



1997

## Tenure for Illinois Teachers: An Analysis of the Philosophical Arguments Surrounding the Adoption of the 1941 Tenure Law for Public School Teachers in the State of Illinois

Dorene J. Huvaere  
*Loyola University Chicago*

Follow this and additional works at: [https://ecommons.luc.edu/luc\\_diss](https://ecommons.luc.edu/luc_diss)



Part of the [Education Commons](#)

---

### Recommended Citation

Huvaere, Dorene J., "Tenure for Illinois Teachers: An Analysis of the Philosophical Arguments Surrounding the Adoption of the 1941 Tenure Law for Public School Teachers in the State of Illinois" (1997).

*Dissertations*. 3719.

[https://ecommons.luc.edu/luc\\_diss/3719](https://ecommons.luc.edu/luc_diss/3719)

This Dissertation is brought to you for free and open access by the Theses and Dissertations at Loyola eCommons. It has been accepted for inclusion in Dissertations by an authorized administrator of Loyola eCommons. For more information, please contact [ecommons@luc.edu](mailto:ecommons@luc.edu).



This work is licensed under a [Creative Commons Attribution-Noncommercial-No Derivative Works 3.0 License](#).  
Copyright © 1997 Dorene J. Huvaere

LOYOLA UNIVERSITY CHICAGO

TENURE FOR ILLINOIS TEACHERS:

AN ANALYSIS OF THE PHILOSOPHICAL ARGUMENTS SURROUNDING  
THE ADOPTION OF THE 1941 TENURE LAW

FOR

PUBLIC SCHOOL TEACHERS IN THE STATE OF ILLINOIS

A DISSERTATION SUBMITTED TO

THE FACULTY OF THE GRADUATE SCHOOL

IN CANDIDACY FOR THE DEGREE OF

DOCTOR OF PHILOSOPHY

DEPARTMENT OF

EDUCATIONAL LEADERSHIP AND POLICY STUDIES

BY

DORENE J. HUVAERE

CHICAGO, ILLINOIS

MAY, 1997

Copyright by Dorene J. Huvaere, 1997

All rights reserved.

## ACKNOWLEDGMENTS

The author of this dissertation wishes to express gratitude to Assistant Professor Janis Fine, Ph.D. for her assistance, encouragement, and support in the research and writing, and directing of this study. In addition acknowledgment is also made to Associate Professor Max A. Bailey, Ed.D. and to Associate Professor Philip Carlin, Ed.D. who offered support and collaboration throughout my doctoral program. Additional recognition is given to Lisa Schnell and the Illinois Education Association for their willingness to allow the researcher access to IEA documents and other information pertinent to this study.

Most importantly, I wish to express my gratitude to my family and friends for their encouragement, patience, and support. They instilled in me the belief in my ability to succeed.

## TABLE OF CONTENTS

ACKNOWLEDGMENTS .....	iii
LIST OF TABLES .....	vi
ABSTRACT .....	vii
Chapter	
I. INTRODUCTION	
Background .....	1
Purpose of Study .....	8
Organization of the Study .....	9
II. HISTORICAL OVERVIEW OF THE BEGINNINGS OF TEACHER TENURE	
Tenure in the United States .....	12
Otis Law - First Tenure Law in Illinois .....	24
Summary .....	36
III. PERCEPTIONS TOWARD TENURE	
Introduction .....	39
School Administrators Adopt Progressive Philosophy .....	41
Perceptions Regarding Tenure .....	53
Child Benefit .....	53
Teacher Turnover .....	56
Community Rights .....	67
Summary .....	70
IV. THE ADOPTION OF A PERMANENT TEACHER TENURE LAW IN ILLINOIS	
Introduction .....	72
Illinois Education Association Calls for Tenure Legislation .....	73

Renewed Efforts to Secure Tenure for Downstate Teacher . . . . .	77
The IEA Forges Ahead: Evolution of the Illinois Tenure Movement . . .	94
IEA Delegates Debate Merit of Tentative Proposal . . . . .	103
The Final Round . . . . .	115
Passage of the 1941 Illinois Tenure Law . . . . .	121
Summary . . . . .	124
V. EPILOGUE	
Introduction . . . . .	126
Conclusions . . . . .	128
Recommendations for Future Study . . . . .	137
APPENDIX	
1. Illinois Statute Pertaining to Senate Bill 193: School Districts Having A Board of Directors Chapter 122 § 136b . . . . .	138
2. Illinois Statute Pertaining to Senate Bill 193: School District Having A Board of Education or Board of School Inspectors. Chapter 122 § 136c . . . . .	141
BIBLIOGRAPHY . . . . .	146
VITA . . . . .	161

## LIST OF TABLES

Tables	Page
1. Teacher Turnover in the State of New York . . . . .	57
2. Teacher Turnover in Rural Areas . . . . .	60
3. Attitude of County and Town Superintendents on Teacher Tenure Law . . . . .	68
4. Length of Service . . . . .	74
5. Teachers' Length of Service in Same District, Chicago and Other Urban Districts and Rural Districts . . . . .	86

## ABSTRACT

The concept of granting K-12 public school teacher's tenure following a probationary period has been debated since its inception. The present tenure system has concerned state legislators, school administrators, parents, students and some teachers as one of the fundamental challenge's affecting the quality of education in the United States. Educational leaders and the professional journals read by those involved in the hiring, retention, and dismissal of teachers contain a plethora of literature explaining the legal rights of tenured personnel and the process involved in dismissing a tenured staff member.

This study focused on the origin of the theory to provide K-12 public school teachers in Illinois with job security in the form of tenure legislation. Through an examination of the written documents, correspondence, newspaper articles, and organizational minutes, the study analyzed the philosophies and ideologies espoused by those involved in the adoption of the 1941 Illinois Tenure Law. The research examined the opinions expressed by both advocates and opponents of tenure legislation.



A study of the documents revealed the philosophy to grant public school teacher's tenure was rooted in the ideologies of the Progressive movement. Proponents of the legislation argued teachers needed to be safeguarded from patronage and other capricious actions of school boards. Educational organizations such as the National Educational Association and the Illinois Education Association highlighted the extensive rate of turnover found among teachers. These groups argued the annual election process and the high incidence of political favoritism affected the stability of the profession and hence the quality of education. Framers of the legislation held tenure would enhance the quality of education, improve professional growth and attract high caliber, competent individuals to the field. Opponents of the legislation agreed the annual election process should be reformed. However, concerns were expressed regarding the ability to dismiss an incompetent tenured teacher and the impact life long job security would have on the continued professional development of teachers.

From its inception to the present day the primary concern voiced by those who oppose the continuation of tenure focuses on the challenges involved in dismissing a tenured public school employee.

## CHAPTER I

### INTRODUCTION

#### Background

Tenure is the right of public school teachers to remain under continuous contract after having successfully completed a probationary period. In 1941, during the 62nd General Assembly meeting, the Illinois Legislature voted to enact tenure legislation for teachers in the State of Illinois. The legislation was applicable to Illinois public school teachers who had received teaching contracts from boards of directors in areas having less than 1,000 inhabitants and to Boards of Education with more than 1,000 but less than 500,000 inhabitants.<sup>1</sup>

The concept of tenure dated back to the passage of the Pendleton Act in 1883. Amid an era of political reform in the 1880s, politicians and the public had begun to demand a change in the way individuals were appointed for federal government jobs. Appointment to a federal government position was outlined by the framers of the Constitution in Article II, section 2. According the Constitution, the President:

shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appoints are not herein otherwise provided for, and which shall be

---

<sup>1</sup> Illinois Revised Statutes. Ch. 122, Secs. 136b and 136c (1941).

established by law: but the Congress may by law vest the appoint of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.<sup>2</sup>

The Constitution was designed in the 1780s when the size of the federal government bureaucracy was relatively small. It was possible for the president to personally know the applicants and to choose individuals based on experience and efficiency. However, by the 1830s, the size of the federal government and the number of jobs it offered had substantially grown. It became increasingly difficult for elected officials and heads of departments to make selections based on personal knowledge. Politicians began to depend more on the recommendations of political parties than their own judgment. Politicians could also use the “spoils system” as a way to repay favors for those who had supported their candidacy or a successful piece of legislation. However, “the most disastrous effect of the spoils system was not upon the civil service itself but upon the people.”<sup>3</sup> Appointments were often based on party loyalty or on the return of a political favor. Individuals were not selected for their competency or effectiveness. A more efficient system was needed. In 1880, under the leadership of Ohio Senator George H. Pendleton, the National Civil Service Reform League was established. The League worked on the development of a civil service law that would reform the system.

---

<sup>2</sup> Constitution, art. I, sec. 2.

<sup>3</sup> Foulke, William Dudley. Politics and People: The Ordeal of Self Government in America. (New York: Arno Press, 1974), 6.

worked on the development of a civil service law that would reform the system.

Employment for civil service jobs was to be based on competitive exams and promotion, the result of merit, and efficiency in a position. The Pendleton Bill was introduced to Congress on 6 December 1881 and was signed into law by President Chester Arthur 16 January 1883.<sup>4</sup>

The concern to amend the process of selecting employees for federal jobs filtered to the states. “The people of Chicago favored it by a majority of over 50,000; in Illinois ... [the law] was carried by a majority of over 290,000.”<sup>5</sup> Responding to the demands of the citizens of the state, Illinois passed a civil service law in 1905.

The era of reform for those seeking government jobs filtered down to the teachers. Public school teachers received salaries from local and state tax dollars. They had been appointed to positions by a local government agency, most commonly referred to as the “Board of Education” or “Board of Directors.” Capitalizing on the role of the teacher as a civil service employee, teacher organizations began to advocate for the right of educators to receive the same protections afforded other government employees. The movement began in 1885 when the National Education Association enacted a proposal to support legislation securing tenure for teachers. The NEA created the Committee on Salaries, Tenure and Pensions in 1887, to examine the topic of tenure and gain national support for

---

<sup>4</sup> Ibid., 8

<sup>5</sup> Ibid., 219

the concept.<sup>6</sup> The concept of continuous employment for teachers caught on quickly. In 1886 the state of Massachusetts permitted its school districts to employ teachers for more than one contractual year.<sup>7</sup> The first statewide teacher tenure law was passed by the New Jersey legislature in 1909.<sup>8</sup> Furthering the need for tenure legislation, proponents maintained to attract competent professionals, individuals needed to feel politically and economically secure in their positions. They argued teacher permanency would lead to greater efficiency in the school system and hence, would improve the quality of education. Defenders of teacher tenure also noted teachers were entitled to social justice. Frequently teachers, particularly in rural communities, were dismissed for political reasons.

Opponents of teacher tenure felt it would lead to mediocrity among the teachers. They reasoned if teachers were granted permanency, they would not have an incentive to continue professional growth and keep abreast of current trends in the field. School boards were also concerned tenure would usurp the local communities' power over the hiring, retention and dismissal of teachers. Both sides agreed something needed to be done to provide more security for teachers. The dispute centered on how to ensure justice for all concerned: the local community, children and teachers. A debate began as members of the academic community, school board officials, superintendents, principals and

---

<sup>6</sup> Preliminary Report on Tenure of Teachers. By Dr. Joseph Swain, Chairman. Washington DC: National Education Association, 1920. 147

<sup>7</sup> Report of the Committee on Tenure of the National Education Association. By Charles O. Williams, Chairman. Washington DC: National Education Association, 1921. 146.

<sup>8</sup> DuShane, Donald. "The Superintendent and Tenure," Journal of the National Education Association. 24 (May, 1935) 156.

teachers discussed their viewpoints and, in some cases, offered alternative solutions to the proposal for permanent teacher tenure.

This debate came to the forefront for Illinois in the Chicago public schools in the early 1900s. Following an embittered battle between the school board and the Chicago Teachers Federation, tenure was secured for teachers in districts over 100,000 inhabitants in 1917. The Otis Bill provided Chicago teachers with permanent contracts following a three-year probationary period.<sup>9</sup> Lacking a unified association or federation, teachers outside of Chicago were not included in the legislation. Teachers outside of Chicago (commonly referred to as “downstate teachers”) would not receive tenure for twenty-four years.

Tenure did not come easily for downstate teachers. The Illinois Education Association led the struggle to secure permanent employment for downstate teachers. Noted in the IEA publication, The Illinois Teacher, the organization began to discuss the need for tenure legislation in 1914. At this time, the membership of the IEA was predominately comprised of superintendents and principals. Consequently, the first tenure legislation endorsed by the IEA supported enacting legislation, “That will define the powers and duties of superintendents and permit a single contract to cover as much as five years of service.”<sup>10</sup> Superintendents felt powerless to affect education in their districts.

---

<sup>9</sup> James Ralph Maloney, “Illinois’ Teacher Tenure Law: The Development of Tenure in Illinois and an Analysis of Statutory Causes and Procedural Due Process for Dismissal of Public School Teachers” (Ph.D. Diss., University of Illinois, Urbana, 1976), 27.

<sup>10</sup> \_\_\_\_\_. “Illinois Teacher,” 4 (December, 1915) 57.

Some districts permitted the superintendent to hire and dismiss teachers or implement curricular changes. Other districts did not. Superintendents and other administrators sought continuous contracts to allow them greater control in directing education in their district. However, the 49th General Assembly failed to pass the legislation. The number of items included in the bill and a lack of unified support among members of the IEA were largely responsible for the defeat.<sup>11</sup>

The NEA continued to promote the need for tenure throughout the next decade. However, in Illinois the IEA and Chicago Teachers Federation concentrated efforts at securing higher salaries and pensions for Illinois educators. During the 1930s, the Depression affected all aspects of economic life. The decline in the production levels and personal incomes had an impact on the tax receipts of school districts. The lack of revenue resulted in school closings, salary freezes and teacher layoffs. However, more often discharges were the result of arbitrary action taken by school boards. Teachers were dismissed to make room for a relative, a supporter of a board member, or for endorsing union representation. By the late 1930s, the IEA was convinced tenure legislation was needed in order to secure teacher jobs. Permanent employment for teachers and principals would also give educators greater leverage in negotiating salary increases and pension plans. In 1938, the IEA created a separate committee to explore teacher tenure legislation.<sup>12</sup> After a second failed attempt to secure the legislation in 1939, the committee

---

<sup>11</sup> \_\_\_\_\_. "Illinois Teacher," 5 (September, 1916) 1.

<sup>12</sup> \_\_\_\_\_. "Illinois Teacher," (May-June, 1938) 292

worked with other teacher organizations and the Illinois School Board to secure its passage in 1941. On July 1, 1941, downstate Illinois public school teachers received permanent employment following a two-year probationary period.

The controversy surrounding tenure has continued. Framers of the legislation foresaw a more stable environment that would attract competent individuals. Job security combined with increased salaries and improved working conditions were expected to lead to a greater degree of professionalism. From its inception, some people expressed concern that tenure laws would not result in professionalism. Rather, it would lead to apathy and a decline in the overall quality of education. Today, the relationship between permanent employment of teachers and the quality of education in the United States continues to be debated by community representatives, school board members, educators and teacher organizations.



### Purpose of Study

The purpose of this study is to examine the political and philosophical issues that led to the adoption of a state tenure in Illinois in 1941. Recently, there has been considerable debate regarding the tenure system. Opponents of the system believe it has protected mediocre and ineffective teachers. Some argue tenure has been, at least in part, responsible for the perceived crisis in education. Proponents of the system contend it has provided teachers with a safety net from arbitrary dismissal. Others postulate it has ensured academic freedom. The purpose of this study was to determine what the proponents of teacher tenure legislation hoped to accomplish and what issues faced teachers in the early 20th century, which led to the formation of the Illinois state tenure statute. This study focused on the philosophical and political arguments advanced by organizations involved in both education and the tenure debate. Among the organizations were the Illinois Education Association and their parent organization, the National Education Association; the American School Board Association; and the American Federation of Teachers.

### Organization of the Study

Considering the debate that has ensued regarding the impact of teacher tenure on the American educational system, little research has been done regarding the rationale behind the creation of tenure statutes. The majority of studies on tenure examine the legal issues that arose following the enactment of the statute. A plethora of literature exists concerning the property and liberty interests of a tenured teacher and the procedures established by the courts with respect to dismissal of tenured faculty.

The purpose of the historical study was two-fold. First, the researcher analyzed various viewpoints pertaining to tenure. This included a study of the philosophical and political arguments made by advocates and opponents of teacher tenure. The researcher also investigated the goals of the Illinois Education Association in seeking teacher tenure and the methods employed by this organization in pursuing the adoption of tenure for Illinois teachers. Professional journals were explored to provide an academic discussion of tenure. Publications from the American Federation of Teachers and Chicago Teachers Federation were reviewed to determine their position and role in the enacting the 1941 statute. An examination of the primary source documents relating to the philosophical arguments espoused by the National Education Association was conducted. Since the Illinois Education Association was the driving force behind the adoption of a state tenure law, the minutes of IEA committee meetings, The Illinois Teacher, and other IEA written documentation was also reviewed.

A critical examination of the primary and secondary sources was undertaken in an effort to answer the following research questions:

- I. What political and educative issues, in Illinois, precipitated the establishment of tenure legislation?
- II. What philosophical ideologies were espoused by those actively involved in the tenure debate?
- III. What political arguments were voiced by proponents and those opposed to the establishment of a state tenure statute?
- IV. What was the intent of those who structured the tenure statute?
- V. What political and educative issues challenged the Illinois Education Association's attempt to secure tenure legislation?

The jurisdiction of statutes concerning employment of teachers has traditionally remained the province of the state legislature. Therefore, although tenure legislation increased rapidly throughout the United States during the 1930s, it is beyond the scope of the dissertation to conduct an in-depth examine of the development of the national movement towards teacher tenure. This study focused on the development of teacher tenure in the state of Illinois.

In answering these research questions, secondary sources such as law review articles, dissertations, and educational publications were surveyed to gain a general understanding of the concept of tenure for K-12 educators. This information was

obtained by undertaking a series of computer based searches such as ERIC, the Humanities Index, LLAW and using Education Index.

Primary sources were obtained from the Chicago Teachers Federation, the National Education Association, and the Illinois Teachers Association. The journals, minutes, and proceedings of the aforementioned organizations were researched. A critical historical analysis of these sources was undertaken. The analysis determined the position and role each organization played in the adoption of a tenure law for the State of Illinois teachers.

## CHAPTER II

### HISTORICAL OVERVIEW OF THE BEGINNINGS OF TEACHER TENURE

#### Tenure in the United States

The concept of tenure for teachers was first advocated by the National Education Association in 1887. The NEA believed teachers, as civil service employees, should be afforded the same protections as other government workers. The “spoils” system of allocating jobs to individuals based on one’s political party loyalty became institutionalized during the presidential administration of Andrew Jackson. Once elected to office, politicians held they had the right to replace government workers with people who had supported their candidacy. Senator William L. Marcy of New York in an 1832 Congressional debate summed up the political philosophy of the era. He stated, “They see nothing wrong in the rule, to the victor belongs the spoils of the enemy.”<sup>1</sup> The practice of rotation in office became standard for some politicians until 1883.

The post Civil-war era led to political and cultural changes in the United States. The country had embarked on a period of rapid economic expansion. The industrial growth of the late 19th century led to new ideas about the way business and the

---

<sup>1</sup> Bernard Peber, editor., USA Viewpoints, (American Book Company, 112).

government were designed. The Populist party, a short lived political party of the 1880s, began a crusade to reform some aspects of the government. They were interested in expanding the participation of the citizenry. They wanted the American public to have a greater voice in the election process and to reform the way in which people were selected as civil service employees.

George Pendleton, a Democratic senator from New York, began to work with the Civil Service Reform League in 1881. The intent of the organization was to create legislation that would limit the abuses of the spoils system. The assassination of James Garfield by a disappointed office seeker, Charles J. Guiteau, supplied the impetus needed to pass the Pendleton Act. Chester Arthur, successor to Garfield, signed the legislation on 6 January 1883.<sup>2</sup> According to historian Ari Hoogenboom, the Pendleton Act created a new era in government:

An unprofessional civil service became more professionalized. Better educated civil servants were recruited and society accorded them a higher place...Local political consideration gave way in civil servants' minds to the national concerns of a federal office. Business influence and ideals replaced those of the politician.<sup>3</sup>

The Pendleton Act sought to protect civil service employees from arbitrary dismissal. Government employees were expected to follow the principles of the emerging corporate structure. Selection and promotion would be based on merit and efficiency. In 1883,

---

<sup>2</sup> William Dudley Foulke, Politics and People: The Ordeal of Self-Government In America. (New York: Arno Press, 1974), 8.

<sup>3</sup> Ari Hoogenboom, Spoilsmen and Reforms. The Berkeley Series in American History. (USA: Rand McNally and Company, 1964), 6.

approximately ten percent of civil service positions required a competency exam. As long as the person was capable and effective in their position, the civil service employee would be secure in their job. In theory, the “spoils” system would gradually be replaced as more jobs were classified under civil service legislation.

Responding to the changes in selection and retention of civil service jobs, the National Education Association began to examine the concept of tenure for educators. In 1887, it created the Committee on Salaries, Tenure and Pensions. Although successful tenure legislation had been achieved in New Jersey in 1909, most of the early reform efforts of this committee centered on teacher salaries and pensions.<sup>4</sup> Joseph Swain, chairman of the NEA committee on salaries, tenure, and pensions of teachers, stated, “much has been written [about tenure] and somewhat extensive statistics have been published, but no concerted investigation of the subject has previously been made.”<sup>5</sup> Little effort had been spent researching the reasons for tenure legislation. Recognizing the need to place a greater emphasis on the subject, the NEA set out to develop a plan to examine the theory of tenure for teachers. Swain raised several issues to be addressed when discussing a tenure law for teachers. He argued the field of teaching needed greater professionalism. He believed this could be accomplished by increasing the requirements to enter the field and eliminating the yearly renewal of teaching contracts. He stated, other

---

<sup>4</sup> “Teachers Tenure,” School and Society. 14 (September 1921), 129-132.

<sup>5</sup> Preliminary Report on Tenure of Teachers. By Joseph Swain, Chairman. (Washington DC: National Education Association, 1920), 147.

civil service employees were guaranteed liberty and property interests concerning their jobs, however, teachers continued to work under the old “spoils” system of political patronage. In the present system, he maintained, there were “no standards to measure competent teaching.” If teachers were given proper training, a probationary period to further their proficiency, and their property and liberty interests were protected with tenure legislation, this would elevate the quality of those entering teaching. Therefore, the general public and school boards could expect tenure would lead to a stronger, more professional and efficient educational system.<sup>6</sup>

The NEA continued to discuss the merits of teacher tenure at its meetings. During the NEA general meeting in 1921, they held that a teacher would “grow more valuable to her city with each succeeding year.” Security in the form of tenure would allow the teacher to purchase property and become an active member of the community. It would, “serve to stabilize and dignify our profession [teaching] and gain for it the recognition it merits because of the service it renders.”<sup>7</sup> The NEA also discussed the need for strong, supportive leadership from the superintendent; an annual evaluation process; and evidence of professional growth as a way to ensure the community of a strong academic tradition in their schools. The leadership of the NEA in addressing the significance of tenure stated:

Until sound principles are developed and practical applications are worked out, we shall continue to struggle, as we have in the

---

<sup>6</sup> Swain, Preliminary Report on Tenure of Teachers. 149-151.

<sup>7</sup> The Improvement of the Teaching Profession through Tenure Legislation. By Charl Ormond Williams, Superintendent of Shelby County Schools. (Washington DC.: National Education Association Proceedings, 1922), 685.



past, in the quicksands of insecurity and uncertainty, without the power or strength to fight for the adequate recognition of our profession.<sup>8</sup>

The NEA was certain teacher tenure, coupled with increases in salary and a secure pension, would attract first class professionals to the field.<sup>9</sup> In addition, tenure legislation would provide greater negotiation power for teachers.

By 1923, the NEA realized the need to form a separate committee specifically designed to address the issue of teacher tenure. The NEA felt if tenure was secured, teachers would be in better position to negotiate increased salaries and retirement plans.<sup>10</sup> Representing educators throughout the country, the NEA felt it should provide direction to the various state organizations attempting to formulate tenure legislation. They formed the Committee of One Hundred. During the next year, Fred Hunter, chair of the committee, studied the issue of teacher tenure. He stated the purpose of his study was to:

To ascertain the need for a greater permanency of tenure; to learn about laws, rules and regulation regarding teacher tenure and their results; to ascertain the attitude of the teaching body of the United States and the lay of the public regarding tenure; Also to secure their statements as to a defensible standard of merit for teacher tenure; and to make recommendations upon the basis of the findings reached as to desirable legislation and rules and regulations for boards of education.<sup>11</sup>

---

<sup>8</sup> Report of the Committee on Tenure of the National Education Association. By Charles O. Williams, Chairman. (Washington DC: National Education Association, 1921), 145.

<sup>9</sup> *Ibid.*, 154.

<sup>10</sup> Williams, Charl, Ormond. "Tenure--An Important Problem," Journal of the National Education Association. 10 (November, 1921), 151.

<sup>11</sup> Research Bulletin of the National Education Association: The Problem of Teacher Tenure. By John K. Norton, Director. (Washington DC: National Education Association, 1924), 140.

