citizens for Business and Industry

"A Comprehensive Plan for Improving North Carolina Education" prepared by the Division of Superintendents, North Carolina Association of School Administrators.

The key reasons cited in these studies for eliminating tenure for administrators are:

- Provides leadership the flexibility to maintain appropriate match of talent and community needs.
- Expands the State's ability to acquire leadership staff with new ideas and approaches.
- Improved quality of administrative leadership.
- Periodic changes in administrators can be healthy for an organization.

Recommendations

Recommendation 1: North Carolina should eliminate tenure for public school administrators.

The North Carolina General Assembly should designate a date in the future after which principals, directors and supervisors who are appointed would not receive tenure as administrators. They would retain teacher tenure if they had earned it prior to becoming administrators. This would mean that no new appointments would be covered by administrative tenure.

By making the law effective only for those appointed after a designated date, current administrators who remain in their current positions would in effect be "grandfathered." This will permit them to continue in their positions under the legal terms in effect when they were appointed. It will also expedite the implementation of this recommendation by assuring that all new appointments will be subject to the revised laws.

It will also give sufficient advance notice to those persons in administrative training of the terms that will apply in the future. Those unwilling to accept these terms would have the opportunity to revise their career plans.

Recommendation 2: *Current tenure laws should be replaced by new laws and regulations which provide protection for administrators from arbitrary or capricious action by a supervisor.*

A common protection in many states is the use of multiyear contracts. These contracts typically run for two to four years and provide a series of guarantees including continued employment, continued salary for period of time and sufficient notification regarding reassignments.

Recommendation 3: *Procedures and policies should be developed to define the contract process as well as the process for reassignment and dismissal of administrators.*

The State Board of Education should develop these policies using the assistance of representative school superintendents as well as legal advisors. These policies should cover the use of contracts, including the development of model contracts for use by local districts. The objective in developing the contracts should be the greatest amount of flexibility for local school boards and officials. A second and equally important objective should be the protection of administrators from unjust actions. Other items to be considered in this process include due process for discipline and dismissal as well as reassignment.

Consideration should be given to the extensive body of law regarding labor contracts in North Carolina and other states. It is important that the State enact employment and dismissal policies which take advantage of the experiences encountered elsewhere.

Recommendation 4: *The lateral entry process for administrators should be reviewed as part of the implementation of the elimination of administrator tenure.*

The lateral entry process for administrators should be carefully reviewed to insure there is sufficient flexibility to attract able candidates. While North Carolina has excellent administrative training programs, there is a need periodically to import leadership staff in order to encourage fresh ideas and approaches.

Implications

Elimination of administrator tenure for public schools in North Carolina will increase the quality of leadership in public education by allowing school district boards and superintendents to take the necessary actions to change and improve management positions. It will enable them to provide the strongest possible leadership based upon the identified and changing needs of the individual schools.

These recommendations should have minimal financial impact on public education.