This committee was charged with the task of gathering information that would be used to crystallize the need for tenure. The committee examined court cases regarding teacher dismissals and the rate of teacher turnover. They also investigated existing tenure legislation at the local and national level as well as in foreign countries. Surveys of teachers and administrators were used to gather information regarding reasons for dismissal and the general attitude that existed among teachers and administrators toward securing tenure.<sup>12</sup>

The results of their investigation were reported in a research bulletin, The Problem of Teacher Tenure. The report began with a discussion of the role of public education in a democracy. They argued, “Public education is synonymous in public opinion with the idea of democracy.” Public education in America was created, in part, to instruct young people in the values and goals of American society. The physical devastation of Europe and the reorganization of political boundaries following World War I lead to an influx of immigrants into the United States. Public education was viewed as a vehicle to indoctrinate the newly arriving immigrants into American society. Schools were expected to help, “in [the] abolition of illiteracy” and “for Americanization of foreign elements.”<sup>13</sup> In the 1920s, teachers and the public education system were considered an essential part of the fabric of American society. The NEA felt the status of the teaching profession had

---

<sup>12</sup> Discussion of the National Education Association Tenure Report. By Fred M. Hunter, Chairman. (Washington DC.: National Education Association Proceedings, 1924), 477.

<sup>13</sup> Research Bulletin of the National Education Association: The Problem of Teacher Tenure. By John K. Norton, Director. (Washington DC.: National Education Association, 1924), 142.

improved. State legislatures, boards of education and local communities were ready to examine the need for increased salaries, pensions, and tenure for teachers.<sup>14</sup>

Education was, in part, designed to create a stable, economically viable work force. Under the existing system of annual contracts, teacher's did not experience stability in their jobs. Therefore, the NEA argued, tenure was needed to slow the rate of teacher turnover and bring stability to the profession. They estimated that in 1922, the average lifetime use of a teaching certificate, in the state of New York, was less than seven years. Throughout the United States the average length of a teacher's tenure in one school was approximately four years. The figures revealed even more instability in rural communities, where the "median tenure is but 2 years." The committee estimated that on average 125,000 inexperienced teachers were employed annually in rural communities. The lack of longevity in employment also existed in educational leadership. The average term of office for a superintendent was 3 years. The NEA argued the lack of stability in the teaching profession affected the welfare of schools. More stability was needed in order for schools to fulfill the goal of providing a sound educational program and attract competent, professional individuals. Professionals, the NEA argued, should establish the standards by which teachers are judged fit for employment.<sup>15</sup>

To determine grounds for dismissal, the NEA surveyed people directly involved in the operation of schools. The surveys were sent to university professors, superintendents,

---

<sup>14</sup> *Ibid.*, 142.

<sup>15</sup> *Ibid.*, 143-144.

principals, classroom teachers, members of the Parent Teacher Associations and laymen interested in the operation of public schools.<sup>16</sup> The questionnaire asked participants to indicate from a list of fifteen choices those they felt were grounds for dismissal. The following grounds for dismissal were uniformly agreed on by professors, superintendents, principals and classroom teachers:

1. Manifest or proved physical disability.
2. Proved lapse of character.
3. Proved insubordination to reasonable rules and regulations employing authority.
4. Continued inability to maintain discipline.

Presidents of universities and teacher colleges, members of the Parent-Teacher Association and laymen believed the list should be enlarged to include eight additional items. These items were:

1. Continued criticism of employing authority or superior officer.
2. Continued failure to grow professionally and improve service.
3. Continued failure to develop skill in instruction.
4. Continued friction with parents and patrons.
5. Lack of self-control.
6. Lack of sympathy with children.
7. Untidy personal appearance and lack of cleanliness.
8. Habitual use of poor English.<sup>17</sup>

The NEA acknowledged the two groups had different expectations of teachers. However, they held to the idea that educators, as professionals, should determine the merits for employment. Consequently, the policy they formulated incorporated only the

---

<sup>16</sup> Ibid., 159.

<sup>17</sup> Ibid., 165.

recommendations of superintendents, principals and teachers. This policy advocated all tenure laws should include the following:

1. A period of probation of one to three years.
2. Tenure during efficiency and good behavior.
3. Dismissal only upon proof of cause and after trial in at least two schools -- this to apply to any cause except proved immorality.
4. Right of hearing.

Recognized causes for dismissal.

1. Proved physical or mental incapacity for performing the duties of teaching.
2. Proved immorality.
3. Proved disobedience of State laws or reasonable rules prescribed for the management of schools.
4. Inability to maintain discipline or to secure and maintain the organization of the school or system in case respectively of teacher, principal, and superintendent.<sup>18</sup>

The NEA also suggested that each state, according to its needs, establish a requirement for professional growth. This standard, they argued, should be rigorous and applicable to tenured teachers. The NEA was fulfilling its role as an organization designed to represent the interests of its members. Although, sixteen percent of the total number of people surveyed represented groups other than those directly involved in the administration and organization of K-12 schools, the NEA did not incorporate their recommendations in the tenure proposal. This action implied teacher organizations would formulate the standards by which their profession should be evaluated, not university instructors, Parent-Teacher Associations, or laymen. The NEA believed educators would be more inclined to accept

---

<sup>18</sup> Ibid., 164.

the recommendations of peers and work towards the fulfillment of these standards if they were established by colleagues.

To further the argument that teachers were professionals and that teacher tenure would lead to a better educated populace, the NEA researched existing tenure provisions in foreign countries and in the United States. A comparison of the literacy rate in nine European countries to the United States was undertaken. The United States ranked tenth. The NEA argued, “teachers in the educational systems of European countries, where a high degree of school development has taken place, are much more completely protected by tenure than are the teachers of the United States.” The advantage of a stable teaching force was evident in the low incidence of illiteracy. In contrast, the United States had an illiteracy rate of 6.0. This figure was more than one percent higher than any European country which granted teacher tenure. The NEA felt confident that if yearly contracts were abolished and if teachers were given permanent employment in schools, the literacy rate of the United States would be improved.<sup>19</sup>

In 1924, six states had teacher tenure laws applicable to all public school employees. An additional five states had written tenure legislation for school districts in the large metropolitan cities. Several smaller cities had local tenure laws. Generally these laws called for continuing contractual status for teachers “who serve during good behavior and efficient service,” following a specified probationary period. However, the vast majority of public school teachers were without job protection. The NEA postulated each

---

<sup>19</sup> Ibid., 156.

teacher was entitled to be free from political assault or arbitrary dismissal. The increased activity to incorporate teacher tenure legislation had grown out of the number of publicized political dismissals of teachers.<sup>20</sup>

The NEA highlighted three significant cases of flagrant political dismissals. In 1915 a school in Denver, Colorado dismissed over 200 teachers and administrators who had received satisfactory or above ratings. “The first notice of the action of the Board reached them only through alphabetic lists in the newspapers.”<sup>21</sup> In 1918, the San Diego, California the Board of Education, released 21 teachers and a high school principal with satisfactory records. No notice or cause was given to the educators. H. O. Welty, an Oakland principal summarized the incident. He explained, “The first step was to disregard the superintendent’s recommendations in the employment of teachers and vacancies were filled with teachers who were without necessary qualifications, merely because they would support the new Board.” He felt the superintendent was simply a figurehead without authority or professional recognition. Teaching positions in San Diego were determined not on one’s ability but rather, on the political loyalty demonstrated toward a school board member.<sup>22</sup>

In Portland, Oregon a similar incident took place. Prior to 1913 the Portland Board of Education conducted a series of dismissals. Reacting to the constant state of uncertainty, the Oregon Sub-Committee on Tenure stated,

---

<sup>20</sup> *Ibid.*, 153, 155.

<sup>21</sup> *Ibid.*, 145.

<sup>22</sup> *Ibid.*, 145-46.

The public schools suffered from politics and gross favoritism. Injustice was inflicted on many teachers who were dismissed without warning and without even knowing the cause of their dismissal. No teacher felt secure in her position solely because of her efficiency. If her principal or some influential patron who had a grievance complained against her, she had no opportunity to defend herself or to disprove the assertion of one whose complaint might be founded on trivial matter.

The whole teaching corps suffered from the demoralization that such state of uncertainty would inevitably cause. The annual election occurred so late in the school year that teachers who were not reelected had scant opportunity to secure positions for the next year in other schools. This state of affairs resulted in a subservience in many instances, and efficiency suffered accordingly.<sup>23</sup>

The teachers of Portland rallied behind the NEA's ascertain that the control of school boards by local politicians and practice of patronage needed to be eradicated. The constant state of suspicion and mistrust generated by the annual election process was affecting the welfare of the children. The NEA's position was furthered by the actions of the Chicago School Board. In 1915 the Chicago Board of Education enacted a law prohibiting teachers from joining professional organizations or union affiliations. Sixty-eight teachers, many of them active members of the Teachers Federation, were dismissed without cause. Their dismissal was presumed to be an attempt to weaken the teachers' federation. Actions such as these, the NEA noted, were harmful to the teacher, the school and the youth of the country. Political dismissals, the NEA stated, were more, "harmful to children than a drastic tenure law." It was time for teachers to develop tenure laws that would protect efficient, skillful, professional minded educators.<sup>24</sup>

---

<sup>23</sup> Ibid., 145.

<sup>24</sup> Ibid., 146-147.



An NEA review of court cases involving teacher dismissals revealed in the majority of the cases the courts sided with boards of education. Again the NEA emphasized the Chicago situation. In this case the court ruling stated, “the board had the absolute right to decline to employ or re-employ any applicant for any reason whatsoever or for no reason at all.” The NEA concluded the time was ripe for teachers to organize and work together to develop tenure legislation that would protect the teachers and maintain good quality schools. It was only natural, the NEA concluded, for teachers to organize to protect themselves.<sup>25</sup>

By 1925 the NEA had laid the foundation for other state teacher organizations to develop tenure legislation. Rationale for the law had been explained. A tenure law would protect teachers from arbitrary dismissal and lead to improvements in the quality of education. A policy based on information from people directly involved in K-12 education had been formulated. The need for tenure legislation was recognized. According to the NEA, it was now time for teachers and educational administrators to organize into political units. Unity among teachers through associations or union federations was necessary if tenure legislation was to be achieved.

#### Otis Law - First Tenure Law in Illinois

The first attempt at union organization for teachers occurred in Chicago. At the turn of the century, most boards of education were appointed by the mayor or elected by

---

<sup>25</sup> Ibid., 147.

the local community. Edward Eaton in The American Federation of Teachers, 1916-1961 noted, “The process was clearly political and a board member took his office with a set of political debts and credits.” Consequently, many members of a school board represented the political interests of their constituency rather than the best interests of the school or the teachers. Most teachers faced low salaries, non-existent fringe benefits and overcrowded classrooms. Conditions in Chicago paralleled the nation. The Chicago Board of Education was appointed by the mayor. No special qualifications or affinity with education was needed to serve on the board. Often members were aligned to the political concerns of the mayor and the influential business community.<sup>26</sup>

Chicago teachers experienced overcrowded classrooms, poor pay, no job security or pension plan. In 1896, following twenty years without a pay raise, they began to organize. Some associations existed at the time, but they were primarily for the male high school teacher. Female elementary teachers, feeling disenfranchised from these groups, formed a federation to fight for teacher rights and the overall improvement of education in the Chicago schools. Their first successful effort came quickly. They lobbied the Illinois General Assembly to enact legislation that permitted the creation of a pension fund for teachers. Shortly after implementation, the pension fund experienced financial troubles. On 3 March 1897, a meeting was called to discuss these problems; however, along with the pension fund several other issues surfaced. Chicago teachers were also concerned about the lack of a salary increase since 1876 and school board reforms that overlooked

---

<sup>26</sup> William Edward Eaton, The American Federation of Teachers, 1916-1961: A History of the Movement. (Carbondale, Southern Illinois University Press. 1975), 3-5.

the teacher. Responding to the demands of this group, the Chicago Teachers Federation (CTF) was born.<sup>27</sup> The goal of the CTF was to, “raise the standard of the teaching profession by securing for teachers conditions essential to the best professional service, and to this end, to obtain for them all the rights and benefits to which they are entitled.”<sup>28</sup> Catherine Goggin and Margaret Haley provided leadership for the organization. They set out to secure better wages and conditions for teachers and to challenge school board actions. They also worked toward greater equity in property tax assessments and in securing a tenure law for the teachers of Chicago.

By 1901, membership in the CTF had risen dramatically. It was producing a weekly bulletin. Committees were arranged to address rules created by the board of education, propose legislation, and discuss the financing of the Chicago public schools. In addition, it created a department of education to provide lectures on topics pertinent to teachers. The CTF was becoming a viable force in directing the future of education in Chicago schools.<sup>29</sup>

The early successes of the CTF attracted nationwide attention. The organization supported both educational and social issues. It backed legislation for the suffrage movement, direct primaries, and the popular election of senators. The leadership of the

---

<sup>27</sup> *Ibid.*, 6.

<sup>28</sup> Mary Herrick, *The Chicago Schools: A Social and Political History*. (Beverly Hills, California: Sage Publications, 1971), 97.

<sup>29</sup> *Ibid.*, 99.

CTF felt it was time to advance their cause by joining a national labor movement. In 1902, the CTF joined forces with the American Federation of Labor. Their affiliation with this organization would lead to additional problems with the Board of Education.<sup>30</sup>

At the first meeting of the CTF in 1896, the teachers raised several concerns regarding school funding. Financial problems and low teacher salaries continued to plague the schools. Lack of adequate tax receipts affected the pension fund, salaries, and the day-to-day operation of schools. In 1903, seeking additional revenue for teacher salaries, the CTF challenged the failure of utility corporations in Chicago to pay taxes on their stocks and franchises. After several attempts to rectify the situation, the Circuit Court of Springfield acknowledged the problem and ordered the city utility companies to pay \$2,300,000 in back taxes. The utility companies fought back arguing that other corporations, such as the railroads, were also not properly assessed. The federal court sympathized with the utility companies and lowered the payment to \$600,000, of which \$349,544.77 would be allocated to the board of education. The board chose to use the money to pay its utility bills and perform building maintenance. The CTF was outraged. They had waged the battle to recover the overdue tax receipts, and yet teachers were not receiving a pay raise. The CTF went to court to challenge the actions of the board. The board was ordered to designate \$193,000 of the settlement for teacher salaries. The CTF had won another victory. They had obtained a pension fund for teachers, increased

---

<sup>30</sup> William Edward Eaton, The American Federation of Teachers, 1916-1961: A History of the Movement., 7.

revenues for the schools and secured a pay raise for teachers. However, they had also challenged influential members of the Chicago business community.<sup>31</sup>

The Chicago Board of Education was sympathetic to the business community and did not embrace the successes of the CTF. In 1905, a new superintendent, Edwin Cooley, was appointed. Cooley, working with the Board, condemned the affiliation of the CTF with the American Federation of Labor and recommended teacher performance ratings be kept secret from the teachers.<sup>32</sup> Again, Chicago teachers were incensed. They felt they should be given information regarding their performance. The action of the board was an overt expression of their intent to dismantle the CTF. Cooley continued to work with the business community. In 1905, he recommended creating a vocational education school in downtown Chicago. The Federation adamantly opposed the idea. It felt this type of education would promote the principles of scientific management and lead to the commercialization of schools. This idea, they argued, conflicted with the theory of democracy. To the teachers, scientific management placed the needs of industry above those of people. Education was intended to instill an appreciation for humanity. The CTF banded together, circulated petitions and successfully stalled the Cooley Bill.<sup>33</sup>

---

<sup>31</sup> Mary Herrick, The Chicago Schools: A Social and Political History. 102-104.

<sup>32</sup> "The Chicago Board of Education and the Teacher's Federation," School and Society 2 (October, 1915), 566.

<sup>33</sup> Julia Catherine Wrigley, "The Politics of Education in Chicago: Social Conflicts and the Public Schools." (Ph.D. Diss., The University of Wisconsin-Madison, 1977), 158. Also, in 1917 the national government passed the Federal Vocation Act that provided federal monies for vocational education.

The secret rating system, arbitrary selection for advancement, and the apparent affiliation of Cooley with the business community angered the teachers. His actions did not improve the Chicago teaching force. Rather, it “compelled them further to organize themselves.”<sup>34</sup> The strength of the CTF increased as teachers united to protect jobs, improve the working conditions, and negotiate salary increases.

Cooley’s reign as superintendent lasted four years. He was replaced by Ella Flagg Young in 1909. Ms. Young was an ardent supporter of teachers. She strongly believed in teacher involvement in the educational process. She created a system of teacher councils, where teachers actively participated in the formulation of general policy. Attempts by Young to improve the schools and the conditions for teachers often led to disputes with the school board and other influential groups in the city. Finally in 1915, after openly supporting the Federation, Ms. Young resigned as Superintendent.<sup>35</sup> Her resignation was openly opposed by the CTF. On 12 December 1913 the CTF held a public meeting to express its dissatisfaction with the resignation. It stated,

We have been proud to share with the nation the possession of Ella Flagg Young. We have known that the world considered her second to none as an educator, administrator, and we hoped that her splendid abilities, her long experience and her wide and enlightened vision would be at the service of our schools for a long time to come. We condemn the method of her removal. We denounce it as political intrigue.<sup>36</sup>

---

<sup>34</sup> “The Chicago Board of Education and the Teachers’ Federation,” School and Society 2 (October, 1915), 566.

<sup>35</sup> Joan K. Smith, Ella Flagg Young: Portrait of A Leader. (Ames: Education Studies Press, 1980), 154.

<sup>36</sup> Stenographic Report of Public Mass Meeting Auditorium Theater 12 September 1913 TD by the Chicago Teacher’s Federation, Chicago Teacher’s Federation Collections, Chicago Historical Society, Chicago.

Educational leaders and the CTF believed the board had acted capriciously in seeking the resignation of Ms. Young. She had been a strong leader in fighting for teacher rights as well as improving the quality of education in the Chicago schools.

The resignation of Young as superintendent combined with the election of William Hale Thompson as mayor set the stage for another clash with the school board. Mayor Thompson was an opponent of the teachers and of organized labor. Supported by Thompson, Jacob Loeb, the president of the school board, issued a new board regulation on 1 September 1915. This rule forbade “membership by teachers in organizations affiliated with a trade union, or federation or association of trade unions, as well as teacher’s organizations which have officers, business agents or other representatives who are not members of the teaching force.”<sup>37</sup> Loeb and other board members were trying to dismantle the teacher Federation, particularly its leadership. CTF leaders saw the potential harm the ruling could have on the Federation as well as future attempts by teachers to oppose school board rulings. The following week the CTF called a mass meeting at the Auditorium Theater to protest the Loeb Rule and began an active campaign to oppose the regulation.<sup>38</sup>

---

<sup>37</sup> “Anti-organization rule adopted September 1, 1915 and Pledge,” D by Lewis E. Larson, Secretary, Chicago Teacher’s Federation Collections, Chicago Historical Society, Chicago.

<sup>38</sup> “Protest Meeting Planned,” D [Chicago Newspaper] Chicago Teacher’s Federation Collections, Chicago Historical Society, Chicago.

Ms. Ida Fursman, Federation president, “filed a petition in the superior court asking for a temporary injunction restraining the Board of Education from enforcing the Loeb rule.” On 15 September 1915 the Fursman petition was heard by Judge Morgan. Fursman argued the Loeb rule forbade teacher membership in groups that were not related to organized labor such as the National Education Association or the Illinois Schools Teacher Association and was an infringement on a teacher’s constitutional rights. The lower court agreed. On 23 September 1915 it issued a temporary injunction prohibiting the enforcement of the Loeb rule.<sup>39</sup> The school board persisted. They amended the Loeb rule to forbid, “teacher membership in labor organizations.”<sup>40</sup> In 1917 the Supreme Court of Illinois on appeal overturned the Ida Fursman case, stating the “rule of the board of education did no interfere with the rights of any citizen of the city of Chicago, and it has the right to enforce the rule.”<sup>41</sup>

The Board responded to the Federation’s attack by mailing letters to all the teachers, “Ordering them to sign blank pledges that they would not support the CTF and reminding them of their \$2.40 monthly raise.”<sup>42</sup> Since the teachers had annual contracts

---

<sup>39</sup> “Ms. Haley’s Bulletin” Vol. 1 #7 10 December 1915, TD [Margaret Haley], Chicago Teacher’s Federation Collections, Chicago Historical Society, Chicago.

<sup>40</sup> “Anti-Organization Loeb Rule No. 1 as amended September 29, 1915.D by Chicago Board of Education,” Chicago Teacher’s Federation Collections, Chicago Historical Society, Chicago.

<sup>41</sup> The People ex rel. Ida L. Fursman, Appellee, vs. The City of Chicago et al. Appellants, 278 IL 318 (1917).

<sup>42</sup> Untitled, TD by Chicago Board of Education, Chicago Teacher’s Federation Collections, Chicago Historical Society, Chicago.



and could not be dismissed until the spring of 1916, they continued affiliation with the Federation.

The Federation and the Chicago Board of Education were now engaged in a major political fight. It was evident the school board intended to destroy the Federation. Support from other organizations was needed to counter the actions of the school board. The American Federation of Teachers did not have a national following and could not help the teachers. The National Education Association and the Illinois Education Association membership were primarily educational administrators who could do little to directly affect the situation. Chicago city alderman Robert M. Buck took up the cause. He requested Union leaders throughout the city to pledge support for the affiliation of teachers with organized labor. An extensive number of responses were received. A partial list of those responding to Buck's request included the Women's Trade Union League, The Commercial Portrait Artists Union, The Metal Polishers, Buffers and Platers Union, The United Brotherhood of Carpenters and Joiners of America, and The United Garment Workers of America. The following correspondence from the International Association of Machinists dated 27 September 1915 was characteristic of letters received by Buck:

For 20 years the teachers of Chicago have been organized and for 13 have been affiliated with Labor Organizations.

We believe that during all this time such organizations and affiliations have increased the efficiency of our teaching force, and have promoted the higher interest our public school system.

We therefore, respectfully urge you to do all in your power to have such men and women appointed on the Board of Education as favor such organizations and affiliation.<sup>43</sup>

---

<sup>43</sup> J. Rickert, Chicago Illinois, to Robert M. Buck, TLS 27 September 1915, Robert M. Buck Collection 1914-15, Chicago Historical Society, Chicago.

The attempt of Loeb to disassemble to the CTF was viewed as a threat to organized labor throughout the country. The national labor movement responded by offering its support and the endorsement of the CTF. The Federation also attempted to use the aldermanic election of 1916 as a weapon to persuade political candidates to acknowledge their position on organized labor. It sent the following questionnaire to aldermanic candidates stating that the results of the survey would be sent to all teachers before election day:

The Loeb rule denies teachers the right to membership in organizations that have officer who are not members of the teaching force. Do you favor this provision of the Loeb rule?

The Loeb rule forbids teachers affiliation with Labor Unions? Do you favor this provision of the Loeb rule?

Are you in favor of the Board of the Education interfering in any way with the right of teacher to organize or to affiliate with such organizations as they may choose?

If elected to the City Council will you vote against confirming the appointment to the Board of Education of any candidate who refuses to declare himself, over his signature, in favor of allowing teachers to organize as they see fit and to affiliate with Labor organizations if they choose?<sup>44</sup>

The results of the survey were not disclosed in the files of the CTF. However, it can be assumed the questionnaire had little impact on the outcome of the aldermanic election.

Although the Loeb rule could potentially affect organized labor throughout the city, it was directed at the teacher's union which was primarily a female organization. Women had not yet received the right to vote, thereby only indirectly affecting the outcome of local

---

<sup>44</sup> Ida L. Fursman, "Questionnaire," to [Chicago Alderman] D 1916, Robert M. Buck Collection 1914-15, Chicago Historical Society, Chicago.

elections. The open hostility between the CTF and the Chicago Board of Education continued.

Mayor Thompson, Loeb, and the school board did not intend to be cajoled by the Federation. In May, 1916, Loeb presented the board with a list of 71 teachers he wanted terminated. Ralph Otis, a board member, complained he had not received the names prior to the meeting and the reasons for discharge were not included on the list. He suggested "the causes for discharge be added to list." Mr. Loeb retorted, "You cannot force me to give my reasons if I don't want to give them." Despite objections of Otis and other members' the majority of the board agreed to release 68 of the teachers from service.<sup>45</sup> The Chicago Tribune published a listing of the teachers slated for dismissal. Twenty-one of the people who were not members of the Federation had been rated inefficient; however, forty-five of the people were Federation members. "These included three district superintendents, four of the six elected teacher pension trustees, all of the officers of the Chicago Teachers Federation, and Federation delegates to the Chicago and Illinois State Federations of Labor." No explanation for the dismissal was ever given by Loeb or the Board of Education.<sup>46</sup>

The CTF had improved the salaries and conditions for teachers; nonetheless, it seemed they were unable to protect their jobs. The incident was beginning to draw

---

<sup>45</sup> "Board of Education Annual Election of Teachers Meeting, Stenographic Report," TD 27 June 1916, Chicago Teachers Federation Collection, Chicago Historical Society, Chicago.

<sup>46</sup> Mary Herrick, The Chicago Schools: A Social and Political History., 123-129 and Julia Catherine Wrigley, The Politics of Education in Chicago: Social Conflicts and the Public Schools, 162-163.

national attention. The action of the Board was denounced by local papers and professional associations. An editorial in the Elementary School Journal stated:

The action of the Board in changing its mode of reappointing teachers was immediately interpreted, especially by members of the Federation, as a device on the part of the Board of education to dismiss from the teaching body those who have been energetic in the service of the Teacher's Federation. All of the later discussions make it clear that this was undoubtedly the purpose of the Board.<sup>47</sup>

The board sought to discredit the Federation by arbitrarily and capriciously dismissing 68 teachers. Instead of diffusing the influence of the Federation the action rallied the support from union organizations and civic groups in Chicago. Eighteen Chicago community organizations united to form the Public Education Association. The association was convinced that the Chicago public school system needed reorganization to prevent the abuse of power by school board members and to protect teachers from dismissal for political reasons.<sup>48</sup>

To work for reorganization within the system, the PEA needed an ally on the school board. They choose Ralph Otis, the board member who had voted in favor of the Loeb rule, but not the dismissal of the teachers. The PEA approached Otis, and he agreed to work with some of the other board members. Together they drafted the Otis Bill. The proposed legislation addressed several concerns. Of particular importance to the teachers was a provision allowing tenure after a probationary period of three years. The Federation

---

<sup>47</sup> "The Chicago Situation," Elementary School Journal 17 (September, 1916), 3.

<sup>48</sup> Julia Catherine Wrigley, The Politics of Education in Chicago: Social Conflicts and the Public Schools., 166.

was willing to compromise and rescind other reform measures to obtain permanent teacher tenure. They supported the Otis Bill, although it would not be signed in time to protect the jobs of the 68 teachers fired under the Loeb board.<sup>49</sup>

It would, however, safeguard the future teachers of the Chicago schools. When the Otis bill was signed into law in June 1917, it applied only to boards of education in cities in Illinois having a population exceeding 100,000 inhabitants. Clause 138 of Chapter 22 of the Illinois Statutes stated:

Appointment and promotions of teachers, principals, and other educational employees shall be made for merit only, and after satisfactory service for a probationary period of three years, (during which period the board may dismiss or discharge any such probationary employee upon the recommendation accompanied by the written reasons, therefore, of the superintendent of schools), appointments of teachers and principals shall become permanent, subject to removal for cause.<sup>50</sup>

Chicago teachers would be granted permanent teacher tenure after a three year probationary period. At the beginning of the fourth year, they would not fear arbitrary or capricious dismissal. Patronage or machine politics would no longer govern the annual appointment of teachers.

### Summary

Teacher tenure grew out of the government reform movements of the late 1800s. At this time, civil organizations formed to oppose perceived abuses of power by

---

<sup>49</sup> Ibid. Forty-nine of the teachers would be reinstated in the Fall of 1917.

<sup>50</sup> Laws of Illinois. Passed by the Forty-fourth General Assembly, 1917

politicians. The National Education Association, an advocacy group for educators, began to support the theory in 1885. Initially their arguments centered on improving the quality of people attracted to the teaching profession. They felt teachers should receive competitive salaries and a retirement pension. These improvements would draw competent, skilled professionals to the field. This in turn would raise the standard of education throughout the country. Financially secure, teachers would become valuable members of the community. They would contribute to the economic growth and stability of their districts.

A national movement to secure salary increases for teachers saw little success in the first two decades of the twentieth century. The NEA realized to achieve their goals they would need the support of the teachers. A tenure law would enable teachers to negotiate better wages and conditions without fear of reprisal. The NEA formed a tenure committee to examine the political, educational, and legal issues surrounding the adoption of the legislation. Previously, the NEA had reasoned that tenure would lead to greater professionalization of the field. In 1923, they expanded the rationale for tenure to include the rate of teacher turnover, grounds for dismissal, and the arbitrary termination of teacher contracts. They urged educators to organize into statewide groups to promote tenure legislation.

Female elementary teachers in Chicago were the first group to form a teacher federation. They were disgruntled with the working conditions and low wages, as well as decisions made by the Board of Education. Philosophical differences regarding the

treatment of teachers and their role in influencing school policy resulted in an adversarial relationship between the school board, the business community and organized labor. The Federation became the leading advocate of teacher rights. They pursued higher wages for teachers by challenging the method used to assess corporate property taxes. After a long and embittered battle, the court ruled in favor of the teachers, requiring the board to use a portion of the recovered monies for teacher salaries.

Disputes between the business community, local political leaders, and the teachers continued to effect the schools. Attempting to diminish the power of organized labor, in 1915, the school board elected to arbitrarily dismiss 68 teachers who were affiliated with Federation. The actions of the board backfired. Civic organizations in the city came to the defense of the teachers. Community organizations worked with sympathetic members of the school board to pass the Otis Law. This law gave permanent tenure to Chicago teachers. It would be twenty-four years before public school teachers outside of Illinois would be protected under tenure legislation.

Many articles regarding the merits of tenure and its potential effect on education appeared in scholarly journals, professional magazines, and union bulletins as the tenure debate continued. The next chapter will focus on the perceptions held by the defenders and those opposed to tenure legislation.

## CHAPTER III

### PERCEPTIONS TOWARD TENURE

#### Introduction

The concept of providing job security for elementary and secondary educators developed during the last decades of the nineteenth century. The National Education Association originated the idea of teacher tenure when it formulated a policy to work towards gaining greater job security for K-12 educators in 1886. The efforts of the NEA reflected the growing philosophy of the Progressive movement. Progressives believed industrialization had corrupted society and led to inequities between the classes. Therefore, they sought to correct the problems of industrialization and create a better society for all Americans.

Following the Civil War, the country embarked on a period of great industrial and economic growth. The commercial expansion of the country, coupled with a large influx of immigrants, altered traditional American lifestyles. In urban centers, distinct socio-economic differences developed between entrepreneurs and laborers. Industrialization led to a concentration of wealth and power in the hands of corporate executives. The urban political machines often joined forces with the corporate structure to dominate city politics and decision-making. In contrast, poverty, unemployment, and poor health often plagued the urban working class. Cities had become overcrowded and ridden with crime,



infection, and pollution. Conditions worsened for the urban poor when the United States plunged into a depression in the early 1870s. Responding to the need for change, people began to organize into special interest groups to bring about greater social and political equity. These groups were formed by various people who shared a common concern about an economic, professional or cultural issue. While they believed they were working to create a better American society, they were not united under common cause. A person might promote reform for one issue and hold steadfast to tradition on another concept.<sup>1</sup>

Progressives believed they should expose the ills of society and then direct the government to design legislation that would correct the problem. They advocated the use of “experts” and scientific investigations to uncover and correct societal problems. Grounded in the doctrine of Frederick Taylor, they felt the study of society scientifically by impartial experts would help politicians make laws that would better the country.<sup>2</sup> They also believed urban governments needed to be restructured so they would become, “more moral, more rational, and more efficient and because it was so, self-evidently more desirable.”<sup>3</sup> Progressive philosophy perceived the government as a vehicle to promote social change and curb the misuse of power by limiting the influence of large corporations.

---

<sup>1</sup> Samuel P. Hays, The Politics of Reform in Municipal Government in the Progressive Era, *The American Past: Conflicting Interpretations of Great Issues*, Vol. 2. (New York: Macmillan Publishing Company, 1976), 235.

<sup>2</sup> Frederick Winslow Taylor. The Principles of Scientific Management. (NY: Harper and Brothers Publishers, 1921), 9.

<sup>3</sup> Hays. The Politics of Reform in Municipal Government in the Progressive Era, 235.

They also sought to purify politics and make political leaders responsive to citizens rather than to powerful special interest groups or political machines.

The philosophy of the Progressive movement provided the framework needed by educators to address the problems faced by the schools. Many educators shared the philosophy of the progressive reformers and employed their techniques to improve the conditions of public education and to promote tenure for teachers.

This chapter will examine the role of the progressive movement in providing the impetus and methodology used to shape a nationwide teacher tenure movement and the subsequent adoption of tenure legislation in the State of Illinois.

#### School Administrators Adopt Progressive Philosophy

By the opening of the twentieth century, many aspects of traditional American life had been altered by industrialization, immigration, and urbanization. Urban centers swelled as large numbers of people migrated to the United States. Attracted by the opportunities offered by the city factory, many of the newly arriving immigrants settled in metropolitan areas. With the urban population explosion, many people came to believe the established political and governmental structures were no longer able to meet the needs of a contemporary, urban-industrial society. Change was needed in the administration of city services.<sup>4</sup> Urban progressives pressed for reorganization of city government to meet the demands of growing communities. They supported non-partisan

---

<sup>4</sup> Ibid., 238-239.

candidates who promised, "Honest, efficient, businesslike government." The reform politician was expected to address both the structural and social problems of an urban-industrial environment.<sup>5</sup> Among the problems cities confronted at the turn of the century was a burgeoning school population. According to Wayne Urban in Why Teachers Organized, "High School enrollments...rose from slightly under 200,000 in 1890 to almost 2 million by 1920."<sup>6</sup> Schools were experiencing unprecedented growth. The expanding school population represented the growing diversity of the country. Additional school services and an enormous teaching staff were needed to meet the increased demand for education.

The increased enrollments also caused organizational difficulties for school administrators. They were often criticized for practicing outdated and wasteful practices that increased the costs of education. Several articles appeared in The American School Board Journal questioning the efficiency of school superintendents. In a 1916 article, the Journal stated, "The business ability of many school superintendents is undoubtedly inferior as is often shown by unwise recommendations for large expenditures before a very careful consideration of all the elements of a given problem involving expense has been made."<sup>7</sup> The methods used by superintendents and their ability to provide sound

---

<sup>5</sup> Arthur S. Link, and Richard L. McCormick, Progressivism, The American History Series (Arlington Heights, Illinois: Harlan Davidson, Inc., 1983), 28.

<sup>6</sup> Wayne J. Urban, Why Teachers Organized, (Detroit: Wayne State University Press, 1982), 15.

<sup>7</sup> Ernest W. Robinson, "Some Defects of Public School Administration." American School Board Journal, 52(January, 1916), 11.

management were being challenged. Popular magazines such as the Saturday Evening Post and Ladies Home Journal also berated school administrators for inefficient practices.<sup>8</sup> As part of a nationwide trend towards productivity and accountability, school administrators were expected to demonstrate an improvement in the quality of education and the services it rendered. They would have to cut costs and establish a system that would demonstrate an overall improvement in the quality of education. The role of the school administrator and the purpose of his/her leadership needed to change.

The organization and leadership style of American public schools was developed while the United States was still largely an agrarian society. The one room schoolhouse was a reflection of rural America. Attendance was voluntary and often depended on the needs of the family and the temperament of the teacher. The curriculum was determined by the availability of textbooks, the knowledge of the teacher, and the desires of the local community.<sup>9</sup> Urban education centers adopted the rural model of education, since they had often begun as village schools. As society became more metropolitan and industrialized, the “traditional” ideas of teacher selection and supervision, voluntary attendance, and the diversity in building, equipment, and curriculum were no longer

---

<sup>8</sup> Raymond E. Callahan, Education and The Cult of Efficiency, (Chicago: The University of Chicago Press, 1962), 50-51.

<sup>9</sup> Jesse H. Newlon, “The Role of Administrative Leadership in the Reconstruction of Education.” Teachers College Record. 52 (January, 1916), 213-214,

satisfactory. Urban reformers began to launch a crusade to standardize the American school system and address the problems of rural education.<sup>10</sup>

Urban progressives endorsed the scientific management theory of Frederick Taylor. Responding to employee-management disputes and the perception that a more efficient system of production was possible, Taylor advocated what became known as the scientific theory of management. In his publication The Principles of Scientific Management, Taylor stated “The principal of management should be to secure the maximum prosperity for the employer, coupled with maximum prosperity of the employed.” According to Taylor this could be “brought about only when the work of the establishment is done with smallest combined expenditure of human effort, plus nature’s resources, plus the cost of the use of capital in the shape of machine, buildings, etc.”<sup>11</sup> The Taylor system was aimed at standardizing work and determining the “one best way” of completing a task. Using the Taylor model, the business manager measured all inputs and their subsequent outputs to determine the most efficient method of production. His theories soon became the standard method of management in the business community.

The Taylor model encouraged urban progressives to look for the “one best system” of education. One that would produce efficiency and standard operating

---

<sup>10</sup> David B. Tyack. The One Best System: A History of American Urban Education. (Cambridge, Massachusetts: Harvard University Press, 1974), 16, 21.

<sup>11</sup> Frederick Winslow Taylor. The Principles of Scientific Management. (NY: Harper and Brothers Publishers, 1921), 9.

procedures for schools throughout the nation.<sup>12</sup> Their vision also “included a professionally trained corps of administrators who would assume greater control of the schools as the governing power of school boards diminished.”<sup>13</sup> Progressive school administrators worked with urban reformers to adopt the practices of scientific management. Their job was to ensure the school implement cost effective measures and efficiently utilize personnel and physical resources.

Moving from the role of educational leadership to business manager required school administrators to become knowledgeable in the process of scientific management and efficiency. The American School Board Journal noted, “The ‘efficiency’ expert is considered an indispensable factor in the successful operation of almost every business enterprise, it is eminently proper that our educational systems should likewise be studied from the standpoint of their efficiency.”<sup>14</sup> The school administrator was expected to emulate the decision making processes and statistical measurements used by modern business corporations. The superintendent would collect data to analyze teacher efficiency, evaluate student learning and measure the success and weaknesses of pedagogical trends. By determining the most efficient method of school management the superintendent would distinguish himself as an expert in his field.

---

<sup>12</sup> Teacher Tenure in the United States. By Fred M, Hunter, Chairman (Washington DC: National Education Association Proceedings, 1921), 221.

<sup>13</sup> Joel Spring, The American School 1642-1990. (New York: Longman, 1990), 225.

<sup>14</sup> Major Robert J, Guinn, “The School Board as a Factor in Educational Efficiency.” American School Board Journal 51 (July, 1915), 10.

William T. Harris, Superintendent of Schools in St. Louis from 1889-1906, exemplified the new expertise of a professional school manager. He developed uniform textbook adoption policies and administrative procedures. Harris collected and maintained educational statistics on student achievement and teacher efficiency. His management style emphasized order, discipline, work and effort.<sup>15</sup> He applied the leadership style of large corporations by defining prescribed procedures for each task and creating a top down bureaucratic decision-making model. He had established himself as an “expert” in his field.

Harris also appealed to urban progressives by employing the principles of scientific management to restructure the existing hierarchy of school decision-making. Harris and other urban progressive administrators attempted to transform the existing power structures. These administrators believed their experience as superintendents and knowledge of education qualified them to recommend the “one best system of education.” The system, they felt, should reflect the new urban-industrial social order and imitate the organizational structure of the corporation. Following the corporate model, the superintendent would function as a general manager, and the school board would act much like that of board of directors. In this system the “board of directors formulates its plans, and outlines in a general way its campaign, which is done in consultation with its

---

<sup>15</sup> William T. Harris, “City School Supervision V.” Educational Review, (February, 1892), 167-172.

experts and managers, the carrying out of its policies is left to its general manager.”<sup>16</sup> The superintendent would select individuals within his school to carry out the various administrative functions of an efficiently run school. William T. Harris discussed the supervisory activities of the “expert” superintendent in Educational Review as the person who, “must prescribe what statistics are to be kept, for he is the one to know what is essential to indicate the character of the management and the needs and necessities of reform or change.”<sup>17</sup> By employing Taylor’s scientific method of management and gathering statistical information regarding the school system, the superintendent would possess the knowledge needed to direct people under his leadership. Administrative tasks would be divided into several areas with an “expert” leader determining the most efficient operation in each area. This model of school leadership would replicate the hierarchical structure found in the corporation.

Advocates of increased administrative bureaucracy also supported the standardization of the American public school system. They believed standardization would, “Equalize educational expenditures between rich and poor sections of the city, and provide a system of instruction which was impartially efficient for all classes of the population.”<sup>18</sup> These changes were intended to address the needs of the growing immigrant population, increase school efficiency, and improve the democratic process in

---

<sup>16</sup> Reynold E. Blight, “Is the Board of Education an Incumbus on Modern Education?” American School Board Journal. 51 (October, 1915), 16.

<sup>17</sup> William T. Harris, “City School Supervision.”, 168.

<sup>18</sup> Tyack, The One Best System. 40.



education. To facilitate the democratic process schools would reduce the number of teachers employed by the school they had attended and limit the size of the school board.

Traditional hiring practices for city educators were the domain of the urban political machine. In rural areas the decision to employ a particular administrator or teacher was often based on political party affiliation. This scenario continued well into the twentieth century. For example, The Journal of Education in 1940 reported, “In one instance, a Republican board gave premature tenure to a high school principal, and the Democratic board which succeeded to office shortly afterward returned the favor by electing a new superintendent and placing him on tenure almost immediately.”<sup>19</sup> The practice of hiring educators was based more on connections than on the merits of academic credentials or performance. A move towards a more equitable, democratic system was needed to fulfill the goals of the progressive educators.

Adhering to this philosophy, educational reformers believed regulation and control imposed by administrative bureaucracies and government legislation would alter the power structure and result in the desired change. In reality, the implementation of the principles of scientific management led to power struggles within the profession. School boards and administrators vied for control. To limit the influence of local politics on educational decisions, progressive administrators sought to reduce the size of school boards.

Efforts to decrease the size of local school boards were the result of several forces. Some feared control by local elite would be lost to the urban political machine. Frequently

---

<sup>19</sup> Anson W. Belding, Editor, “Tenure as a Racket,” Journal of Education. 3 (March, 1940), 77.

the NEA noted, “These machine politicians attempt to control the administration of the schools and use them for political purposes.”<sup>20</sup> By reducing the size of the school board, the local elite could ensure continued control over the system. However, the “professional” administrator felt the need to limit the power of local elite. A small school board would give the superintendent the power and authority needed to address the problems of education. The two factions, the local political elite and school administrator, fought for control and power within the educational arena. Urban progressives supported the school administrator. They believed reducing the size of the school board would assure the board adopted modern corporate practices and “function[ed] in ways similar to business boards of directors.” Reynold E. Blight, a former school board member, expressed the views of urban progressives when he articulated the following goals:

1. The ideal board will realize that the purpose of a school system is to educate the children.
2. The ideal board of education will represent the whole community and not any part thereof.
3. The ideal board of education will realize that the administration of the school is a matter for experts, and will wisely confine itself to legislative and general supervisory functions.
4. Every member of the board of education will possess an enthusiasm for education.<sup>21</sup>

Blight’s agenda reflected the continuing influence of the modern corporation on education.

Superintendents and other school administrators had become professionals in their field.

---

<sup>20</sup> Research Bulletin of the National Education Association #5: The Problem of Teacher Tenure. By John K. Norton, Director, (Washington DC: National Education Association, 1924), 146.

<sup>21</sup> Reynold E. Blight, “Is the Board of Education an Incubus on Modern Education.” American School Board Journal 51 (October, 1915), 16, 70.

He, like other progressives, felt professionalism and expertise should be acknowledged. The board of education in a modern school setting would utilize experts and relinquish control over the day to day affairs of the school system. The superintendent would be responsible for implementing board policies and determining the staffing needs of his school system.

During the first quarter of the twentieth century, the size of local school boards in many urban systems declined. “The Saint Louis School Board was reduced from twenty-eight members to twenty-two, and then to twelve. The Philadelphia School Board was reduced from forty-two to twenty-one, and the New York City School Board from forty-six to seven.”<sup>22</sup> The goals of the urban progressive reformer had been met. The smaller school boards were composed of the local business leaders and professionals, which exemplified the urban-industrial society of the early 20th century. The influence and control exercised by the urban political machine over school policy was greatly limited. Educational policy would now be heavily influenced by an expert professional, the superintendent..

The goal of the urban reformer was to restructure the power base of existing institutions and create a school system that was responsive to demographic and economic changes of urban life. They hoped to create a better society and allow greater numbers of people to participate in the democratic process. However, by creating a school system

---

<sup>22</sup> H. Warren Button, and Eugene F. Provenzo, Jr., History of Education and Culture in America. (Englewood Cliffs, N.J.: Prentice-Hall, Inc. 1989), 212.

based on scientific management and corporate decision making models, the school system became less democratic. The reformed system often placed administrators and teachers in adversarial relationships. Teachers were viewed as a worker within the system and the administrator was expected to maintain tight control over the teacher. Many teachers felt, instead of removing politics from education and promoting democracy, the reforms only substituted one type of leadership for another. School administrators, teachers argued were often, “judged by their ability to run along smoothly in a well-oiled machine rather than by their power of inspiration, their ability to uplift, encourage, strengthen and really teach children.”<sup>23</sup> The scientific style of management did not, according to the teacher, improve the quality of education.

Teachers felt they could be instrumental in improving education if they were involved in determining policy. However, they did not have the needed authority, control, or power. To determine the future course of education and tenure status, the teachers felt they needed to become actively involved in securing government legislation to protect their interests. They began to look for organizations that would advocate their cause. “The drive for teacher power, civil service reform, and professionalism arose in part from a widespread desire of teachers to gain more control over their destiny.”<sup>24</sup> Organizations such as the National Educational Association and the American Federation of Teachers worked with teachers and social progressives to gain greater rights for teachers.

---

<sup>23</sup> Howard K. Beale, A History of Freedom of Teaching in American Schools, (New York: Octagon Books, 1966), 165.

<sup>24</sup> Tyack, The One Best System. 97.

The need for protective legislation like the need for school reform was also rooted in the ideologies of social progressivism. The primary goal of social progressives was to, “investigate and expose the worse abuses which workers suffered and to campaign for their amelioration.”<sup>25</sup> Social progressives believed in working within the system and using legislative actions to correct abuse and promote justice. They viewed justice in terms of what was in the best interest of the children and the professional teacher. Progressivism provided the NEA another weapon in its fight to protect the teachers.

Following the 1924 publication, The Problem of Teacher Tenure, The Committee of One Hundred formulated the following reasons to promote the adoption of teacher tenure legislation:

1. To prevent political control of schools and teaching positions.
2. To permit and encourage teachers to devote themselves to the practice of their profession without fear or favor.
3. To encourage competent and public-spirited teachers to remain in the schools.
4. To discourage school management based on fear and intimidation.
5. To prevent the discharge of teachers for political, religious, personal or other unjust reasons.
6. To protect teachers in their efforts to secure well-financed and adequate education for the children in their charge.

These reasons laid the foundation for the tenure debate. Advocates of tenure felt it would check the power of school boards, bring an end to political job placement for teachers, and improve the American educational system. They believed children and the community would benefit from the longevity of teacher employment. It would also lead to a greater degree of professionalism among teachers and attract a higher quality of those entering the

---

<sup>25</sup> Link, Progressivism. 83.

field. Opinions regarding both the benefits and the liabilities of teacher tenure were espoused by teachers, administrators, and school boards.

### Perceptions Regarding Tenure

#### Child Benefit

The central concern was whether tenure would be in the best interest of children and if it would lead to an improvement in the quality of education. Advocates felt the high rate of teacher turnover was harmful to the quality of education. Tenure, the NEA argued, was needed “in order to promote a sound and stable teaching profession in a manner compatible with the educational interests of society, the welfare and progress of pupils, and justice to the teachers.” Of utmost importance the NEA furthered was, “the child’s interest, not the teacher’s.”<sup>26</sup> The benefits for children would include quality instructors, long range curriculum planning, and the psychological development of the child.

The prospect of job security would attract qualified individuals to jobs in education. This would lead to better instruction for the children. The NEA noted, “state school systems in which indefinite tenure laws have been operative rank among the highest in professional standards in the United States.”<sup>27</sup> It supported this argument by citing tenure laws in the state of New Jersey and Massachusetts that ranked second and thirteenth in the United States. The absence of teacher job security compromised

---

<sup>26</sup> The Teachers Economic, Social and Professional Welfare as Related to Tenure. By Fred M Hunter, Chairman, (Washington DC: National Education Association Proceedings, 1927), 59

<sup>27</sup> *Ibid.*, 62.

curriculum planning, according to the NEA. The difficulty imposed on curriculum planning time was noted in its statement, “Such foresight in planning is nearly impossible where much time is consumed in bickering over hiring and firing of teachers. It is impossible to plan definite curriculum developments and programs unless there is stability and continuity within the teaching staff.”<sup>28</sup> Job security would limit the time administrators spent on recruiting and training new personnel. Teachers would gain the time needed to develop lessons that benefited children instead of seeking new positions.

The stability of the teaching force was also compared to the stability of a family. The NEA concluded the frequent turnover of teachers affected the psychological development of a child.

What kind of mental and moral growth would we expect from a child who changed his parents every year? Yet a change in parents annually would have somewhat the same effect as a constant change in a child’s teachers.<sup>29</sup>

For a child to develop into a mature adult, he/she needed teachers who could provide guidance and advice over a period of years. In accordance with the philosophies of the progressive movement, the NEA advocated that a trained professional, the teacher, could apply knowledge and skills to help the child overcome social and family problems.

The benefits that tenure would bring to education and a child’s continued to be discussed in NEA literature. In 1935 a Journal article written by Stella Goldberg, a

---

<sup>28</sup> Albert E. Obderndorfer, “Tenure an Aid to Schoolboards,” The Journal of the National Education Association 30 (February, 1941), 49.

<sup>29</sup> “Continuous Employment for the Teacher,” Journal of the National Education Association. 20 (Washington DC, 1920), 343.

Chicago public school teacher, highlighted the significance of teacher tenure on the development of the child:

The following is a list of attainments which are usually agreed upon as the desired results of education upon the child:

- [1] Accumulation of the knowledge, skills, and attitudes necessary for the present and future adequate adjustment of the child in the society in which he lives.
- [2] Development, so far as possible, of a strong body.
- [3] Development of emotional stability, of poise.
- [4] Ability to think clearly about old and new situations, and to form judgments based upon this thinking.
- [5] Ability and willingness to act upon such judgments.
- [6] Development of character.
- [7] Development of ability for leadership.<sup>30</sup>

Ms. Goldberg further stated the ability of a child to achieve these results depended on the quality of the educational system and “especially upon its most important administrator, the classroom teacher.” In order for the teacher to have high standards, h/she needed to feel safe in his position. Job security would encourage the teacher to continue his/her professional training. According to Ms. Goldberg, increased training and the desire to do what was best for the child and his community would result in a strong educational system. The child, the community and the society as a whole would benefit from the improvements in education brought about by teacher tenure.<sup>31</sup>

The benefits of education were also equated to the principles inherent in a democratic society. School and Society, a professional education journal, noted a secure

---

<sup>30</sup> Stella Goldberg, “Tenure as it Affects the Child,” Journal of the National Education Association, 24 (December 1935), 279.

<sup>31</sup> *Ibid.*, 279.



“teaching position is not much an opportunity for a person to earn a livelihood....as it is a responsibility to the person to be educated; a responsibility that weights more heavily with each step of the onward march of democracy.”<sup>32</sup> Progressivists sanctioned the concept that all Americans should have equal opportunities which included the right of the masses to be educated and rights of teacher to be secure in their employment.

The benefit of tenure for the child was a consistent and reoccurring theme found throughout the literature on tenure. However, the most frequent discussion surrounded the issues of teacher rights and the rights of the local community. Proponents of tenure legislation maintained teachers were often dismissed for arbitrary reasons unrelated to their job performance. School boards and communities felt the power to select teachers and determine the curriculum was a local issue and should not be regulated by state authorities. Again, the NEA spearheaded the effort to make the public aware of the rate of turnover and the number of random dismissals experienced by teachers.

### Teacher Turnover

Concerns regarding the rate of turnover, particularly in rural communities, were well documented in the professional journals, NEA literature, and the American School Board Journal. A. G. Peterson, a graduate student at Columbia University’s Teacher College, examined the degree of teacher turnover in the United States. The study provided statistical documentation, “which deals with the rural schools, and represents an

---

<sup>32</sup> “New Frontiers,” School and Society, 46 (August 28, 1937), 279.

excellent summary of the conditions as they have existed in the country as a whole.” The information compiled by Peterson represented several studies done between the years 1910 and 1930. The research illustrated the percentage of teacher turnover in various sized communities. It did not attempt to explain the reasons for the turnover, however it “emphasized the turnover problem as being constant with rural teachers.”<sup>33</sup> Peterson presented a summary of a study done by A. L. Crabbe regarding rural teachers in Kentucky. He noted “the average consecutive tenure was 1.41 years.” He also reported the study found “that 12.2 per cent of the teachers left at the end of the first year, thirty-three per cent left by the end of the second year and sixty-three per cent migrated at the end of the third year.” Furthering his thesis, Peterson cited a 1922 study by Williard Ellsbree of teachers in the state of New York. The study showed the following data:

Table 1

## Teacher Turnover in the State of New York

Communities According to Population	Per Cent of Turnover
Above 50,000.....	6.52
From 25,000 to 49,000.....	11.65
From 15,000 to 24,999.....	14.14
From 10,000 to 14,999.....	16.11
From 5,000 to 9,999.....	15.61
Less than 5,000.....	17.40 <sup>34</sup>

---

<sup>33</sup> A. G. Peterson, “The Turnover of Rural Teachers,” Educational Administration and Supervision, (1930), 660.

<sup>34</sup> *Ibid.*, 664.

Additional studies demonstrating the high degree of turnover for rural teachers in Vermont and Wisconsin were included in the essay. In Vermont, “three out of four teachers are new to their positions every year” and in Wisconsin’s rural communities “sixty-five to sixty-eight percent” of the teachers were new to their positions each year. Consistent with the other rural communities an Illinois School Survey revealed that, “51.8 per cent of Illinois county teacher served two years or less, while 67.4 per cent served three years or less.”<sup>35</sup> The compilation done by Peterson of various studies on the rate of teacher turnover in rural communities demonstrated the seriousness of the situation. The high rate of teacher turnover, especially in rural communities, inevitably had a serious impact on school efficiency and the quality of education.

Concurring with Peterson, the NEA published the results of a 1921 questionnaire conducted by the U.S. Bureau of Education. The survey was administered in 528 cities containing “a population between 5,000 and 30,000.” Of the approximately 21,000 teachers surveyed, 897 or “4.5 percent of the teaching staff were not reelected.”<sup>36</sup> The NEA maintained indefinite tenure laws were needed to reduce the amount of teacher turnover and protect teachers from the “hire and fire system.” In addition, it postulated

---

<sup>35</sup> Ibid., 660-667.

Henry Glenn Badger, “Teachers’ Salaries In Illinois Public Schools, 1913-1928,” School Life, 15 (April, 1930), 158-159.

<sup>36</sup> Report of the Committee on Tenure. By Charl O. Williams, Chairman, (Washington DC: National Education Association Proceedings, 1921), 147.

indefinite tenure would improve the quality of education and lead to greater school efficiency.

The American School Board Association was also concerned with the high degree of teacher turnover and its impact on the quality of education. A 1926 article published in the ABSJ identified several problems in education related to a high rate of teacher turnover. Quoting a 1923 NEA report the Journal noted,

A transient teacher contributes less to a community than one who stays long enough to appreciate community needs and builds his life into the life of the community. The manufacturer is able to estimate the financial loss to his business due to labor turnover because his output is a tangible product. The school product is changes in the lives of boys of girls -- an intangible product that is hard to measure. There is no question, however, that there is an inestimable loss in school efficiency each year due to teacher turnover. The first requisite in teaching is that the teacher shall really know the pupil. He cannot do this and change schools every year or two. In rapid teacher turnover, it is the child who suffers. When teaching is a procession rather than a profession, the developing ideas, ideals and attitudes of children are trampled under foot.<sup>37</sup>

The American School board believed the high rate of turnover affected the quality of instruction received by children. It felt it was essential for a teacher to be involved in the local community and to know the students on a long term basis. Therefore, indefinite tenure would improve the quality of education as competent individuals were attracted to the profession and established their permanence as a member of the local community.

---

<sup>37</sup> "Teacher Tenure in the United States," American School Board Journal 73 (September, 1926), 140.

Additional articles appeared in professional journals such as School and Society that reported “the rapid change in teacher personnel in rural areas of the United States constitutes a serious educational problem.”<sup>38</sup> The article noted “of every five elementary teachers employed in sparsely settled areas, it is necessary to select two new ones annually.” The following chart summarizes the reasons given for vacancies:

Table 2

## Teacher Turnover in Rural Areas

<u>Percent</u>	<u>Reason for change</u>
<i>Elementary school teachers</i>	
42.20	Predecessor assumed teaching position elsewhere in the state.
16.40	Marriage
8.80	New position created
.07	Death of predecessor
6.50	Change of profession by former occupant
<i>Junior high-school teachers</i>	
28.00	Predecessor assumed teaching position elsewhere in the state.
13.60	Marriage
20.80	New position created
1.00	Death of predecessor
7.20	Change of profession by former occupant
<i>Senior high-school teachers</i>	
33.30	Predecessor assumed teaching position elsewhere in the state.
12.70	Marriage
16.20	New position created
.08	Death of predecessor
9.80	Change of profession by former occupant <sup>39</sup>

<sup>38</sup> “Teacher Tenure in Rural Areas,” School and Society, 35 (January, 1932), 147.

<sup>39</sup> *Ibid.*, 147, 148.

The frequent rate of turnover among rural teachers reflected the increasing demand to develop an educational policy that would encourage longevity among rural teachers. In some cases this meant increasing salaries to reflect urban counterparts. In other cases, it meant protecting the teacher from the arbitrary dismissal practices of school boards.

Rural teachers were subject to high turnover rates, and teachers in general were often dismissed for reasons unrelated to their job performance. At the 1936 general meeting of the NEA, Mr. DuShane, chair of the Committee on Tenure, stated”

Teachers are threatened in many ways of which the public is not fully aware; there are in every community those who seek to dominate the schools politically for the sake of jobs, school contracts, and political influence; there are job-seekers who are eager to drive out experienced teachers in order to gain positions on the public payroll; and short-sighted taxpayers who are willing to destroy the efficiency and morale of our schools for the sake of their pocketbooks. Not only have tens of thousands of excellent teachers been dismissed in thousands of school corporations, but the efficiency and morale of the teachers remaining in service in such school systems, have been lowered or destroyed because of fear, intimidation's, drastic salary reduction, or worry over future uncertainties.<sup>40</sup>

According to DuShane, teachers needed to organize and work together to support tenure legislation. Tenure would improve teacher morale, self-respect and led to greater professionalism. The legislation would give teachers the power to oppose abusive school board practices, obtain better salaries and gain more control over the educational process. His arguments epitomized the goals of the Progressive movement. The NEA would offer

---

<sup>40</sup> Advancing Teacher Welfare Report of the Committee on Tenure, By Donald DuShane, Chairman, (Washington DC: National Education Association Proceedings, 1936), 65.

teachers support and provide examples of the abuses experienced by teachers at the hands of their employer, the school board. This work coupled with that of local organizations would increase in public awareness of the problem and result in corrective government legislation.

The impact of teacher turnover and political dismissals also concerned the American School Board. It declared, "There is no question, however, that there is an inestimable loss in school efficiency each year due to teacher turnover."<sup>41</sup> The high number of personnel changes in a school had serious consequences on the quality of education rendered. The American School Board also opposed the annual election process. It felt the "annual election [did] not help in attracting first class talent to the teaching profession. During annual elections some of our best teachers have been blackmailed for insignificant reasons."<sup>42</sup> To improve education and meet the demands of the new industrial order, the profession needed skilled individuals who viewed teaching as a life long profession. To accomplish this goal the annual election process needed to be altered, and teaching appointments based on political affiliations had to cease. The ASBJ furthered, "teaching is a professional service to be evaluated according to professional and not political criteria."<sup>43</sup> As part of the tenure campaign the NEA and the American Federation of Teachers documented an increasing number of teaching personnel who had

---

<sup>41</sup> "Teacher Tenure in the United States," American School Board Journal, 73 (September, 1926), 140.

<sup>42</sup> *Ibid.*, 141.

<sup>43</sup> Robert D. Baldwin "Professional Tenure for Teachers," American School Board Journal, 92 (February, 1937), 44.

been dismissed for political reasons. Protesting increases in this type of discharge, the American School Board asserted, “Parents, patrons, supervisors, principals, and most important of all pupils are practically unanimous in decrying the typically kaleidoscopic changes in the teaching personnel in their community. They don’t like it and they say so quite emphatically.” The practice of replacing numbers of school personnel each year was inefficient. A great amount of time and money were used each year to interview and train new personnel. The annual election process was detrimental to school efficiency. The American School Board Association was not yet ready to support indefinite tenure for teachers. However, it acknowledged a change in the annual election process and the “hire and fire” policies of some school boards needed to be curtailed.

As the tenure campaign evolved, the NEA and the American Federation of Teachers placed a greater emphasis on disclosing teacher dismissals that were unrelated to job performance. According to the AFT, teachers were dismissed from their jobs in Wisconsin Rapids, Wisconsin for participating in the organization of a union local. In Jasper County, Alabama and Memphis, Tennessee, teachers were dismissed “in an attempt to break up the union.”<sup>44</sup> Along with these cases the AFT noted “in Flint, Michigan five union teachers were dropped after the union had expressed sympathy with the General Motors strikers.”<sup>45</sup> The AFT felt it was time for teachers to unite together and protect their right to organize. It believed teachers should not be expected, “To conform to

---

<sup>44</sup> “Tenure Can Be Won,” The American Teacher, 21 (November, 1936), 4.

<sup>45</sup> “Victories in Academic Freedom and Tenure,” The American Teacher 22 (September-October, 1937), 3.



whatever standard of behavior is least dangerous.”<sup>46</sup> In the spirit of Progressivism, the AFT preached teachers were entitled to job security, and the power of decision making bodies should be limited. Tenure legislation would restrain school boards from interfering with union activities or arbitrarily dismissing teachers. To further emphasize the need for tenure legislation the AFT and the NEA documented several well-publicized political dismissals.

The most notable of these cases occurred in Highland Park, Michigan where “forty-two teachers failed reappointment because of their activity during a school board election campaign. Thirty-six were reinstated because of popular indignation, but six [were] definitely out.”<sup>47</sup> The NEA investigated the dismissal of the Highland Park teachers. The inquiry revealed, “the Classroom Teachers Association of Highland Park endorsed for membership three candidates who, they thought, would favor higher salaries for the teacher.”<sup>48</sup> The three candidates endorsed by the Classroom Teachers Association failed to win the election. The following month the superintendent presented to the school board a list of the teachers he recommended for reappointment. However, “he failed to recommend forty-two teachers, and these teachers were not reappointed.” The AFT

---

<sup>46</sup> “Teacher Tenure,” The American Teacher 17 (October, 1932), 28.

<sup>47</sup> Arthur Elder, “Attacks on Tenure in Michigan,” The American Teacher, 21 (September-October, 1936), 13.

<sup>48</sup> Report of the Committee on Tenure. By Donald Du Shane, Chairman, (Washington DC: National Educational Association Proceedings, 1937), 921.

noted, “no hint of professional incompetence was advanced,”<sup>49</sup> and an NEA examination showed “the six teachers were competent, experienced, and highly regarded in Highland Park, they were not discharged because of inability to neglect of duty in their classrooms.”<sup>50</sup> Following public outrage at the board's action the board reappointed all but six of the original forty-two teachers. The NEA stated, “These six teachers were teacher leaders and officers, or former officers, of the Classroom Teachers Association of Highland Park, and all had favored election of the defeated school board candidates at the last school board election.” The AFT’s account of the incident stated that the superintendent, “advised these teachers that on the basis of their expressed attitudes, he no longer felt satisfied of their ability to ‘cooperate’ in the maintenance of ‘harmony’ in the system.”<sup>51</sup> Both organizations strongly urged the need for tenure legislation to protect the right of an individual to freely endorse political candidates. As a result of this situation the NEA drew the following conclusions:

1. As Michigan has no tenure law there was no violation of legal tenure in the Highland Park case. The teaching profession even though there is no tenure law in Michigan, is justified in insisting that any teacher who has served successfully during a reasonable probationary period shall not thereafter be discharged except for good and just cause, and only after the right is given her for a hearing before the board. In the Highland Park case the Committee on Tenure does not consider political activity of teachers a good and just cause for discharge, nor were the discharged teachers

---

<sup>49</sup> Elder, “Attacks on Tenure in Michigan,” 14.

<sup>50</sup> Report of the Committee on Tenure., 921.

<sup>51</sup> Elder, “Attacks on Tenure in Michigan,” 15.

given a written and detailed statement of reasons for dismissal, nor were they given a public hearing at which they could present evidence to justify their continuance in the schools.

2. There is a definite denial of civil rights when teachers are deprived of employment in the public schools because of their participation in a political campaign.
3. The best interests of the school and community were ignored when teachers were dismissed from the schools for reasons that have nothing to do with their efficiency or moral influence in the schools.
4. The Committee on Tenure urges the teachers of Michigan to work for the passage of a tenure law which will make impossible a repetition of such injustice as that borne by the teachers in the Highland Park case.<sup>52</sup>

The arbitrary actions of the school board raised the consciousness of teachers and the community in Highland Park. The board had not acted in the best interests of the children, and it had denied the teachers their civil rights. Members of the local community worked with the teachers to secure their reemployment. As a result of their effort, 36 of the teachers were initially reinstated. Eventually, the remaining six teachers were reemployed by the school board; however, the legacy of the Highland Park teachers remained. The NEA and its locale affiliates, along with the AFT and its local organizations, increased their activities throughout the nation in an attempt to secure social justice with tenure legislation for teachers.

---

<sup>52</sup> Report of the Tenure Committee, 1937., 922.

## Community Rights

Although many people recognized the need for change in the hiring practices of school boards, tenure legislation threatened to uproot the existing power structure of the local community. Traditionally, the local school board had the power to hire, fire, or retain teachers. School boards and members of the community were apprehensive that tenure legislation would limit their ability to employ the “best” educators for their children. They feared school districts would be “saddled” with ineffective teachers and the teaching staff would not engage in professional development.

Documentation provided by the NEA, AFT and professional journals heightened the awareness of the need for a greater sense of job security for teachers. School board members, as noted in the ASBJ, acknowledged the need to modify existing employment practices. However, school boards questioned the impact of indefinite tenure on the continued professional development of teachers and the ability of a superintendent or school board to dismiss an incompetent individual.

No formal study was conducted on the professional development of teachers who had received tenure. However, the ASBJ theorized the security afforded by indefinite tenure would promote complacency and mediocrity.<sup>53</sup> Tenure would eliminate the incentive for teachers to keep abreast of changes in pedagogy and seek better methods of

---

<sup>53</sup> A. B. Murphy, “What Shall We Do With Teacher Tenure?” American School Board Journal, 90 (April, 1935), 14.

educating children. A New Jersey principal, John Lozo, addressed these concerns when he outlined the potential liability of tenure on the professionalism of teachers.

Frequently professional growth on the part of the teacher stops at tenure. Summer school and extension courses are shunned, educational books and periodicals are seldom scanned, professional meetings are attended perfunctorily, if at all, departmental and faculty meetings are endured in protest, and all other devices established for the good of the boys and girls of American criticized and avoided.<sup>54</sup>

The majority of teachers, Lozo argued, did not subscribe to this temperament. To protect the profession from the minority, he reasoned, tenure legislation should include requirements for professional growth and periodic evaluation. Lozo expressed the concern voiced by the majority of those who opposed indefinite tenure. Without assurances for continued professional development and the assessment of teacher effectiveness, communities feared the quality of education would be impaired.

Opposition to tenure was also expressed by Indiana school superintendents in a survey taken in 1936. The following chart summarizes the results of the survey:

Table 3

Attitude of County and Town Superintendents in Indiana on a Teacher-Tenure Law

Attitude	Superintendents					
	County		Town		Total	
	Number	Percent	Number	Percent	Number	Percent
For	7	8.0	20	24.1	27	15.9
Against	49	56.3	22	26.5	71	41.8
Number giving Qualified Statements	31	35.6	41	49.4	72	42.4
Total Number	87	99.9	83	100.0	170	100.1

<sup>54</sup> John P. Lozo, "Tenure and Civil Service." Clearinghouse, 17 ( 1930), 42.

Superintendents responding to the survey argued they were “afraid for a teacher to be ‘saddled’ on a community for life.”<sup>55</sup> They feared tenure laws would compromise their ability to remove an ineffective teacher. Indefinite tenure, as it had been applied in some states, did not adequately allow for the removal of unproductive teachers. Superintendents did not want to be forced to keep a teacher they felt was incompetent or effectual. They wanted to maintain the right to select teachers they felt best served the needs of the local community.

Aware of these concerns the NEA formulated twelve principles to be used by state tenure committees:

1. Tenure laws should be devised and administered in the interest of better instruction for children.
2. Tenure laws should be accompanied by proper legal regulations governing training, certification, remuneration, and retirement allowances.
3. Tenure should be devised and administered as a stimulus to better preparation and more efficient service on the part of teachers.
4. Indefinite tenure should be granted only upon evidence of satisfactory preliminary training, successful experience, and professional growth.
5. Indefinite tenure should be provided after successful experience during a probationary period of adequate length, usually two or three years.
6. The right of dismissal should be in the hands of the appointing board.
7. Laws establishing indefinite tenure should provide for the easy dismissal of unsatisfactory or incompetent teachers for clearly demonstrable causes: such as misconduct, incompetence, evident unfitness for teaching, persistent violation of refusal to obey laws, insubordination, neglect of duty, or malfeasance.
8. The proposed dismissal of a teacher on account of incompetence or neglect of duty should be preceded by a warning and specific statement in writing of defects.
9. In cases of proposed dismissal, teachers should be granted right of hearing.
10. Teachers who do not desire to continue in their positions should give reasonable notice in writing of their intention.

---

<sup>55</sup> Donald L. Simon, “Opposed to a Teacher-Tenure Law.” The Nation’s Schools 17 (Kime, 1936), 22.

11. Suitable provision should be made for teachers already in service in putting tenure laws into operation.
12. Indefinite tenure should be accorded to all classes of certificated school employees on status teacher, at least.

According to these guidelines, well-written tenure laws would improve the quality and efficiency of education. To quell concerns regarding the professional growth of teachers, the NEA suggested tenure be given only after a probationary period in which the teacher demonstrated success and continued development. The decision to retain a teacher would remain the domain of the local school board. Superintendents would be required to demonstrate evidence of ineffective teaching practices and provide the individual with adequate notice of non-retention.

### Summary

The movement to provide teachers with job security, in the form of tenure legislation, evolved from the philosophies of the progressive era. Progressive leaders formed special interest groups aimed at building a better American society. They hypothesized if societal ills were brought to the forefront, the government would enact legislation to correct the perceived wrongs in society. Capitalizing on the ideas of the progressives, urban educators sought to improve the quality of education and the services provided for the urban masses.

The first step in this transformation was to replace the unyielding power of the school board with an expert in school policy. Progressive school administrators adopted

the theory of management espoused by Taylor and began to assert themselves as leaders in educational policy and decision making. They used scientific practices and statistical measurements to evaluate the efficiency of schools. Having firmly incorporated themselves as proficient leaders in their field they assumed a position similar to the manager of a corporation. The superintendent would advise the board on school policy and choose individuals to help run the school.

Despite changes in school governance, teachers continued to experience arbitrary and unjust dismissal practices. The National Educational Association addressed concerns by advocating the adoption of indefinite tenure legislation. Recognizing the need to place the welfare of the children in the forefront the NEA argued children would benefit from the longevity of teacher employment. It would encourage a strong sense of professionalism, allow for long-range curricular planning, and over time affect the quality of education. The NEA along with the AFT stressed the high rate of teacher turnover and the effect on education. They identified the inefficiency created by the rate of turnover and the potential risk it presented on the quality of education. They furthered the argument by highlighting several arbitrary teacher dismissals.

As the tenure campaign mounted community leaders expressed concerns regarding the potential defects of indefinite tenure laws. They feared such legislation would lead to indifference and a lack of professionalism on the part of teachers. The NEA addressed these concerns by promoting the inclusion of professional growth and dismissal procedures in tenure legislation.



CHAPTER IV  
THE ADOPTION OF A PERMANENT TEACHER TENURE LAW IN ILLINOIS

Introduction

The National Education Association spearheaded a nationwide effort to help state agencies secure teacher tenure legislation. While the NEA conducted research on the need for tenure laws and developed a platform to be used at the local level, the Illinois Education Association urged state educators to become actively involved in the adoption of tenure laws for teachers outside of Chicago.

The IEA called for tenure legislation as early as 1913. It raised questions concerning the annual election process of teachers and the need to provide reasons for dismissal. Despite its efforts only, Chicago teachers under the leadership of the Chicago Teachers Federation received tenure in 1917. The IEA quietly continued to work for the adoption of tenure legislation throughout the next decade. Recognizing the need for a greater emphasis on the issue, a committee was created in 1938 to research tenure, promote the cause, and draft the desired legislation. Donald DuShane, NEA committee chair, was consulted and a tenure campaign similar to the national movement was fashioned by the IEA. Due to opposition from the Illinois Association of School Boards and dissension among Illinois teachers, the first attempt failed. After considerable

discussion between the IEA and the IASB an acceptable compromise was reached. The 62nd Illinois General Assembly passed a tenure bill applicable to certified Illinois teachers working under the direction of Boards of Education outside the city of Chicago. It was signed by the governor and became law in June 1941. This chapter will examine the role of the IEA in launching a campaign to successfully secure permanent teacher tenure legislation for downstate Illinois teachers.

### Illinois Education Association calls for Tenure Legislation

The passage of the Pendleton Act in 1883 provided limited job security for civil service employees. The theory was embraced by the National Education Association as a law that could be applied to public school employees. Acting as spokesperson for the educators of Illinois, the Illinois Education Association (IEA) also questioned the practices traditionally used to employ educators in the state. Using the publication The Illinois Teacher, the IEA asked its readers:

1. Why should experienced successful teachers come up annually for re-election and often be thrown out without reason or explanation?
2. Why should they not be under some form of civil servis and removed only for cause?<sup>1</sup>

The annual election process and the removal of teachers without cause raised concerns among the leadership of the IEA. In 1914 it presented a bill to the 49th General Assembly recommending an end to the annual election process and a minimum wage standard for

---

<sup>1</sup> "Business of the State Meeting." The Illinois Teacher, 1 (December, 1913), 5.

public school teachers in the state.<sup>2</sup> The organization still in its infancy, however, did not have the experience to successfully challenge existing laws.

Nonetheless, the IEA continued to work toward modifying the law by informing its readership of progressive ideas accepted in other states. It published an account of seven states that had adopted statutes protecting the rights of teachers. It furthered that the list was not complete but served “to show that Illinois is not abreast of the most progressive states in the matter of legislative provision for its teachers.”<sup>3</sup> The atmosphere of the progressive era demanded teachers be treated with fairness. Their employment, the IEA argued, should be based on merit and efficiency, not on the political whims of school board members. To document the degree of teacher turnover the IEA conducted a survey in 1916. It revealed almost one-half of all public school employees were new to their positions each year.

Table 4

LENGTH OF SERVICE  
Teachers' Length of Service in the Same District:

One year	11,793
Two years	5,284
Three years	2,681
Four years	1,722
Five years	1,204
Six years	947
Seven years	708
Eight years	698 <sup>4</sup>

---

<sup>2</sup> “Tenure of Position.” Illinois Teacher, 5 (September, 1916), 5.

<sup>3</sup> Franklin C. Donecker, “Laws Providing for Tenure of Position,” The Illinois Teacher, 5 (December, 1916), 71.

<sup>4</sup> Illinois Teacher 5 (October, 1916), 8.

The high rate of turnover for Illinois teachers was consistent with the national trend. Further research indicated, “several superintendents and principals in Illinois failed to be re-employed this year although they were candidates for re-employment, and there were not definite charges against them.”<sup>5</sup> This information along with the political dismissal of 68 teachers in Chicago encouraged the IEA to again propose legislation to secure permanency in employment for teachers.

The IEA, representing teachers outside of Chicago, worked independently of the Chicago Teachers Federation. Two separate proposals were subsequently introduced to the Illinois General Assembly in 1916. One represented the teachers within Chicago and the other represented teachers outside of the metropolitan area. The proposal rendered by the IEA addressed both districts governed by Boards of Education and those controlled by Boards of Directors. Germane to the tenure of teachers, the bill included the following:

Section 114. The Boards of directors shall have the following additional duties: *Seventh* - To appoint teachers annually and fix the amount of their salaries: *Provided, however, when a teacher shall have served satisfactorily for one year it shall be lawful to employ such teacher for successive terms of two or more years at the discretion of the board, subject to dismissal as provided in section 115 of this Act.*

Section 115. The Board of school directors shall be clothed with the following powers: *Third* - To dismiss a teacher for incompetency, cruelty, negligence, immorality or other sufficient cause: *Provided, however, no teacher shall be so dismissed until he shall have had a fair and impartial hearing before such board, due notice of which shall have been given him.*

---

<sup>5</sup> “Tenure of Position.”, 5.

Section 127. The Board of Education shall have all the powers of school directors, be subject to the same limitations, and, in addition thereto, they shall have the power, and it shall be their duty:

*Third* - To employ teachers, supervisors, and principals annually and fix the amount of their salaries: *Provided, however, when a teacher, supervisor, or principal shall have served satisfactorily for one year it shall be lawful to employ such person for successive terms of two or more years at the discretion of the board, subject to dismissal and removal as provided in paragraph 9 of this section.*

*Seventh* - To employ a competent superintendent of schools for a term of from one to four years at the discretion of the board, who shall be the chief executive officer of the board and shall exercise a general supervision over all departments of the schools of the district. The superintendent of schools shall nominate and recommend for appointment all teachers, supervisors and principals for said district, and assign them to their respective positions when elected. He shall, with the advice of the principals, supervisors, and teachers, formulate the course of study for the several grades and departments of the schools of the district, and shall recommend all textbooks, supplementary books, charts, maps and other equipment needed, and shall perform such other duties as the board may prescribe. All his official acts shall be subject to the approval of the board of education.

*Ninth* - To dismiss and remove any teacher, supervisor, principal, or superintendent, whenever in the opinion of the board he is not qualified to perform his duties or when the interests of the school may require it: *Provided, however, no teacher, supervisor, principal or superintendent shall be so dismissed and removed until he shall have had a fair and impartial hearing before said board, due notice of which shall have been given him.*<sup>6</sup>

Although the IEA supplied research documented the high number of unwarranted dismissals, the Illinois General Assembly failed to pass the proposed legislation. State legislators felt a number of Illinois educators practiced similar customs when they accepted positions in other districts after their contract had been renewed.<sup>7</sup> School districts were not protected from arbitrary changes in personnel and individuals not

---

<sup>6</sup> "A Bill," The Illinois Teacher. 6 (September, 1917), 124.

<sup>7</sup> "Editorial Notes," The Illinois Teacher. 5 (September, 1916), 2.

fulfilling their contractual expectations. Therefore, if the employer, the school district, was not protected from these actions, why should the legislature pass a law to protect the employee?

While the IEA was waging a battle to secure tenure legislation for teachers in Illinois, the CTF was immersed in its own attempt to protect the teachers of the city of Chicago. Perhaps due to the strength of the leadership, the influences of a large metropolitan area, and the flagrant actions of the Chicago school board, the CTF was victorious. The teachers of Chicago received permanent teacher tenure when the Otis bill was passed in June of 1917. Educators outside the city were not included in the provisions of the bill. The IEA continued to work within its ranks to gain support for the passage of tenure legislation for downstate.

#### Renewed Efforts to Secure Tenure for Downstate Teachers

During the 1920s and early 1930s the IEA continued to confront problems faced by Illinois educators. They pushed for a minimum wage standard, the adoption of a pension plan, and the protection of state-wide tenure for teachers. However, as late as 1937 the IEA was not able to formulate an acceptable tenure law because, “it still had much opposition in [its] own ranks, and [the IEA] failed to find any member willing to introduce it.”<sup>8</sup> Some Illinois teachers were concerned permanency in teacher retention would lead to a decline in the quality of education and prohibit the removal of ineffective

---

<sup>8</sup> “The Legislative Campaign: The I.E.A. Program,” The Illinois Teacher, 26 (September 1937), 5.

teachers. To gain the necessary support, the IEA separated the topic of tenure from other teacher welfare issues. A committee designed solely to address tenure was created in 1937. Its primary purpose was to “cultivate in the minds of Illinois citizens an understanding of, and a sympathetic attitude toward, permanent tenure for teachers.”<sup>9</sup> It would be responsible for increasing support among the membership of the IEA and to research the issues surrounding tenure. Recognizing the need to include all levels of the educational hierarchy, the committee was composed of, “city and county superintendents, high-school and elementary school principals, college professors and classroom teachers,” from the various geographic areas of the state.<sup>10</sup> At the first meeting of the tenure committee in May 1938, they drafted a letter to all local organizations requesting tenure be included in the program. In addition, the committee worked with the public relations division of the IEA to create a pamphlet entitled Tenure in Illinois. It outlined the need for tenure legislation. The pamphlet was distributed to all members of the IEA, and monthly articles regarding committee activities appeared in The Illinois Teacher.<sup>11</sup>

The committee met with Donald DuShane, chairman of the NEA committee on tenure in September. He explained, “the advantages of indefinite tenure and the ways in which other states had arrived at tenure legislation.”<sup>12</sup> DuShane’s recommendations were

---

<sup>9</sup> “Meetings of Board of Directors: Committee on Teacher Tenure,” The Illinois Teacher, 27 (May- June, 1938), 292.

<sup>10</sup> “Definite Tenure for Teachers,” The Illinois Teacher, 27 (December, 1938), 105.

<sup>11</sup> *Ibid.*, 105-106.

<sup>12</sup> *Ibid.*, 106.

considered and several of the NEA ideas were incorporated into the overall plans of the committee.

The rationale of the IEA for tenure legislation in Illinois was outlined by committee member R. W. Marshall in an article entitled "Teacher Tenure." Consistent with the philosophy of the NEA, Marshall stated Illinois teachers needed tenure to improve the conditions of their employment and for the benefit of children. Speaking as a representative of the IEA, he stated the following reasons to enact tenure legislation:

1. To prevent political control of schools and teaching positions.
2. To permit and encourage teachers to devote themselves to the practice of their profession without fear or favor.
3. To make our profession more attractive to the best products of our colleges and universities.
4. To encourage competent and public-spirited teachers to remain in the schools.
5. To discourage school management based on fear and intimidation.
6. To prevent the discharge of teachers for political, religious, personal, or other unjust reasons.
7. To protect teachers in their efforts to secure well-financed and adequate education for the children in their charge.<sup>13</sup>

He emphasized the law would include a probationary period in which teachers could be evaluated and discharged without stated cause. He argued tenure did not guarantee life employment, but rather created an orderly process for removing ineffective teachers. He felt tenure would improve education by allowing teachers to wholeheartedly support the superintendent in securing programs that were in the best interest of children. Tenure

---

<sup>13</sup> R. W. Marshall, Teacher Tenure, (Springfield, Illinois: Address presented at City Superintendents Association, November 18, 1938).



would mean better education in Illinois schools. Responding to concerns' that tenure would eliminate professional growth, Marshall argued teachers who felt secure in their employment would be more inclined to engage in professional development than if future employment was uncertain.

The rationale for Illinois teachers to work for tenure was established. The IEA Tenure Committee reported progress at the annual meeting in December 1938. A tentative bill had been prepared and distributed to IEA members present at the meeting. In the discussion that followed, they focused on the process involved in removing a teacher and the impact of tenure legislation on teacher retention in rural districts.

Early in the deliberations, questions arose regarding the authority of the superintendent in recommending a teacher for removal. According to the proposed bill, "Removal requires a majority vote of all members of the board upon charges preferred in writing by a majority of all members of the board, and after due hearing."<sup>14</sup> Although the superintendent would make recommendations concerning a tenure, the board of education would serve as the official agency responsible for the decision. The IEA did not intend to diminish the authority of the superintendent but was aware by Illinois statute the school board was the final authority in personnel matters. It furthered, however, the removal of teaching certificate clearly remained the jurisdiction of the county superintendent and the State Board of Examiners.<sup>15</sup>

---

<sup>14</sup> Proceedings, Illinois Education Association, Eighty-fifth Annual Meeting. (Springfield, Illinois: Bona Fide Printing Company, Inc., 1938.), 157.

<sup>15</sup> *Ibid.*, 159.

Discussions also addressed the procedures involved in removing a certified employee. In the spirit of Progressivism, the bill was intended to ensure equity and fairness in employment. Therefore, IEA delegates included requirements to limit false accusations from being presented against a teacher. It was agreed for the protection of both the school board and the teacher, accusations be put in writing, agreed on by a majority of the board and, “the hearing must be public if the teacher wishes it.” The provisions were designed to protect teachers from arbitrary dismissal and establish an orderly process for teacher employment and dismissal. To protect the community, a probationary period of one to three years was included in the legislation. During this time the superintendent and school board would have the opportunity to assess the qualifications and abilities of a teacher.<sup>16</sup>

Representatives from rural communities raised concerns regarding the probationary period. Mr. Lukenbill, an IEA delegate, described the problem. He had several teachers who had applied to his district after they had been denied tenure, “for the simple reason that they had taught the maximum number of years,” in another state.<sup>17</sup> He was worried rural communities in Illinois would engage in similar practices. He also was concerned that the majority of the teacher membership in the IEA represented one-room school houses in rural communities. The adoption of a tenure law could have a negative

---

<sup>16</sup> Ibid., 161.

<sup>17</sup> Ibid., 167.

impact on their employment.<sup>18</sup> Ms Scully, president of the IEA pointed out, “the surveys show that there are as many teachers dismissed at the end of the tenure probationary period as there were when there was no tenure.”<sup>19</sup> Despite the concerns of Mr. Lukenbill, no further discussion occurred regarding the issue.

At the conclusion of the meeting the delegates agreed the tenure committee would work with the legislative division of the IEA in securing the legislation. However, they felt it was in their best interest to refer to the proposal as a, “bill for the employment and discharge procedures regarding teachers.”<sup>20</sup> From the meetings with Donald DuShane and the experience of other states, the bill was more likely to produce positive results if it did not include the words “indefinite teacher tenure”.

An aggressive tenure campaign was undertaken the following year. Articles explaining the rationale for tenure appeared monthly in The Illinois Teacher. A pamphlet explaining the motive for tenure was prepared for distribution at the spring division meetings of the IEA.<sup>21</sup> In the February edition of The Illinois Teacher, the IEA announced the tenure bill would be “the product of joint action on the part of the committee of the IEA and Illinois Federation of Teachers and be jointly sponsored.”<sup>22</sup> The IEA had successfully secured the endorsement of the IFT. Together the organizations agreed to

---

<sup>18</sup> Ibid., 163, 166-169.

<sup>19</sup> Ibid., 169.

<sup>20</sup> Ibid., 161, 170-173.

<sup>21</sup> “Tenure Pamphlet,” The Illinois Teacher, 27 (January, 1939), 144.

<sup>22</sup> “Tenure Bill,” The Illinois Teacher, 27 (February, 1939), 193.

sponsor a bill that would “provide a legal and orderly process for the elimination of inefficient teachers and give to capable teachers security from unjust dismissal.”<sup>23</sup> The joint proposal would include a two-year probationary period after which dismissal had to include written charges and the right to hearing. According to the IEA and a survey conducted by the Office of Public Instruction, tenure was necessary to improve the quality and stability of the profession, because “young people become teachers with no intention of permanency.” The survey stated:

During the school year, 1937-38, more than one-fifth (22.97 percent) of the active teachers in Illinois were serving their first year in the district where employed and more than one-half (55.12 percent) had served the district in which they were then employed less than four years. Only slightly more than one-fifth (21.54 percent) had served ten years or more in the same district.<sup>24</sup>

The IEA argued, the rate of turnover was the result of political maneuvers by school boards and rural teachers seeking better paying positions in larger districts. Therefore, if they had security in employment, school boards would not be able to randomly dismiss teachers and they would be less likely to seek employment in a neighboring district.

The efforts of the IEA tenure committee were being recognized. Senator R. G. Crisenberry from the 44th district agreed to sponsor the legislation. The selection of Crisenberry was a natural choice. He had previously been a high school principal and city

---

<sup>23</sup> *Ibid.*, 193.

<sup>24</sup> “Tenure of Position,” *The Illinois Teacher*, 27 (February, 1939), 168.

superintendent of schools. He was also a member of the Senate education committee. His prior experience and continued interest in education provided an informed spokesperson for the IEA cause.<sup>25</sup>

The Illinois General Assembly prepared to evaluate the need for tenure. It commissioned the Illinois Legislative Council to conduct a research study in 1938 to investigate the merits of tenure. The purpose of the research was to examine the role, “of teacher tenure with a view of improving the tenure of teachers in the public schools of Illinois.”<sup>26</sup> The report began by explaining teacher tenure was closely associated to the civil service system practiced with other public employees. It defined tenure as, “the right of teacher, generally after the completion of a probation period, to continue holding the teaching position indefinitely and subject to termination only by resignation, retirement or dismissal in accordance with the provision of the act defining tenure.”<sup>27</sup> Under such a law, teachers would be afforded job security following a probationary period and dismissed only for “reasonable and justifiable cause.” It furthered, while the interests of teachers were to be considered, the primary concern was an “efficient school system”. The fundamental question to be considered in the report was the impact of the rate of teacher turnover on the educational system of the state.

If the present turnover is found to be so great that teachers have no assurance of continuity of employment, it may mean that the

---

<sup>25</sup> General Assembly, Illinois, Handbook Illinois Legislature, 61st General Assembly, 1939. 238.

<sup>26</sup> Teacher Tenure in Illinois with Particular Reference to Teachers Outside Chicago. By Charles M Kneier, Director of Research. (Illinois Legislative Council Publication No. 11, March, 1939.), ii.

<sup>27</sup> *Ibid.*, 1.

community is losing the benefit of the services of experienced teachers. If the turnover is found to be great, and this is considered to be undesirable, the enactment of a tenure law may appear to be the solution.<sup>28</sup>

To determine the impact of tenure laws on turnover the report examined the rate of turnover for teachers in Chicago, where a tenure law existed, as compared to those outside the city boundaries.<sup>29</sup> Records from the Office of the Superintendent of the State of Illinois were used to ascertain the, “Teachers’ Length of Service in the Same District, [for the] School Year 1937-38.” The information yielded a great disparity between the length of service for a teacher in Chicago compared to the tenure of a downstate teacher;

Half of the teachers in Chicago have served their district for more than thirteen and one-half years, whereas in the balance of the state the midpoint is only three and one-quarter years. The average teacher in Chicago can, therefore, expect to continue in the employ of the district for four times as long as can a teacher in districts outside of Chicago.<sup>30</sup>

The ability of a teacher to remain in the profession was greater for those employed in Chicago. Reasons' teachers did not continue in their position in downstate districts were not included in the study. However, the researchers felt smaller communities were not as appealing as large districts since, “low salaries prevail and opportunities for advancement and self improvement are restricted.”<sup>31</sup> To further emphasize the impact of the size of the district on the length of employment the report included the following table:

---

<sup>28</sup> Ibid., 1.

<sup>29</sup> Typically, teachers outside of the city of Chicago were referred to as downstate teachers

<sup>30</sup> Ibid., 2.

<sup>31</sup> Ibid., 5.

Table 5

Teachers' Length of Service in Same District  
Chicago, Other Urban Districts and Rural Districts  
(Percentage Distribution)\*

Number of Years in Same District	Chicago (Per Cent)	Other Urban District (Per Cent)	Rural Districts (Per cent)
1	5.69	14.66	32.59
2	3.65	13.88	24.66
3	3.74	9.57	12.64
4	2.35	7.33	8.10
5 to 9	15.89	18.09	15.40
10 to 14	20.78	17.14	5.35
15 to 19	19.75	10.22	0.90
20 or Over	28.15	9.11	0.36
Total	100.00%	100.00%	100.00%
Typical Teacher (a)	13.52 Years	6.00 Years	1.71 Years

\* The Chicago percentages are for the school year 1937-38, the latest available. The other percentages are for the school year 1938-1939, for ten sample counties. These ten counties are Ogle, Kane, Woodford, McDonough, Vermilion, Sangamon, Effingham, Madison, Jefferson and Saline. The figures for Chicago and for the Other Urban Districts include high school teachers as well as elementary teachers.

(a) Median, i.e. point at which there are as many teacher who have served for shorter periods as there are with longer terms of service.<sup>32</sup>

The table verified a direct relationship between the size of a community and the extent of teacher turnover. A tenure law would limit the ability of a district to dismiss a teacher following the probationary period. However, it would not affect the movement of teachers from smaller districts to larger districts that typically offered greater financial

---

<sup>32</sup> Ibid., 6.

incentives. The report also noted a tenure law could, “have a stabilizing effect over a period of years, [however] the existence and extent of this effect can not be isolated from the other factors operating to cause teachers to change positions.” Other reasons such as a more desirable position, location, or salary were also motives for teacher turnover. Additionally, a tenure law would have a greater impact on the practices and expenditures of smaller districts. Teachers new to a school could often be employed at a lower cost than those having served for a number of years. Therefore, the expenses incurred by a district for teacher salaries would increase with tenure.<sup>33</sup>

A study into existing continual contractual agreements used in the State of Illinois was conducted to examine the relationship between teacher turnover and tenure. As previously discussed, educators employed by the city of Chicago received tenure in 1917. According to the agreement, teachers, principals, and other certified employees were granted tenure following a three-year probationary period. Dismissal after the probationary period was possible only if cause was documented. After receiving written documentation stipulating the charges against them, an individual had the right to a public hearing at which time they, “shall have the privilege of being present, together with counsel, offering evidence and making defense thereto.” The majority decision of the board was considered final.<sup>34</sup>

---

<sup>33</sup> Ibid., 8.

<sup>34</sup> Ibid., 8-9.



While educators working outside of Chicago were not protected by tenure laws; however, they could be awarded continuing contracts. In 1937 downstate teachers were granted a law providing for multiple year contracts. These contracts, “may be made for as long as three years, provided that the teacher has first served a two year probationary period,” Under the provision certified Illinois public school employees could obtain a continuous contract for up to three calendar years. This did not constitute a tenure law since it was the decision of each district to allow for multiple year contracts. Also, teachers were not granted the right to hearing or redress if dismissed.<sup>35</sup>

Further investigation by the Illinois Legislative Council Research Division revealed teachers employed by the cities of Alton and Bloomington were awarded tenure by local school board policy. The policy for the Alton public schools stated, “teachers shall be re-employed without making application,” and teachers who did not receive a satisfactory success rating, “may be reappointed at the same salary for a second year upon recommendation of the Superintendent.” Teachers contracted by the Alton schools were, in effect, granted tenure based on school board policy and the practices of the district.<sup>36</sup>

In Bloomington, teachers were also given protective tenure. The Bloomington policy stated teachers had to complete a three year probationary period and be granted a fourth year contract to receive tenure. Upon completion of the probationary period the teacher, “is to be a permanent employee until the expiration of the school year in which he

---

<sup>35</sup> Ibid., 9.

<sup>36</sup> Ibid., 10.

or she becomes sixty-five year old.” Teachers having received tenure could only be dismissed for specific causes stated in the policy or due to a reduction in the number of students or services provided by the district. Similar to the Chicago tenure law, the intention to dismiss a teacher had to be conferred in writing and the teacher was entitled to hearing.<sup>37</sup>

Holding to the idea, stability in the teaching force would affect the quality of education, the research report included information on the status of tenure in other states. It stated there were sixteen states that had some form of tenure legislation. A brief summary of the laws indicated,

Three of the states make the tenure law applicable to all school districts in the respective states, and three other states have laws that are statewide for all practical purposes, since the districts excepted from the general tenure law are covered by special acts. In eight states the application of the law is restricted to certain school districts. Illinois is listed in this category, since the Chicago school district is the only one to which the tenure act applies. In one state (Michigan) the law is optional, and may be accepted or rejected by popular vote in each district. In one other state (California) the law is mandatory for large districts and optional for small districts.<sup>38</sup>

Among those states having a tenure law, all but one operated on a system of large scale districts. The impact of legislation for Illinois, therefore, had to be considered in light of

---

<sup>37</sup> Ibid., 11-12.

<sup>38</sup> Ibid., 16.

the present organization of school districts. Typically, Illinois had many small localized school district units.

The report also discussed the opinions of those who supported and opposed tenure. Advocating the adoption of tenure laws were teachers, and members of the NEA and the IEA. These groups argued Chicago teachers were afforded the protection of tenure and while most school districts do not arbitrarily dismiss teachers, without legal protection the potential for such action was possible. Opponents felt teachers were seldom removed for political, religious, or personal reasons and it was impossible to write a law that would eliminate unjust removals. They also felt high caliber individuals would be attracted to the profession with improved wages and conditions as well as stronger certification requirements. A tenure law, they believed, would inhibit the ability of a school board to release an incompetent teacher; put rural teachers at a greater disadvantage during the probationary period; and “encourage non-cooperation and insubordination and would result in a stagnation of professional development.” They expressed concern, “such a law would constitute an undesirable interference by the state government without the freedom of action now possessed by local boards of education outside of Chicago.”<sup>39</sup> The research did not support or denounce any position regarding tenure. Its purpose was to inform legislators and the public of concerns expressed by both sides.

---

<sup>39</sup> Ibid., 17-20.

In conclusion, the report raised several questions to be considered when discussing tenure legislation. First, should the law be applicable to all districts outside of Chicago or more limited in its scope? Second, who should be covered under the law? Should the law be applied to full-time certified staff, or all employees of a district? What should be the length of the probationary period? These issues along with questions regarding the removal process for both the incompetent teacher and the economic interests of the district needed to be considered when formulating a tenure statute.<sup>40</sup>

The research conducted by the Illinois Legislative Council provided data relative to the degree of teacher turnover and the present status of tenure provisions in the state. It also furnished information on the terms and scope of tenure laws in other states. Additionally, it raised questions on the application of permanent teacher tenure in the state of Illinois with regard to the present system of school district organization. The report served to heighten the awareness of the issues surrounding continual contractual agreements for legislators, advocates of tenure and its opponents.

Legislators examined the research bulletin, while the IEA continued to raise support among its membership for passage of Senate Bill 177. The April publication of The Illinois Teacher summarized provisions of the bill and explained tenure was, “merely the application of the commonly accepted civil service principle to the teaching profession.” They reassured readers the bill did not mean an unfit teacher would be able to remain in the system. Instead it was designed to provide, “an orderly, legal procedure

---

<sup>40</sup> Ibid., 20-27.

for the dismissal of unfit teachers.” Despite the continual reassurances voiced by the IEA, teachers remained concerned a tenure law would make it unduly difficult to relieve an incompetent teacher.<sup>41</sup>

The bill was proposed by Senator Crisenberry on 7 March 1939. It was designed to alter sections 114, 115, 127, and 127a of the Illinois statutes and to add section 127 3/4. A synopsis of the legislation was documented in the Illinois General Assembly

**Record of Proceedings:**

Provides for the tenure of school teachers of school districts having a population of less than 500,000 inhabitants. Provides that full time teachers shall automatically enter upon contractual continued service unless given written notice of dismissal by registered mail, with reasons therefore, at least 90 days before the end of a probationary period of two consecutive years. Provides that time served by teachers prior to the effective date of the Act shall be counted in such probationary period. Provides that in case of dismissal because of decreased attendance, teachers will be dismissed in inverse order of appointment. Provides for reinstatement of teachers dismissed in such instances when conditions change. Provides for annual service arrangements for teachers over 65 years of age. Provides for notice of charges to teachers dismissed during probationary period and for a hearing on such charges. Sets out ground for dismissal and provides method of hearing.<sup>42</sup>

It was read for third time on 10 May 1939 and passed the Senate house with a vote of 29 in favor and 11 opposed.<sup>43</sup> The bill was sent to the House of Representatives on 15 May

---

<sup>41</sup> “Tenure for Teachers,” The Illinois Teacher 27 (April, 1939), 241.

<sup>42</sup> No. 22 FINAL Legislative Synopsis and Digest of the Sixty-second General Assembly, (June 30, 1939.), 90.

<sup>43</sup> General Assembly, Illinois Journal of the Senate, 61st General Assembly, 1st Session., 1939 498.

and forwarded to the Committee on Education the following day.<sup>44</sup> No records were maintained on the committee discussion of Senate Bill 177. However, the Journal of the House stated the bill was to be postponed, “to a day so distant that it shall not be taken up again by the present session.”<sup>45</sup> Senate Bill 177 was tabled on 14 June 1939. Subsequent accounts from The Illinois Teacher implied a lack of unified support among educators and strong opposition expressed by the Illinois School Board Association accounted for the defeat of the proposed statute.

The 1939 General Meeting of the IEA included a report from the committee on tenure. The committee outlined the course Senate Bill 177 had taken in the Illinois legislature. It explained the two major objections to the proposed legislation revolved around the, “ability for the school board to remove inefficient teachers, and second, that tenure results in the dismissal of teachers.”<sup>46</sup> Identifying the Illinois Association of School Boards as the major opponent to tenure legislation, the committee stated it would attempt to, “work jointly with a committee representing board members before another bill is presented to the Legislature.” It also noted if, “results are to be obtained,” teachers needed to be actively involved in the support of the legislation.<sup>47</sup>

---

<sup>44</sup> No. 22 FINAL Legislative Synopsis and Digest of the Sixty-second General Assembly, (June 30, 1939.), 90

<sup>45</sup> General Assembly, Illinois Journal of the House, 61st General Assembly, 1939, 21.

<sup>47</sup> “Report of Committee on Tenure,” Illinois Education Association, (Springfield, Ill: Bona Fide Printing, Inc., 1939) 2.

### The IEA Forges Ahead: Evolution of the Illinois Tenure Movement

Despite the defeat of Senate Bill 177, the IEA continued to work toward gaining support for the adoption of tenure. Beginning in 1940, the IEA launched a sophisticated tenure campaign utilizing the IEA public relations department to secure support from legislators, its membership, and the Illinois Association of School Boards. The public relations department monitored the daily progress of all legislation affecting education and met with Illinois Senators to discuss the, “merits and demerits of the various educational bills.”<sup>48</sup> Along with steering the outcome of proposed education bills, the committee would have first hand knowledge of the viewpoints of Illinois assembly members. Anticipating the gubernatorial election of the 1940, The Illinois Teacher published candidate perspectives on educational legislation and stands on tenure.<sup>49</sup> The subsequent issue of The Illinois Teacher continued to address positions taken by Illinois politicians by including the voting record on educational bills for each member of the Illinois General Assembly.<sup>50</sup> The tenure committee used the information to help direct its efforts and encourage IEA Division members to discuss the value of tenure with local representatives.

Complimenting the work of the public relations department Ms Blanche Cline, Chairman of the Tenure Committee, called for each local Division to appoint a tenure council and to send a delegate, “to meet with the Tenure Committee at the time of the

---

<sup>48</sup> “Report of Director of Public Relations, The Illinois Teacher, 28 (January 1940), 147.

<sup>49</sup> “Problems of Education in Illinois as Viewed by: The Democratic Candidates for Governor; The Republican Candidates for Governor,” “The Illinois Teacher, 28 (March, 1940), 196-197.

<sup>50</sup> Irving F. Pearson, “Presenting a Record of Important Roll Calls” The Illinois Teacher, 28 (April, 1940), 3-6.

annual meeting.” Local representatives were to report, “the state committee’s discussion of the existing situation regarding tenure and the plans to bring about more widespread knowledge of the need for tenure and the principle upon which desirable tenure legislation is based.”<sup>51</sup> Along with the work being done at the state and local level the IEA included a statement reaffirming the desire of the organization to secure the principles of civil service in the form of tenure for downstate teachers in every issue of The Illinois Teacher published during 1940. The IEA was determined to garnish the support needed among its membership to achieve the successful adoption of tenure legislation at the next Illinois General Assembly session.

Persuading Illinois teachers who were resistant to the adoption of tenure laws involved informing them of the steps already taken to grant teachers continuing contracts as well as to affirm the need to apply the principles of civil service and social security to teaching. To demonstrate changes in the annual election process, The Illinois Teacher cited the 1939 statute which granted school boards and boards of directors the right to, “employ teachers, principals, or superintendents for a period of more than one year but not in excess of three years.” According to the law a school employee could be granted a three-year contract following a two-year probationary period. The statute was challenged when a teacher in rural Illinois was dismissed after serving, “one year of the three for which she had contracted.” The lower court stated a law allowing for three year contracts was unconstitutional. The IEA felt the case “called into question principles vital to all

---

<sup>51</sup> “Tenure Committee,” The Illinois Teacher, 28 (January, 1940), 134.



tenure legislation.” Therefore, it financed the appeal of the Ms. Georgia Sloan of McLeansburo to a higher court. After reviewing the case, the Illinois Supreme Court ruled three-year contracts were constitutional. The case demonstrated the constitutionality of continuing contracts for educators. It also provided momentum for the IEA tenure campaign.<sup>52</sup>

Reacting to concerns voiced among its membership, the IEA emphasized the need for teachers to procure the benefits of tenure and civil service laws. The Illinois Teacher petitioned readers to consider the impact of teacher instability on education. It stated uncertainty in job security, “tend[ed] to work against the efficiency of the teachers and consequently the welfare of the children.”<sup>53</sup> It furthered that progressive states had embraced tenure laws meeting the needs of administrators, teachers, parents, and school board members. Consequently, to be considered a leader in education, Illinois needed to secure permanent employment for its teachers. Endorsing the argument for teacher welfare, Irving Pearson, The IEA Executive Secretary, expounded on the need to provide job security for teachers.

Social security has been foremost in the consideration of the American....Peculiarly, the security of the professionalist in education has not benefited generally by these considerations. In fact, protection of the education profession against insecurity in position and in retirement does not enter the national picture. Because teachers are the agents of the Government, they are denied the protection afforded the masses of people.

Insecurity in the teaching field most quickly visits its ill effects

---

<sup>52</sup> John A. Wioldand, “To the Teacher - Items of Interest From the Office of Superintendent of Public Instruction,” The Illinois Teacher, 28 (May, 1940), 295.

<sup>53</sup> “Teacher Tenure, The Illinois Teacher, 28 (April, 1940), 268.

upon those whom teachers serve. It is generally understood that insecurity in minimal wage, tenure of position, freedom of services, and retirement definitely affects the quality of teaching service. It is true the State particularly should be interested, because the schools are the creatures of the State, designed to improve the citizenry of the state. Many states have recognized the situation and have instituted new laws designed to provide security to the teaching profession.

Reasonable security laws for the teaching profession serve to attract persons of better quality and education to the teacher profession. They also serve to retain their services, and to prompt continuing professional study.<sup>54</sup>

Pearson felt, since teachers as government employees, had been excluded from the Social Security Act of 1935 and the Illinois teachers' retirement fund was financially unstable it was paramount they receive job security in the form of tenure legislation. The laws would attract accomplished individuals and create a sense of stability. Also, the quality of living and the economic potential of the state depended on the excellence of the schools. Therefore, Pearson argued, tenure was needed to secure a stable and efficient teaching force that could engender the vitality of the state.

Monthly promotions and updates on the work of the tenure committee highlighted the importance of the legislation for the leadership of the IEA. In order to build consensus within the ranks of the organization and to respond to concerns voiced by non-educators the Department of Research was commissioned to study, "What experience have school systems had with tenure laws? Is a tenure law needed in Illinois? Why? What are the conditions which give rise to the need? What will be the influence on the education of our

---

<sup>54</sup> Irving F. Pearson. "Security for the Teaching Profession," The Illinois Teacher, 28 (May, 1940), 278

children and what influence have such laws had?”<sup>55</sup> The result of the investigation was published in August of 1940 and disseminated to the local divisions for distribution. The report furnished information on the rationale for tenure; the present status of tenure laws in the nation and the state; who might be included in the legislation; the reason for their inclusion, the significant elements to include in the statute; issues concerning the removal of certified personal; the responsibility of teachers under tenure provisions; and the interpretation of tenure laws by the court.

The publication identified that the primary purpose of tenure was to, “give the public more efficient schools through having teacher dismissal based upon legal, orderly procedures and valid causes.” Efficiency in the schools would be achieved by assuring a stable teaching force that benefited the children and the quality of education. Tenure would guarantee the regulations of civil service laws would be applied to educators by providing an orderly process for dismissal teachers similar to other government employees.<sup>56</sup>

At the time of the publication, the report noted 29 states had, “long-term contracts or indefinite tenure provisions. In the State of Illinois, approximately 31% of the teaching force had been granted contracts for more than one year.” Six percent of these represented downstate educators and the remaining 94% were from the city of Chicago.

---

<sup>55</sup> B. F. Shafer, “The Task Ahead: A Preview of 1940 Activities,” The Illinois Teacher, 28 (February, 1940), 167.

<sup>56</sup> ‘Important Questions on Tenure,’ Illinois Education Association, Springfield, Ill: Bona Fide Publishing Company., 1940), 3.

To protect downstate teachers from arbitrary dismissal and allow for, “fair, democratic procedures in the making of staff changes,” it was essential tenure legislation be incorporated into the school code. The report asserted the legislation be applied to all levels of school personnel. It declared higher administrative positions needed tenure to enable superintendents and principals to make decisions in the best interest of education and not because of political pressure or partisan politics.<sup>57</sup>

To expand the readers understanding of tenure, the report outlined the scope of the legislation. The proposal recommended a probationary period of two years for newly hired personnel with credit being extended to those already serving in the system. In cases of dismissal it described the need for written charges to be rendered by the board or superintendent and the process of redress that should be afforded the discharged person. A lengthy discussion ensued on the causes and procedures involved in dismissal. It declared the causes for removal should be stated to protect against arbitrary removal, but recognized an all inclusive list would not be reasonable. A discussion delineating the dismissal procedure emphasized the obligation of the dismissing agency to provide written charges and the right to a public hearing including the right to present evidence and cross examine witnesses. It also stated, “charges should be preferred against a teacher on indefinite tenure at least 60 days before the proposed date of dismissal,” and allow reasonable time for the accused to file an appeal.<sup>58</sup>

---

<sup>57</sup> Ibid., 5-7.

<sup>58</sup> Ibid., 7-17.

In return for being granted tenure, teachers would be expected to participate in professional development and to “show a wholehearted application to duty; to cooperate with other staff members and the administration to develop long-time continuous education policies; to develop a better understanding of the community; and to improve and broaden his civic attitudes and interest.” Tenure was intended to improve the quality of education by granting teachers job security. In return, teachers were expected to work for the improvement of the profession by participating in professional growth.<sup>59</sup> In states where tenure had been successfully incorporated there was a marked decrease in teacher turnover; more protection for outside influences on the retention of experienced instructors; and an increase in professional growth programs.<sup>60</sup>

In conclusion, the report noted studies indicating the outcome of teacher dismissal cases appealed to the courts were decided in favor the board of education. However, these studies included non-tenure areas as well as tenure states.<sup>61</sup>

Members of the IEA, Illinois legislators, and school board members were encouraged to read the document. The IEA hoped the report would address many of the questions expressed by those who questioned the benefits of the legislation. It was also designed to provide advocates with a unified explanation of the merits of tenure.

---

<sup>59</sup> *Ibid.*, 17-18.

<sup>60</sup> “The Effect of Tenure Upon Professional Growth,” (Washington D.C.: National Education Association, 1940).

<sup>61</sup> “Important Questions on Tenure,” 16.

Members of the Illinois Association of School Boards responded to the increased activity of the IEA. Mr. Harold Norman, vice-president of the IASB delivered an address at its annual conference in December 1939. He identified the organization's perspective on tenure. Some members of the IASB felt tenure was a rallying cry to, "justify the organization activities of teachers union." Others, he stated, endorsed the need for greater job protection for teachers, but felt it was greatly over-emphasized. Generally, he asserted, school board members viewed the 1939 proposal as a good theory without practical application. It implied, "schools exist primarily to provide jobs for teachers, and only secondarily for the education of children, and second, that the ability of a teacher to teach is capable of measurement by objective standards, of which the most important is length of service." The agitation aroused by the continuous barrage of materials publicized by the IEA had blurred the role of the teacher. He questioned whether the role of the teacher was to provide education for children or to be secure in their employment.<sup>62</sup>

The lack of concern for the education of children, Mr. Norman contended, was evidenced by the flaws of the proposed legislation. Furnishing teachers with continuous employment after a two year probationary period was harmful to education. He argued a school board may have been lax in the evaluation process, the philosophy of the board may change over time, or the teacher may become complacent in carrying out their duties.

---

<sup>62</sup> Harold Norman, "Teacher Tenure," Illinois Association of School Board Journal 5 (Jan-Feb. 1940), 4.

A tenure law would prevent a school board from dismissing the teacher and seeking the best possible candidate. He illustrated the situation:

School district A is emerging from a small town into a suburban community. In the past its income has forced it to pay low salaries in comparison with the neighboring communities, and consequently many of its teachers are of the routine, mediocre class. Under such a tenure law, what would happen as the income of the district improves? All that the board could do would be to increase the salaries of the teachers that it has; it could not improve its staff. It could only reward undeserving mediocrity.<sup>63</sup>

Mr. Norman equivocated the financial resources of the district with the quality of its teachers. Although he previously stated teaching was a measurable commodity that could be evaluated by objective standards, his assertion identified the quality of instruction with the economic ability of the district.

Along with the concern tenure would limit the ability of a school board to replace staff as the climate of the community changed, Mr. Norman also expressed his dissatisfaction with the right of the courts to interfere in the interpretation of school board actions. He believed the grounds for dismissal were, “engraved invitations to lawsuits and their scope is too narrow.” He cited the clause which defined insubordination as willful refusal. In his opinion, if an employee refused to “obey school laws or the reasonable regulations of the board,” it should be grounds for dismissal. If the court became involved, he asserted, the judgment would be obscured by the amount of time the employee had been allowed to serve in the district and the frequency of evidence would be

---

<sup>63</sup> Ibid., 6.

deemed “inadmissible hearsay.” He also argued the courts would cause undue delay in removing a teacher and impose a higher financial cost to the district.<sup>64</sup>

Mr. Norman recommended teachers be given, “a permanent contract until age sixty-five,” instead of permanent teacher tenure. Such a contract he stated, “would greatly increase the security of the teacher without impairing the efficiency of the board.” It would eliminate the need for annual contracts, limit the ability of the board to participate in political dismissals but not place excessive restrictions on the school board.<sup>65</sup>

The IASB had recognized the need to provide some form of job security for downstate teachers. However, the provisions of such a law remained an impasse between the IASB and the IEA.

#### IEA Delegates Debate Merit of Tentative Proposal

The leadership of the Illinois Association of School Boards and the Illinois Education Association were beginning to acknowledge the perspectives and limitations expressed by both organizations. During 1940 both groups would discuss the merits and flaws of tenure. They would agree on a tentative proposal that would be presented before the 62nd Illinois General Assembly.

At the 1940, 87th Annual Meeting of the IEA, a proposal was presented to the delegates. Representatives met to discuss the merits of the legislation. Mr. E. N. Gwin of

---

<sup>64</sup> Ibid., 4-7.

<sup>65</sup> Ibid., 8



the South Central Division began the meeting by recommending the, "Illinois Education Association and its eighteen Divisions continue to cooperate with others interested in an effort to secure and protect fair tenure provisions." However, Mr. Gwin adamantly opposed, "any tenure bill that contains the eight power of Section 127 of the Illinois School Law." Referring to the right of dismissal, clause 8 of Section 127 stated a board of education had the power, "To dismiss and remove any teacher whenever in the opinion of the Board he is not qualified to teach or whenever, in the opinion of the Board of Education, the interest of the school may require it." He stated, the inclusion of section 127 of the Illinois School Code would allow a Board of Education to,

construe charges, trump them up, do almost anything they care to, or, according the provisions of the law, it says, 'When in the opinion of the Board.' They do not have to prove anything. They do not have to prefer specific charges against you which they can prove. But if it says, 'Whenever in the opinion of the School Board you are no longer serving the best interests of that community, they may dismiss you,' what chance have you? It seems to me it would be foolish to support a bill which has in it that clause. We would be no better off than now.<sup>66</sup>

He was particularly disturbed delegates at the convention had not been previously presented with the latest proposal for a tenure law. The offer was submitted by the Illinois Association of School Boards and contained the aforementioned clause eight of section 127. He felt numerous attempts had been made by the Tenure committee to work with other interested groups such as the IASB, however, these efforts had not been favorable.

---

<sup>66</sup> Proceedings, Illinois Education Association, Eighty Seventh Annual Meeting. (Springfield, Illinois: Bona Fide Printing company, Inc., 1940), 49-53.

In his opinion, a tenure law that granted good teacher's job security and yet permitted the removal of inefficient teachers was definitely needed. However, granting a school board the right to dismiss a teacher whenever deemed necessary did not constitute job security nor did it embody the principles of civil service. Mr. Gwin proposed a resolution to oppose any tenure law that contained clause 8 of section 127. His resolution was tabled. Further discussion on the resolution was postponed until the following day.<sup>67</sup>

Events of the next day included an open discussion on tenure. Addressing the Forum on Teacher Tenure were people representing various organizations with a vested interest in tenure. The speakers included Miss Mary Entsminger of Carbondale representing the perspective of a teacher; Mrs. H. M. Mulberry of the Illinois Congress of Parents and Teachers explaining the perceptions of the PTA; Mr. Earl H. Hanson, Superintendent of Schools of Rock Island addressing the viewpoint of an administrator; Mr. Harold W. Norman from the Illinois School Board Association presenting its attitude on teacher tenure and Mrs. Lottie Holman O'Neill, chairperson of the Illinois General Assembly Committee on Education, who clarified the process involved in debating the outcome of a legislative proposal.

First to speak was Miss Entsminger. She believed there was, "a great need for the protection of the good teacher. [Because] too often, our best teachers are not given a square deal." As both a normal school teacher and a teacher trainer she worked with prospective teacher candidates and first year teachers who changed districts each year

---

<sup>67</sup> Ibid., 49-53

because they had “no influence to pull for them,” or “some one under-bid them.” Miss Entsminger theorized some of the “best” teachers became discouraged and choose another profession when they could not find a position year after year. Therefore, she argued, “in order to make teaching a real profession, there should be stability of position, and unless this principle is applied it is impossible to secure the most able men and women for the profession.” By offering teachers tenure, the profession and education would benefit. She believed job security would allow teacher preparatory institutions to establish higher standards. It would also place a higher value on a experience and teachers would be interested in furthering their learning and setting up permanent residence in a community. Ms. Entsminger was assured a tenure law could only benefit the profession. It would result in a greater degree of professionalism among teachers and consequently led to a higher standard of education in the state.<sup>68</sup>

Recognizing an integral part of the school system were parents, Mrs. H. M. Mulberry spoke regarding the position of the PTA. She was unsure how long the PTA had endorsed the principle of tenure but, “tenure has for a long time been on the program of the Illinois Congress of Parents and Teachers [and] it was necessary and important in a school system.” She compared the role of the teacher to that of a parent and a businessman. In her estimation a teacher should be granted tenure because they influence the lives of many children. In her opinion teachers should be given, “special consideration,

---

<sup>68</sup> “ Forum on Teachers Tenure,” Proceedings, Illinois Education Association, Eighty Seventh Annual Meeting. (Springfield, Illinois: Bona Fide Printing company, Inc., 1940), 133-139.

because of the great, far-reaching influence of the teacher over a number of children.”

Unlike the businessman, she postulated, the teacher cannot measure output or easily demonstrate the results of efforts. The teacher, according to Ms. Mulberry was, “dealing with intangibles, in things you cannot measure in dollars and cents before you; therefore the teacher is very helpless in the face of pressure from outside.” When formulating a tenure proposal, Mrs. Mulberry cautioned the committee to design a plan that gave, “the best possible school system to build up for the best teacher to go ahead be encouraged, and to find ways by which the mediocre teacher can be eliminated and discouraged.” In her opinion most of the resistance surrounded the fear tenure would prevent the dismissal of incompetent teachers or block a district from replacing a fair teacher with an a better candidate. If the law included a sound procedure for removing the incapable educator it would be readily accepted by teachers, administrators, school board officials and the community.<sup>69</sup>

Her endorsement of the legislation was also based on the premise parents, “have a very strong emotional reaction toward the problems of our children and realize as was well as anybody that teachers have to be protected from that sort of thing, as well as from the pressure groups and the partisan political influence.” Tenure legislation would insulate educators from the outside influences of overreactive parents, local politics and petty jealousies. Teachers would be able to provide the best education possible for children without fear of reprisal. She encouraged school administrators, school board

---

<sup>69</sup> Ibid., 140-143.

representatives and teachers to work together to draft a proposal that was agreeable to everyone. In addition, she pledged the support of the PTA for any plan that represented a cooperative effort among those groups involved in the tenure discussion.<sup>70</sup>

Scheduled next on the program was Mr. Earl H. Hanson, Superintendent of Schools of Rock Island. At the outset he informed the audience his perspective on tenure was not adversarial, but it did have a different emphasis. He noted the aim of administrators concurred with teachers, school board members, and the public. He stated they were all seeking, “the ultimate goal of the teaching profession, and that is the proper, the efficient education of children.” He felt however, administrators acted as a liaison between the teachers and the outside school community. His role was to represent the interests of the community, the school board, the teachers and the children. Therefore, an administrative position on tenure had a different slant than the other groups represented.<sup>71</sup>

The public, he argued, wanted to maintain control over educational policy and have assurance that tenure would, “improve the quality of instruction within the schools.” The need to control educational policy stemmed from parent interests in children. According to Mr. Hanson, parents were very interested, “in the kind of teacher Johnnie will have.” He alluded the PTA was not unanimous in its support of tenure. Some members had expressed anxiety regarding tenure and its potential to interfere in the selection of teachers best suited to work with their child. Mr. Hanson did not provide

---

<sup>70</sup> Ibid., 143-145.

<sup>71</sup> Ibid., 146-147.

examples of the controversy but implied Mrs. Mulberry had not fully disclosed the sentiments expressed by PTA members. The concern for a school to employ the "best suited teacher," he asserted, was also prevalent among school board officials and parents.<sup>72</sup>

Another element to consider when discussing tenure was whether the legislation should include superintendents. As the employers of teachers, representatives of the community, and employees of the school board, superintendents were often placed in a tenuous situations. Despite the challenges of meeting the needs of the various factions involved in education, Mr. Hanson believed superintendents should not be extended tenure. He felt they should have some protection and be afforded redress if the community became dissatisfied with their leadership. His opinion was based on the philosophy that education was responsive to the local community. Therefore, the community, "must have the final voice in the establishment of policies." If they were discontented with the advice and leadership of the superintendent, then Mr. Hanson argued, he could not see how the superintendent could, "remain in that community as Superintendent of Schools and do an efficient job." It would be in the best interests of the community, the children and the superintendent for him to seek employment elsewhere.<sup>73</sup>

After relating his understanding on the various viewpoints concerning tenure, Mr. Hanson proceeded to express what he considered the important issues related to tenure.

---

<sup>72</sup> *Ibid.*, 147-148.

<sup>73</sup> *Ibid.*, 149-140

Adhering to the philosophy that education is community based he stated, “the people, through their Boards of Education, and with the advice of the professional staff, should formulate, accept and establish school policies.” Teachers, he held, had the obligation to bring social issues into the classroom. However, they should allow students, “to make up their minds, as to what is true about those policies.” As professionals, the teacher should honor the attitudes of the community and not force children to accept their viewpoint. Secondly, he noted, teachers should carry out the policies of the school, but they also needed to be protected from hostile groups. He furthered that under tenure, teachers would willingly participate in professional development. Nonetheless, any tenure policy should include a provision for professional growth. Finally he asserted tenure laws should include a stipulation regarding a reduction in staff. When the financial needs of the district necessitated the termination of teaching positions, Mr. Hanson believed, “for the welfare of our communities the least efficient must go, not necessarily the last on hired.” Tenure laws were meant to protect the teacher and build a program that would promote strong educational endeavors and maximize the efficiency of the school system.<sup>74</sup>

Mr. Hanson explained the role of the superintendent was to work with the community. He firmly believed education was a local concern and the community should remain in control of formulating educational policies. Consequently, he felt the superintendent should not be granted tenure. He remained neutral on the issue of tenure for teachers. He did not endorse nor refute the concept but stressed the need for teachers

---

<sup>74</sup> Ibid., 150-154.

to act as professionals and accept the policies of their local school board. Perhaps recognizing the inevitability of tenure, he expressed five primary principles he felt should be contemplated when debating tenure legislation.

Moving up the hierarchical decision making ladder the next speaker on the docket was Mr. Harold W. Norman, President of the State Association of School Boards. The last attempt to pass tenure legislation had failed largely due to the opposition of the organization. Therefore, it was essential the school board perspective be given considerable attention.

The State Association of School Boards had worked with the IEA to draft the recent tenure proposal. Mr. Norman told the audience Mr. Shafer, president of the IEA, was responsible for the associations involvement in a tenure plan. Occasionally, Mr. Shafer would join school board members during their executive luncheons. At a luncheon in Chicago, Mr. Shafer asked, "Why don't you school board people do something about the tenure situation?" Mr. Norman acknowledged the disdain school board members had toward tenure. It evoked, "a feeling of horror of perpetuating mediocrity in some of our schools." However, he countered, "there have been some forces which have perpetuated a small amount of mediocrity in most of our schools." The hesitancy of a school board to release teachers or internal community pressure acted as a form of tenure.<sup>75</sup>

Mr. Shafer was not deterred by the IASB resistance. He continued to attend association meetings and raise the issue of tenure. Due to his persistence, Mr. Hanson

---

<sup>75</sup> Ibid., 156.



noted, school board members began to develop a different attitude toward tenure. They began to see it not as a way for teachers to permanently keep their jobs, but as a way to improve education. Teachers also had a different relationship with their employer, the school board, than other workers. Mr. Norman explained the difference by comparing his secretary's employment with that of a teacher. She had worked for him for many years. Her employment was continuous. He did not call her in at the end of the year and inform her of her of job status. Teachers, however, were granted yearly contracts. Association members questioned whether they could, "draw up a tenure bill which would reserve the freedom of the school board and yet, at the same time, change that relationship." They also felt it was appropriate to provide teachers with a reason for discharge and a right to refute the charges.<sup>76</sup> A change in the philosophy of the IASB meant the IEA could work with the association to develop a mutually acceptable tenure proposal.

The tenure committee of the IEA presented a proposal to the IASB. They met several times, debated the various elements of the bill and finally reached a compromise. Mr. Norman, cautioned those present at the forum to remember the bill was a compromise and neither organization would get everything they wanted. He addressed three concerns commonly raised by teachers debating the proposed bill. The most widespread issue among the teachers was the absence of specific grounds for dismissal. Mr. Norman argued a school board could not possibly foresee all potential reasons for dismissal. To illustrate his position, he presented a scenario in which a school board changed from a

---

<sup>76</sup> Ibid., 157-160.

traditional school to a progressive school. He felt, “if the school board wants that kind of school, if the community wants that kind of school, should not the school board have the right to see to it that they have teachers in the school who are in sympathy with that type of education which is to be given in the school.” Although teachers would be told the specific reasons for dismissal, this type of situation could not be foreseen and written into the law.<sup>77</sup>

The right of the school board to dismiss a female teacher when she marries was the second most commonly discussed issue. Mr. Norman, clarified the position of the association. He stated, “We didn’t feel, in the tenure bill, we should attempt to change the existing powers of school boards.” Members of the school board association, like teachers, needed to be convinced tenure was in the best interest of the board and their school. To deny a board an existing power would be harmful in gaining support for the passage of the law.<sup>78</sup>

Chairman Merlin, speaking on behalf of those present, raised the question of placing experienced teachers on probation before entering continuing contractual service. Mr. Norman emphatically supported this position. He stated some boards, “might find it necessary to do a little house-cleaning and this gives the school board a chance to do some

---

<sup>77</sup> Ibid., 160-163.

<sup>78</sup> Ibid., 165-166.

house cleaning.”<sup>79</sup> School boards would need to time to evaluate its staff and decide which teachers were to be granted tenure.

Those present for Mr. Norman’s speech were given a brief history of the Illinois School Board Association’s recent involvement in the tenure bill. Mr. Norman emphasized the need to recognize the proposed legislation as a compromise among the various groups. He justified the Illinois School Board Association’s position for excluding specific charges for dismissal, on the dismissal of married female teachers, and the need for a probationary period for experienced teachers.

The final speaker was Ms. Lottie Holman O’Neill, Chairman of the Committee on Education. Her role, she explained, was primarily that of a listener. She supported public education and reminded the audience, “the constitution places upon the legislature, the duty, in so far as education is concerned, to promote equalization of educational opportunities for all children. It makes no mention of teachers and no mention of school boards, no mention of anything else, just children, so that is our main interest.” Therefore, her interest in the legislation was related to the impact it would have on the education of the children of the state. She did not discuss specific issues, nor the merit of the bill. She warned those present in order for tenure to become law they needed to be “united on a bill.” If all interested parties worked out an acceptable compromise she assured them the legislature would pass the proposal.<sup>80</sup>

---

<sup>79</sup> *Ibid.*, 168.

<sup>80</sup> *Ibid.*, 168-172.

Although the forum allowed for questions few inquires were made. The meeting was adjourned and the topic of teacher tenure was resumed the following morning.

### The Final Round

The Forum on Teacher's Tenure furnished delegates with information from the different organizations involved in the tenure debate. It also allowed the IASB an opportunity to state its position and explain the provisions it felt was needed for the IASB to support a tenure proposal.

The following day, Mr. Shafer called to order the 86th Illinois Education Association General Session. He told the audience he felt there was, "an atmosphere of suspicion, misunderstanding and fear, as though somebody was trying to put something over on somebody else." He apologized for any confusion experienced by the delegates. He then took the floor and briefly explained the work done by the Tenure and Legislative Committees as well as the points agreed upon by both the IEA and IASB in the recent tenure proposal.<sup>81</sup>

To set the tone for his speech, Mr. Shafer first explained the need for understanding both sides of the issue. Legislation, he stated, "represents compromise between contending interests." Successful tenure legislation would have to represent a compromise among the people who would be affected by the law. The goal was, "to provide a bill which would provide what they considered reasonable protection for the

---

<sup>81</sup> "Saturday Morning Session," Proceedings, Illinois Education Association, Eighty Seventh Annual Meeting. (Springfield, Illinois: Bona Fide Printing company, Inc., 1940), 177.

capable teacher, and, in addition, which would provide an orderly procedure, an orderly specific process to be followed in the dismissal of teachers.” Teachers desired legislation to protect them from arbitrary dismissal and school boards wanted assurance they would be able to remove incompetent staff members. After several meetings and numerous concessions on both sides, a tentative bill was designed by the IASB. The Tenure and Legislative committees of the IEA reviewed the proposal and returned a, “list of fourteen concession, which they would like to have the School Board Association make in revising this Tenure Bill.” Twelve of the concessions were made by the IASB. Mr. Shafer directed the delegates to follow along in the pamphlet on “Staff Reports and Reports of Special Committees,” as he reviewed the provisions included in the proposal.<sup>82</sup>

The tenure proposal defined a ‘teacher’ as, “all school district employees regularly required to be certified,” and the board to mean, “board of education or board of school inspectors.” Certified employees working in public schools having less than 500,000 inhabitants would be included in the provisions of the proposal. The committee requested the bill include a clause on physical fitness of the teacher and continued professional growth as grounds for tenure. The plan offered by the IASB included these items with the exception of travel being considered a part of professional growth. The tentative proposal also included a two-year probationary period and outlined the dismissal process. It required a probationary teacher, “be given sixty days notice by registered mail and causes for dismissal.” If the termination was the result of reduction in staff, the teachers would

---

<sup>82</sup> Ibid., 178-183.

be given an, “honorable dismissal.” To ensure the board act in good faith, Mr. Shafer noted, the bill demanded the teacher be reinstated if the position resumed within one year. The committee had requested a two-year provision, but at the present time the IASB had agreed to a one-year time frame. Mr. Shafer further delineated the dismissal provisions for a tenured employee. Dismissal for a tenured teacher would not be, “effective until approved by a majority vote of all members of the board upon specific charges and after a hearing, if a hearing is requested in writing by the teacher within ten days after the service of such notice as herein is provided.” It also stated the teacher would be given sixty days notice before the date of termination and be entitled to a public hearing if requested. The teacher had the right to counsel, cross-examination and could provide evidence and witnesses in his or her behalf. The board had the same privileges and the hearing would be recorded and the teacher given a copy of the proceeding at board expense. These were all demands made by the tenure and legislative committees and agreed upon by the IASB, reiterated Mr. Shafer.<sup>83</sup>

Along with the these provisions, the proposed bill included a clause for suspension with pay, “pending the hearing,” and right to remediation for, “causes that may be deemed to be remediable.” The committee had also requested an appeal board be set up for teachers pending termination. This term had been granted although, Mr. Shafer stated, neither group was, “satisfied with the make-up of that appeal committee.” Additional stipulations necessitated teachers, “be transferred to positions they are required to fill, as

---

<sup>83</sup> Ibid., 183-187.

the good of the school may require,” and in event of a decrease in salary a, “uniform schedule” would be adopted by a district. Teachers were also not allowed to, “terminate service during the part of the school year when school is in session or for a period of thirty days just previous to the beginning of the school term unless termination of service shall be mutually agreed upon by the board and the teacher.” Employees who failed to observe this requirement could lose their teaching certificate for up to one year.<sup>84</sup>

Mr. Shafer summarized the key elements contained in the tentative proposal. He emphasized the extent of concessions made by the IASB and reminded the delegation of the need for compromise. He referred to the illustration of Mr. Norman on the employment of married female teachers and told the representatives, “there is not need of passing laws or bills before people are ready for them.” The IASB was not going to give up any powers it presently retained. He furthered, Illinois School Code section 127, “will have to be in there if the bill receives support from the Illinois Association of School Boards.” Recognizing the controversial nature of the section 127, Mr. Shafer suggested the delegates view the proposal as a beginning. After the law had been passed he argued, “perhaps we might want to make a fight on some specific issue.” Having concluded his speech, Mr. Shafer accepted questions from the floor.<sup>85</sup>

The general discussion opened with Ms. Kellar of Springfield. She concurred with the need for unity among members of the IEA. However, she was still distressed with

---

<sup>84</sup> Ibid., 187-190.

<sup>85</sup> Ibid., 191-195.

section 3(a) that required a, “probationary period of one year for everybody, every superintendent, every principal, every teacher in the state of Illinois.” Mr. Norman’s reference to “house cleaning” confirmed her fears. In her opinion, teachers would be foolish to support a bill that included the potential for dismissal at the end of the year. She felt if during the length of a teacher’s service, the board, “thought you were efficient,” why would you become inefficient in one year? She recommended permanent teachers be granted the same terms as inexperienced teachers. Therefore, permanent teachers would be given notice of causes deemed remedial and an opportunity to correct them. In response to Ms. Kellars motion, Mr. Shafer told the audience the committee had requested the services rendered by teachers be applied to the probationary period at the time the act went to effect. The IASB was adamantly opposed to the idea. Furthermore, Mr. Shafer noted,

final action on that bill would be postponed until the last day of June, or the last of the session of the General Assembly, until the contracts of all teachers who are under one year contracts had ceased, so that there would be practically no teachers in the state under contract at the time the bill went into effect. The ninety-eight per cent of teachers in the state of Illinois who do not have continuing contracts would get no contract possibly until the first of July, until the Boards of Education over the state had an opportunity for all the contracts to run out... the housecleaning would take place before any contracts were issued to any teachers throughout the state.<sup>86</sup>

The inclusion of clause 3(a) was a moot point. Whether or not the provision was included in the bill, boards of education would be able to “clean house” before the law was enacted.

---

<sup>86</sup> Ibid., 208.



Mr. Shafer advised the representatives to consider the position of the IASB. He felt it would be inappropriate to demand a school board to automatically tenure its present staff. He again urged the assembly to accept the good will and faith of the IASB. Ms. Kellars second request for a probationary teacher to, “receive a notice of remedial difficulties before service of notice of dismissal is filed,” he felt would be accepted by the Illinois School Board. A vote was taken and the motion on remediation was carried.<sup>87</sup>

As Mr. Shafer had anticipated, the discussion returned to section 8 of Clause 127 of the Illinois School Code. Mr. Gwin of the South Central Division of the IEA again raised his concern regarding the right of the board to dismiss a teacher whenever in the opinion of the board it was in the best interest of the school. He stated many compromises had been made by both the teachers and the IASB. However, he also believed the IASB had put the teachers, “in the position of coming to them and asking for the crumbs off their table.” He felt the IEA needed to take a strong stand on the issue. He made a motion to reconsider his proposal for the Illinois Education Association to, “oppose any tenure bill that contains the eighth power of Section 127 of the Illinois school law.” The delegation reconsidered the motion. Several of those present felt the resolution would impede the work of the tenure committee. However, the motion was carried and the Tenure committee was instructed to oppose any bill containing the aforementioned clause.<sup>88</sup>

---

<sup>87</sup> Ibid., 196-200.

<sup>88</sup> Ibid., 204-205, 210-217, 220-222.

Delegates attending the 86th annual conference of the IEA had several opportunities to glean information regarding the progress of the tenure committee and to share sentiments about the proposed legislation. They were able to listen to the viewpoint of parents, legislators, superintendents, and the school board association. Equipped with information on the provisions of the proposed tenure bill and insight into the legislation process and they were expected to return to their local divisions and share their knowledge. The IEA hoped to submit the tentative proposal to the 62nd General Assembly.

#### Passage of the 1941 Illinois Tenure Law

The IEA continued to inform the membership of the steps taken to secure tenure for downstate teachers through articles published in The Illinois Teacher and Committee Bulletins. A synopsis of the 88th Annual Meeting tenure sessions was distributed to officers and representatives of the IEA. The Report outlined the major goals of tenure and summarized the significant arguments of each session.<sup>89</sup> In addition, Mr. Don Walter, newly appointed chairman of the tenure committee, sent a letter to each member of the IEA outlining recent legislative activity affecting education. He urged local communities to work together on behalf of the proposed laws.<sup>90</sup> A news bulletin was also

---

<sup>89</sup> "Report of Committee on Teacher Tenure, Legislative Committee Bulletin (March 1, 1941), 16-20.

<sup>90</sup> Don Walters to Downstate Teachers, 26 March 1941, Illinois Education Association, Chicago Teachers Federation Collection, Chicago Historical Society.

released on 31 March 1941. Recipients were asked to send one letter to a member of the committee on education in each house.<sup>91</sup>

The Illinois State Federation of Teachers and the Chicago Teachers Federation also published accounts on the progress of tenure. The IFT told members it would keep them informed, “through its bulletin, the Illinois Union Teacher, and through its tenure legislative committees.”<sup>92</sup> The CTF advised members of the progress of the legislation. However, it acknowledged disapproval of some features of the legislation.<sup>93</sup>

The efforts of the IEA and IASB finally materialized on 11 March 1941 when Senator Crisenberry introduced Senate Bill 193 to the upper house of the Illinois General Assembly. The final proposal differed from the tentative bill reviewed during the IEA conference. It did not, “apply to teachers in board of director districts.”<sup>94</sup> Board of Director districts typically applied to rural, one room school house locales. Boards and rural communities felt tenure would be excessively restrictive. Previous studies indicated tenure did not work in rural, one-room school house districts. The IEA acknowledged the complexity of granting tenure to teachers in these districts. It also felt it was better to secure tenure for downstate teachers working outside of Board of Director districts than

---

<sup>91</sup> “Downstate Tenure Needs Your Support Now,” 5 May 1941, Illinois Education Association, Chicago Teachers Federation Collection, Chicago Historical Society.

<sup>92</sup> “Tenure Key Bill for Teachers at This Session of the Legislature,” Illinois Union Teacher. (Chicago: Illinois State Federation of Teachers, 1941) 1.

<sup>93</sup> “Bulletin on State Legislation,” 3 June 1941, Chicago Teachers’ Federation, Chicago Teachers Federation Collection, Chicago Historical Society.

<sup>94</sup> Eloise P. Bingham, “The Provisions of the Teacher Tenure Bill,(Springfield, Illinois: Illinois Education Association, 1941), 1.

to reject the entire the proposal. A complimentary proposal, Senate Bill 192 was created to address the contractual issues of rural teachers. The bill provided for continuing contracts for teachers working under the direction of a board of directors. Both bills were read in the Illinois Senate on 26 March 1941, and forwarded to the committee on education. The bill received Senate approval on 22 April 1941, and advanced to the House of Representatives.<sup>95</sup> Senate Bill 192 and Senate Bill 193 were sent to the House committee on education 24 April 1941. The House committee recommended a few minor changes that did not effect the previously stated provisions of the bill. It was signed into law 30 June 1941.<sup>96</sup>

IEA representatives convened at the annual conference in December of 1941. They applauded the work of the tenure committee and appointed a sub-committee. Their purpose was to ensure tenure was applied, “in the spirit of the law,” and to secure tenure for teachers working under boards of directors.<sup>97</sup>

---

<sup>95</sup> General Assembly, Illinois Journal of the Senate, 62nd General Assembly, 1941, 174, 256, 345-349, 416.

<sup>96</sup> General Assembly, Illinois Journal of the House, 62nd General Assembly, 1941.  
(See Appendix for copy of Illinois Statutue.)

<sup>97</sup> Proceedings, Illinois Education Association, Eighty Eighth Annual Meeting. (Springfield, Illinois: Bona Fide Printing company, Inc., 1941), 22-26, 150-156.

## Summary

The rationale for tenure was rooted in the enactment of civil service legislation and the philosophies of the Progressive era. The Illinois Education Association embraced these concepts and called for educational reform in the form of teacher welfare. Early in its attempt to secure better conditions for teachers it fought for minimum wage laws, retirement benefits and employment security. After several failed attempts to secure minimum wage standards or tenure the IEA decided to concentrate its efforts on tenure. In 1938 it formed a committee to lead the tenure campaign. The work of the Tenure Committee, Legislative Committee and Public Relations department of the IEA were combined to propel tenure to the forefront of legislative activity effecting education. Monthly reports were disseminated to members through The Illinois Teacher. In addition, the IEA produced several documents aimed at persuading teachers, school board members, legislators, and the public of the need for tenure legislation. By 1938 it seemed its efforts were beginning to work. The Illinois General Assembly had commissioned its research department to analyze the impact of tenure on education. Senator Crisenberry agreed to propose a tentative tenure bill at the next General Assembly. However, despite evidence documenting the rate of teacher turnover and the number of unwarranted dismissals of Illinois educators the bill failed to pass.

Mr. Shafer, president of the IEA, realized in order to secure tenure legislation they would need to support from the Illinois Association of School Boards. He began to

negotiate with representatives of the IASB in 1940. Following several drafts of the proposed legislation and numerous compromises by both the IEA and the IASB a tentative proposal was fashioned. In viewing the proposal IEA representatives voiced concerns over the exclusion of teachers under the direction of boards-of directors and the inclusion of Section 127 clause 8 of the Illinois School Code.

However, the leadership of the IEA was able to convince its members to accept the limitations of the proposal. Tenure for teachers working for boards of education and boards of inspectors outside the city of Chicago became law in June 1941. Whether tenure would achieve the desired results, of a better education for the children of Illinois, remained to be seen.

## CHAPTER V

### EPILOGUE

#### Introduction

The concept of providing teachers with life long job security originated during the last quarter of the Eighteenth century. To limit the political favoritism associated with government jobs the United States government instituted the Pendleton Act in 1883. The statute was designed to provide job security for individuals employed by government agencies. Typically, the practice, begun during the Jefferson administration, was to repay loyal political supporters with jobs following the election of a candidate. As the United States government evolved and the principles of democracy gained acceptance, individuals began to challenge the patronage system. Responding to the call for greater equity in the selection and retention of public service employees the government instituted a civil service system based on merit and efficiency. Over time the method of employing civil servants incorporated most federal government positions.

Educators, however, were employed by state or local governments and therefore not included provisions of the Pendleton Act. Speaking on behalf of teachers throughout the country the National Education Association argued teachers should also receive the benefits of job protection. Embracing the philosophies of the Progressive era, the NEA postulated tenure was needed to prevent the political control of schools. Tenure, it was

believed would improve the quality of education by encouraging high caliber individuals to enter the field. It was also intended to lead to greater professional and hence improve the quality of education in the United States. Using the philosophies of Progressives the NEA developed a rationale for granting teacher tenure and worked with various state and local organizations to secure tenure legislation in each state. The Illinois Education Association worked in conjunction with the NEA to secure the passage of a tenure law for Illinois public school teachers in 1941.

The IEA, like the NEA, argued Illinois teachers and students would benefit from the passage of the law. Tenure would curtail arbitrary dismissal decisions, annual contracts, and protect the property and liberty rights of educators. It was expected to produce more efficient school operations. Administrators would no longer feel the need to manage the school with fear and intimidation. Instead the superintendent would work in conjunction with a supportive staff to make educational decisions.

It was also believed tenure would improve the quality of education by providing better instruction for children. Increased certification requirements, higher wages, and job security would encourage the competent and academically strong to become educators. Teacher candidates would care about the development of a child and the art of teaching. The teacher who possessed these qualities and had the added protection of job security would be inclined to seek additional training to become the best in their field. Consequently, the quality of instruction and the educational potential of the state would be greatly enhanced. In contrast, however, the most common concern among opponents of



tenure was the potential for life long job security to promote mediocrity and complacency. School board members and teachers also feared tenure would prohibit the dismissal of incompetent educators.

From its inception through the present day administrators, teachers, school board members, politicians, and the public have expressed concern that tenure leads to apathy among educators and has made it unduly difficult to remove the incompetent teacher. Many have expressed concern that life long employment security has not served as an inducement for professional growth. Rather, it has served as a reason for stagnation, aloofness toward innovation, and the learning of new or additional methods among the teaching force.

### Conclusions

The passage of tenure legislation did bring an end to the annual process. Following a probationary period of two years a teacher in the State of Illinois can presumably remain in their position for the remainder of their teaching career. To dismiss a tenured teacher the district must provide evidence of, “incompetency, cruelty, negligence, immorality or other sufficient causes.”<sup>1</sup> The NEA has continued to argue tenure legislation has been necessary to guarantee teachers the right to due process and protect them from arbitrary dismissal. In May 1996 the NEA published an article highlighting the continued need for tenure. It noted several cases of capricious dismissals involving non-tenured teachers. In Texas a non-tenured teaching contract was not

---

<sup>1</sup> Laws of Illinois. Passed by the Sixty Second General Assembly, 1941

renewed for using a, “controversial role-playing method to teacher about post Civil War Reconstruction and ignored an administrative order, not to discuss Blacks in American History.” In Illinois, a teacher was, “nonrenewed because she was married to the executive secretary of the Illinois Education Association, who was active in union organizing.”<sup>2</sup> Tenure has continued to be advocated as a means of protecting teachers from the inappropriate and sometimes illegal actions of school administrators and boards regarding teacher employment. Frequently, however it has also been a protection for the incompetent and ineffective teacher. It has often been too burdensome, time consuming, and costly for a district to attempt to remove a tenured faculty member who has not overtly violated standards of morality or severely jeopardized the well being of students. Seldom has a district attempted to remove a teacher for inefficiency or incompetence. Instead the ineffectual educator has often remained a member of the teaching force offering little benefit to the education of the child.

Tenure legislation was expected to change the style of school leadership. The role of the superintendent and other administrators has gradually changed over time. The complexities of school management, labor negotiation, and the finances of education slowly altered the role of an educational administrator. Today the superintendents position has been compared to a CEO or manager of a large corporation.<sup>3</sup> The style of leadership utilized by school administrators has been, in part, a matter of personal

---

<sup>2</sup> “Legal,” *NEA Today*. 14 (May 1996), 23.

<sup>3</sup> Suzanne Beane Casey, “A Comparative Study of Leadership of Five Corporate Executive Officers and Five Secondary School Superintendents.” (Ph.D. diss., Loyola University, 1996.)

preference and community expectations. The growing trend to site based management and shared decision making, along with changes in administrator training programs has led to a style of leadership that encourages mutual respect and a shared sense of vision for the school. However, the advent of tenure legislation did not affect the managerial methods employed by those administering the leadership of a school.

The leadership of a school can greatly influence the quality and scope of education offered to the students of a given district. Proponents of tenure envisioned the law would enhance the quality of education. It would encourage teachers to engage in long range curriculum planning, establish high standards for student achievement and revitalize participation in professional growth activities. Longevity in employment may influence some teachers to participate in curriculum projects. However, incentives such as release-time and money are more often seen as the impetus to the development of curriculum.

Interest in the quality of education in the United States has continued to be a concern expressed by educators, politicians and the public at large throughout the twentieth century. The welfare of children regarding the quality of education they received came to the forefront with the government publication of A Nation at Risk. The study stated, “the educational foundations of our society are presently being eroded by a rising tide of mediocrity that threatens our very future as a Nation and a people.” It furthered, “Our society and its educational institutions seem to have lost sight of the basic purposes of schooling, and of the high expectations and disciplined effort needed to attain

them.”<sup>4</sup> The study argued not one particular factor was responsible for the decline in the quality of education. Rather, it was the result of the increased demands placed on schools to provide for the emotional, personal, and social well-being of children. It also acknowledged the additional amount of accumulated knowledge held by the average citizen in our society today, as well as, the increased number of people who had completed a K-12 education. However, it revealed some frightening statistics in the overall decline of student achievement over the past 25 years. The decline was associated, in part, with a general acceptance of minimal expectations and attitudes toward student achievement. It stated the United States tended to see, “educational standards and expectations largely in terms of minimum requirements.” Frequently large metropolitan areas viewed basic literacy as, “the goal rather than the starting point.”<sup>5</sup> The examination of teaching identified four areas initially expressed by the supporters of tenure as areas that would be addressed with tenure legislation. Specifically, the study noted:

1. Too many teachers are being drawn from the bottom quarter of graduating high school and college students.
2. The teacher preparation curriculum is weighted heavily with courses in “educational methods” at the expense of courses in subjects to be taught.
3. The average teacher salary in the United States was \$17,000 per year, and many teachers are required to supplement their income with part-time and summer employment.
4. Individual teachers have little influence in such critical professional decisions as, for example, textbook selection.<sup>6</sup>

---

<sup>4</sup> A Nation At Risk. (Washington DC, U.S. Government Printing) 1980

<sup>5</sup> *Ibid.*, 14-15.

<sup>6</sup> *Ibid.*, 22-23.

Considering these findings the commission recommended teachers be required to demonstrate proficiency in teaching and content areas. The base salary of a teacher should be increased to represent, “professionally competitive, market-sensitive” salaries. It also encouraged the use of performance based salary increases or merit pay. To attract outstanding students to the field, the commission recommended providing incentives such as grants and loans for college. Finally, the commission advocated extending the school year to allow for professional development and programs for students with special needs.

The State of Illinois has responded to A Nation at Risk, by implementing the State School Improvement Plan. The plan required a standardized state test (IGAP); the inclusion of state mandated goals for each content area and changes in certification requirements for teachers.

Illinois teacher certification requirements remained relatively constant until the 1980s. Beginning in 1981 the state board of education initiated a series of changes designed to upgrade provisions required for certification. The changes included a 1981 addition of 100 hours of clinical observation prior to student teaching and a 1988 law that required the passage of a minimal competency test in basic skills and a subject area proficiency test. In 1992 the state strengthened the general education requirements needed for teacher certification.<sup>7</sup> The revision of the certification process has been designed to raise the standards and improve the quality of teacher candidates. The inclusion of state mandated testing, standardized content outcomes for students and an

---

<sup>7</sup> Donna Jacobs, interview by author , 24 January 1997, Illinois State Board of Education, Office of Professional Preparation.

increase in teacher certification requirements have all been aimed at increasing expectations and improving the quality of education. However, the goals were also the intent expressed by the framers of tenure legislation. Due to the multitude of factors that impact a child's learning, tenure cannot account for improvement, nor decline in the overall quality of education. The socio-economic environment, family structure and view toward education, community values, and the child's emotional well-being and cognitive ability also need to be included when discussing the educational outcome of a child's learning.

While increasing certification requirements for newly certified teachers, the state has not addressed the need for professional development among tenured teachers nor salary increases. It did implement an "Administrator's Academy" in the early 1990's. School administrators in the state of Illinois are required to attend a professional development course once every two years. However, professional growth requirements for teachers remain a contractual item negotiated by each district in the state. Some districts within Illinois represent the highest wages earned by educators throughout the country. However, many other districts are inadequately funded and teacher salaries remain abysmally low. Tenure did not provide the impetus to raise the salaries or benefits of teachers.

The framers of the legislation expressed lofty goals regarding the ability of tenure legislation to overhaul the educational system of the United States. However, they failed to recognize the external challenges faced in educating a child and the internal obstacles it

would create. Tenure has decreased teacher turnover rates and limited the amount of capricious and arbitrary dismissal. However, it has also led to stagnation, inflexibility and inefficiency in our school systems.

Under the present system of tenure in the State of Illinois, teachers are awarded tenure following a two-year probationary period. Many of these teachers continue to work within the same school system for the remainder of their teaching career. Often this amounts to over thirty years of service. While the length of service is admirable it also inhibits the growth of the organization. The lack of positions available to hire newly trained teachers can mean the school system does not experience growth. Teachers new to the field often bring with them an enthusiasm for teaching, innovation in instructional methods, and new approaches to student learning. The attitudes and approaches generated by the young teacher are essential for a school system to remain vital and healthy. Frequently when a new teacher arrives on the scene they are indoctrinated into the culture of the school. They are discouraged from employing new methods and taking risks to improve student learning. Often they are assigned classes that draw the most difficult students, given unattractive schedules with multiple preparations and room changes, and are expected moderate several student activities while participating in numerous committee meetings. However, while attending to the many duties they have been assigned, it is also expected they will not offer suggestions for improvement nor criticize the existing structures of the system if they wish to be tenured. The non-tenured teacher who receives too many compliments from parents, students or administrators has

often been shunned by her/his tenured colleague. In addition, if he/she objects to administrative procedures or school policies, he/she will also face the probability of not having her/his contract renewed.

Administrators, in making tenure decisions, spend an inordinate amount of time evaluating non-tenured faculty members. They are concerned not only with the quality of teaching imparted by the tenure candidate, but also the ability of the person to fit into the school culture for the next thirty years. This places an unnecessary burden on both the administrator and the non-tenured teacher. The administrator must scrutinize all facets of the candidate within the first few months of their employment. In the state of Illinois a teacher can be released during the first year without cause. Therefore, many administrators feel they need to determine tenure decisions during the first semester of a teachers employment with the district. It is very difficult to determine the potential of a teacher within the first four months of employment. The newly hired individual is still trying to learn the day to day operations of the school and the type of student he/she is teaching. This also places an undue burden on the non-tenured teacher. Generally, non-tenured teachers are coming to the district with a minimal amount of teaching experience. They have not had the time nor experience to develop a teaching style, adequately learn classroom management techniques, nor master the delivery of the subject matter.

Tenure in its present form also fails to recognize its most valued customer, the student. It eliminates the need for a teacher to continually seek ways in which to improve their art. A tenured teacher does not need to demonstrate continuous effort to perform or



enhance their ability to provide instruction that addresses the needs of the student population. A student and their parent have the right to expect quality instruction, dedication from the teaching faculty, and an instructor who is up to date on instructional methods and content knowledge. Most definitely there are some teachers who would not be retained without the protection of tenure.

Furthermore, it is the writers opinion tenure creates an obstacle to self-examination and subsequent improvement by a school district. An administrators attempt to improve learning or incorporate new or innovative teaching concepts can be stalled by the resistance exhibited by the tenured faculty. Administrators can work with tenured instructors who resist administrative changes; however, it is time-consuming, can affect student learning, and the overall climate of the school.

Tenure legislation should not be abandoned. Changes in the present tenure laws for public school teachers in Illinois should stem from the desire to improve the quality of education. Tenure needs to be altered to allow for greater flexibility in hiring and retention. The law should include a requirement for demonstrated professional growth. It should also be modified to ease the restrictions imposed on dismissing a tenured teacher. While retaining the right of due process and the protections of a teachers liberty and property rights, it should include provisions for dismissing the inefficient or complacent teacher.

### Recommendations for Further Study

As a result of this dissertation study, it is recommended the following areas be considered for further study: (1) Investigate the changes in certification requirements and college admission prerequisites for teachers. (2) Examine the role of the IEA in formulating educational policies effecting student learning. (3) Trace the evolution of attitudes toward tenure in Illinois since its inception in 1941. (4) Complete an in-depth study analyzing the reasons for non-renewal of non-tenured teaching contracts and the rate of turnover among non-tenured teachers. (5) Research changes that have occurred in tenure legislation throughout the United States, i.e., retraction or revisions of tenure legislation.

**APPENDIX ONE**

**ILLINOIS STATUTE PERTAINING TO SENATE BILL 193**

**SCHOOL DISTRICTS HAVING A BOARD OF DIRECTORS**

**CHAPTER 122 § 136B**

**136b. Term of employment of teachers — Notice concerning reemployment -- Acceptance — Termination]** § 127a. The service of all teachers, principals and superintendents in the public schools in any district of this State, having a board of school directors, shall be for not more than three year periods, after the expiration of a probationary period of two consecutive years in that district; provided, that the time any teacher, principal or superintendent has taught in the district in which he or she is employed at the time this Act shall go into effect shall be counted in determining such probationary period of employment.

It is hereby provided, however, that whenever it becomes necessary to decrease the number of teachers employed in a school district on account of the decrease in number of pupils attending the school of such district, or on account of the discontinuance of any particular kind of teaching service in such district, the board of school directors may dismiss such teachers at the end of the school year even if within the term of years for which they were employed. The board of school directors shall give any teacher who shall be dismissed under this proviso due notice of such dismissal at least 60 days before the end of the school year, and a statement of honorable dismissal.

In the case of all teachers, principals, and superintendents employed by a board of school directors, whether for periods of service authorized under this section or for annual periods of employment, it is further provided that it shall be the duty of the board of school directors on or before April 25 of each year in which any regular employment contract expires to notify in writing said employee concerning his reemployment or lack thereof.

In case any teacher, principal, or superintendent is not to be reemployed, written reasons therefor shall be given in writing by the employing board of directors.

In case said board shall fail so to give notice to said employee in writing of failure to reemploy, then said employee shall be thereby deemed reelected on the same terms as for the then closing year of period of service, as the case may be, and not later than the close of the then current school term said board shall issue a regular contract in such cases as though the board had reelected said teacher, principal, or superintendent in the usual manner.

It is further provided that any employee who shall have been informed of his reelection by written notice or tendered a contract by a board of directors under provisions of this Act shall within thirty days thereafter present to said board in writing his acceptance of said position; and that failure on the part of any employee to so notify said board of this acceptance of reemployment shall be regarded as conclusive evidence of his non-acceptance of the position. Provided further, that any contract given any teacher, principal, or superintendent by the board of directors may be terminated at any time by mutual consent of the school board and said employee, and that the provision of this

section shall not affect the power of said board to dismiss said employee under Section 115 of this Act.<sup>1</sup>

And be it also provided that when in any school district the board of directors deems it advisable under the provision of this act to transfer and transport pupils rather than employ a teacher, the board of directors shall have the power to terminate any contract continued by the provision of this section, such notice of termination has been given in writing to the teacher no later than July 1. As amended by act approved July 21, 1941. L1941, p. —, S.B.No.193

**APPENDIX TWO**

**ILLINOIS STATUTE PERTAINING TO SENATE BILL 193**

**SCHOOL DISTRICTS UNDER 500,000 HAVING A BOARD OF EDUCATION**

**OR BOARD OF SCHOOL INSPECTORS**

**CHAPTER 122 § 136C**

**136c. School district under 500,000 — Contractual continued service for teacher after probationary period — Removal — Appeal — Partial invalidity.] § 127 3/4.**

As used in this section, the word “teacher” shall mean any or all school district employees regularly required to be certificated under laws relating to the certification of teachers, and the word “board” shall mean board of education or board of school inspectors, as the case may be. This section shall apply only to school districts having less than 500,000 inhabitants.

Whenever any teacher shall have been employed in any district as a full time teacher for a probationary period of two consecutive years, one of which shall be subsequent to the date that this Act shall take effect, such teacher shall enter upon contractual continued service unless given written notice of dismissal, stating the specific reasons therefor, by registered mail by the employing board at least sixty days before the end of such probationary period; provided that in the case of a teacher who has not had one year of full time teaching experience prior to the beginning of such probationary period, the employing board may at its option extend such probationary period for one additional year by giving the teacher written notice by registered mail at least sixty days before the end of such two-year period, and provided, that, in the case of a teacher having a contract not expiring by its terms until after this Act goes into effect, the probationary period shall in no event terminate before the expiration of said contract.

Such contractual continued service shall cease at the end of the school term following the sixty-fifth birthday of any teacher, and any subsequent employment of such a teacher shall be on an annual basis.

Such contractual continued service shall continue in effect the terms and provisions of the contract with the teacher during the last year of such probationary period, subject to the provisions of this Act and the lawful regulations of the employing board, and nothing herein contained shall be construed as modifying any existing power of the board except with respect to the procedure on the discharge of a teacher and reduction in salary as hereinafter provided. Such contractual continued service status shall not restrict the power of the board to transfer a teacher to a position which the teacher is qualified to fill or to make such salary adjustments as it shall deem desirable, but unless reductions in salary shall be uniform or based upon some reasonable classification any teacher whose salary is reduced shall be entitled to a notice and a hearing as hereinafter provided in the case of certain dismissals or removals. Notwithstanding the entry upon contractual continued service, any teacher may be removed or dismissed for the reasons or causes provided in Sections 115 and 127 of this Act,<sup>1</sup> in the manner hereinafter provided. If such

removal or dismissal results from the decision of the board to decrease the number of teacher employed by the board or to discontinue some particular type of teaching service, due written notice shall be given the teacher by registered mail at least sixty days before the end of the school term, together with a statement of honorable dismissal and the reason therefore, provided, however, if the position so discontinued be reinstated within a period of one calendar year, the position must be tendered to the teacher dismissed because of such discontinuance. If such dismissal or removal is for any other reasons or cause, it shall not become effective until approved by a majority vote of all members of the board upon specified charges and after a hearing, if a hearing is requested in writing by the teacher within ten days after the service of notice as herein provided. Written notice of such charges shall be served upon the teacher at least sixty days for the effective date of such dismissal or removal, which date shall be between November first and the date of the close of the school term. The hearing shall be held and the decision rendered within said period of sixty days but at least ten days shall intervene between the dates of such notice and hearing. The hearing shall be public at the time request of either the teacher or the board of education. The teacher shall have the privilege of being present at the hearing with counsel and of cross examining witnesses and may offer evidence and witnesses and present defenses to the charges. The board shall have power to issue subpoenas requiring the attendance of witnesses at any hearing and at the request of the teacher against whom a charge is made, shall issue such subpoenas, provided, the board may in its discretion limit the number of witnesses to be subpoenaed in behalf of the teacher to not more than ten. All testimony at any hearing shall be taken under oath and any member of the board shall cause a record of the proceedings to be kept and shall employ a competent reporter to take stenographic or stenotype notes of all of the testimony. One-half of the cost of the reporter's attendance and services at the hearing shall be paid by the board and one-half by the teacher. Either party desiring a transcript of the hearing shall pay for the cost thereof. If in the opinion of the board the interests of the school require it, the board may suspend the teacher pending the hearing, provided that in the event of acquittal, the teacher shall not suffer the loss of any salary by reasons of such suspension. Before service of notice of charges on account of causes that may be deemed to be remediable, there shall be given the teacher reasonable warning in writing, stating specifically the causes which, if not removed, may result in charges. The decision of the board as to the existence of reasons or causes for dismissal or removal shall be final unless an appeal to the county superintendent is taken within a period of ten days.

If, after the hearing, the teacher desires to appeal from the decision of the board, said teacher must notify the county superintendent in writing, within ten days after the decision, stating a desire to have the case reviewed by an appeal committee. The appeal committee shall be appointed by the county superintendent of schools and shall consist of three members, none of whom shall be a resident of the district in which the teacher



teachers. One of the members shall be public school teacher, one a school board member, and the third, who shall act as chairman, shall be neither a teacher nor a board member. The appeal committee shall serve without pay but shall be reimbursed for necessary expenses by the appealing teacher if the decision of the board is sustained and by the school district if the decision is reversed.

Immediately upon receipt of the notice of the appeal the county superintendent shall set the date for the hearing, which date shall not be less than fifteen nor more than thirty days from the date of the appeal, and shall notify the appeal committee of their appointment and the time and place of the hearing, and shall give like notice to the parties to the appeal. The county superintendent shall cause a record of the proceedings to be made and final file a copy of the same with the State Superintendent of Public Instruction. The expense incurred in taking this record shall be an expense of the office of the county and superintendent and shall be borne by the county board.

The appeal committee shall confine its review to the record of the proceedings before the board unless a transcript of the testimony is filed with the appeal committee, in which case it shall confine its review to the record and transcript. The hearing before the appeal commission shall be public at the request of either the teacher or the board. Both the teacher and the board shall have the right to be represented at the hearing by counsel. If the appeal committee shall find from the record and transcript or the record, as the case may be, that the notice of charges by the board to the teacher did not set forth any lawful reasons or cause for discharge or that there was no substantial evidence to support any lawful reasons or cause for discharge, the appeal committee shall have the power to reverse the decision of the board and shall thereupon give written notice to the board of the decision, whereupon the teacher shall be reinstated.

The contractual continued service status of a teacher shall not be affected by the promotion of the teacher, or by absence caused by temporary illness or temporary incapacity as defined by regulation of the employing board, because of leave of absence mutually agreed upon between the teacher and the board or because of absence while in the military service of the United States, provided that a teacher employed to take the place of one entering into the military service of the United States shall not acquire contractual continued service under this Act.

No teacher who has entered upon contractual continued service shall be permitted to terminate such service during the part of the school year when school is in session or for a period of thirty days just previous to the beginning of the school term unless termination of service shall be mutually agreed upon by the board and the teacher. Nor shall any teacher entered upon said contractual continued service be permitted to terminate the same during any other time of the school year except by service upon the Secretary of the board of written notice of said termination. Any teacher terminating said service in a manner not in accordance with this Act shall be deemed guilty of unprofessional conduct and liable to suspension of certificate as provided under the law revoking to the certification of teachers, for a period and to exceed one year.

Nothing herein contained shall be construed as limiting the right of the General Assembly to amend or repeal any part of this section or any contract resulting therefrom.

If any section, paragraph, sentence, or clause of this Act is for any reason held invalid or to be unconstitutional, such decision shall not affect the remaining portion of this Act, or any section or part thereof. Added by act approved July, 21, 1941. L.1941, p.—, S. B.No.193.

## BIBLIOGRAPHY

### Books

- Beale, Howard K. A History of Freedom of Teaching in American Schools. New York: Octagon Books, Inc. 1966.
- Button, Warren H., and Eugene F. Provenzo Jr. History of Education and Culture in America. Englewood Cliffs, New Jersey: Prentice-Hall, Inc. 1989
- Callahan, Raymond E. Education and The Cult of Efficiency. Chicago: The University of Chicago Press, 1962.
- Eaton, William Edward., The American Federation of Teachers, 1916-1961: A History of the Movement. Carbondale, Illinois: Southern Illinois University Press, 1975.
- Foulke, William, Dudley. Politics and People: The Ordeal of Self-Government in America. New York: Arno Press, 1974.
- Hays, Samuel P., The Politics of Reform in Municipal Government in the Progressive Era. The American Past: Conflicting Interpretations of Great Issues. Vol. 2. New York: MacMillan Publishing Company, 1976.
- Herrick, Mary. The Chicago Schools: A Social and Political History. Beverly Hills, California: Sage Publications, 1971.
- Hoogenboom, Ari. Spoilsmen and Reformers, The Berkeley Series in American History. USA: Rand McNally and Company, 1964.
- Link, Arthur S., and Rickard L McCormick. Progressivism, The American History Series. Arlington Heights, Illinois: Harlan Davison, Inc. 1983.
- Peber, Bernard, editor, USA Viewpoints. Chicago, Ill.: American Book Company, 1982.
- Smith, Joan K., Ella Flagg Young: Portrait of a Leader. Ames: Education Studies Press, 1980.
- Spring, Joel., The American School 1642-1990. New York: Longman, 1990.

Taylor, Frederick Winslow., The Principles of Scientific Management. New York: Harper and Brothers Publishers, 1921.

Tyack, David B., The One Best System: A History of American Urban Education. Massachusetts: Harvard University Press, 1974.

Urban, Wayne J., Why Teachers Organized. Detroit: Wayne State University Press, 1982.

### Dissertations

Casey, Suzanne Beane. "A Comparative Study of Leadership of Five Corporate Executive Officers and Five Secondary School Superintendents." Ph.D. diss., Loyola University, 1996.

Maloney, James Ralph. "Illinois' Teacher Tenure Law: The Development of Tenure in Illinois and an Analysis of Statutory Causes and Procedural Due Process for Dismissal of Public School Teachers." Ed.D diss., University of Illinois, 1977

Paron, Janice L. "An Historical Study of the Dismissal of Tenured Teachers in Illinois: 1941-1989." Ph.D. diss., Loyola University, 1991.

Wrigley, Julia, Catherine. "The Politics of Education in Chicago: Social Conflicts and the Public Schools." Ph.D. diss., The University of Wisconsin-Madison, 1977.

### Interview

Jacobs, Donna, Office of Professional Preparation. Interview by author 24 January 1997, Chicago. Illinois State Board of Education

### Government Documents

Constitution, art. II, sec. 2

Ida L. Fursman V. City of Chicago, 278 Ill. 318 (1917).

General Assembly, Illinois, Handbook Illinois Legislature, 61st General Assembly, 1939.

Illinois General Assembly. House. Journal of the House of Representatives. A bill for 'An Act to amend sections 114, 155, 127 and 127a of 'An Act to establish and maintain a system of free schools. 61st General Assembly., Senate Bill 177.

Illinois General Assembly. Senate. Journal of the Senate. A bill for 'An Act to amend sections 114, 155, 127 and 127a of 'An Act to establish and maintain a system of free schools. 61st General Assembly., Senate Bill 177.

Illinois General Assembly. House. Journal of the House of Representatives. A bill for 'An Act to amend sections 114, 155, 127 and 127a of 'An Act to establish and maintain a system of free schools. 62nd General Assembly., Senate Bill 193.

Illinois General Assembly. Senate. Journal of the Senate. A bill for 'An Act to amend sections 114, 155, 127 and 127a of 'An Act to establish and maintain a system of free schools. 62nd General Assembly., Senate Bill 193.

Illinois Legislative Council. Research Department. Teacher Tenure in Illinois with Particular Reference to Teachers Outside of Chicago. Report prepared by Charles M. Kneier. 61st General Assembly., 1939. Publication 11.

Laws of Illinois. Passed by the Forty Fourth General Assembly, 1917.

Laws of Illinois. Passed by the Sixty Second General Assembly, 1938.

Laws of Illinois. Passed by the Sixty Second General Assembly, 1941.

\_\_\_\_\_. A Nation at Risk. Washington DC: U.S. Government Printing, 1980.

#### Published Reports and Proceedings

Advancing Teacher Tenure: Report of the Committee on Tenure. By Donald DuShane, Chairman. Washington DC: National Education Association, 1936.

Committee on Tenure. Washington DC: National Education Association, 1941.

Critical Analysis of Teacher Tenure Legislation. By Donald DuShane, Chairman. Washington, DC: National Education Association, 1939.

Discussion of National Education Association Tenure Report. By Fred M. Hunter, Chairman. Washington, DC: National Education Association, 1924.

The Effect of Tenure on Professional Growth. Washington DC: National Education Association, 1940.

Important Questions on Tenure. Springfield, Ill: Illinois Education Association. 1940.

The Improvement of the Teaching Profession Through Tenure Legislation. By Charles O. Williams. Washington, DC: National Education Association, 1923.

Preliminary Report on Tenure of Teachers. By Joseph Swain, Chairman. Washington DC,: National Education Association, 1921.

Proceedings: Eighty-Fifth Annual Meeting. Springfield, Illinois: Illinois Education Association. 1938.

Proceedings: Eighty-Six Annual Meeting. Springfield, Illinois: Illinois Education Association. 1939.

Proceedings: Eighty-Seventh Annual Meeting. Springfield, Illinois: Illinois Education Association. 1940.

Proceedings: Eighty-Eight Annual Meeting. Springfield, Illinois: Illinois Education Association. 1941.

Report of the Committee on Civil Service for Teachers. By Donald DuShane, Chairman. Washington DC: National Education Association, 1934.

Report of the Committee on Tenure of the National Education Association. By Charles O Williams, Chairman. Washington, DC: National Education Association, 1921.

Report of the Committee of One Hundred on Tenure Problems. By Alfred Lindsay Rowland. Washington DC: National Education Association, 1930.

Report of the Committee of One Hundred on Tenure Problems. By Alfred Lindsay Rowland. Washington DC: National Education Association, 1931.

Report of the Subcommittee on Tenure of the National Education Association. By Harlan Updegraff, Chairman. Washington DC: National Education Association, 1922.

Report of the Tenure Committee of One Hundred of the National Education Association. By Fred M. Hunter, Chairman. Washington, DC: National Education Association, 1928.

Report of the Committee on Tenure. By Donald DuShane, Chairman.  
Washington DC: National Education Association, 1935.

Report of the Committee on Tenure. By Donald DuShane, Chairman.  
Washington DC: National Education Association, 1937.

Report of the Committee on Tenure. By Donald DuShane, Chairman.  
Washington DC: National Education Association, 1938.

Report of Committee on Tenure. Springfield, Ill.: Illinois Education Association, 1939

Research Bulletin of the National Education Association: A Handbook on Teacher Tenure. By Donald DuShane, Chairman. Washington, DC: National Education Association, 1936.

Research Bulletin of the National Education Association: The Problem of Teacher Tenure. By John K. Norton, Director. Washington DC: National Education Association, 1924.

The Status of Teacher Tenure. By Donald DuShane, Chairman. Washington DC: National Education Association, 1938.

Teacher Tenure in the United States. Fred M. Hunter, Chairman. Washington DC: National Education Association, 1921.

The Teacher's Economic, Social, and Professional Welfare as Related to Tenure. By Fred M. Hunter. Washington DC: National Education Association, 1927.

Tenure. By Donald DuShane, Chairman. Washington DC: National Education Association, 1939.

#### Unpublished Documents

Chicago Teachers Federation. "Anti-Organization rule adopted September 1, 1915 and Pledge," File 43 (July-Sept., 1915) Chicago Historical Society. Chicago, Illinois.

Chicago Teachers Federation. "Anti-Organization rule as Amended September 29, 1915," File 43 (July-Sept., 1915) Chicago Historical Society. Chicago, Illinois.

- Chicago Teachers Federation. "Board of Education Annual Election of Teachers Meeting. Stenographic Report." File 44 (April-June, 1916) Chicago Historical Society. Chicago, Illinois.
- Chicago Teachers Federation. "Bulletin on State Legislation." File 73 (February-May, 1941) Chicago Historical Society. Chicago, Illinois.
- Chicago Teachers Federation. "Bulletin on State Legislation." Box 74 (June-December, 1941.) Chicago Historical Society. Chicago, Illinois.
- Chicago Teachers Federation. "Chicago Teachers Union." Box 73 (January-February, 1940.) Chicago Historical Society. Chicago, Illinois.
- Chicago Teachers Federation. "Decision Rendered by Supreme Court of the United States in re Teacher Tenure." Box 69 (January-April, 1937) Chicago Historical Society. Chicago, Illinois.
- Chicago Teachers Federation. "The Effect of Tenure upon Professional Growth." Box 73 (February-May, 1940.) Chicago Historical Society. Chicago, Illinois.
- Chicago Teachers Federation. "House Bill No. 377." Box 73 (February-May, 1941.) Chicago Historical Society. Chicago, Illinois.
- Chicago Teachers Federation. "Illinois Congress of Parents and Teachers Legislative Release #4." File 73 (February-May, 1941.) Chicago Historical Society. Chicago, Illinois.
- Chicago Teachers Federation. Illinois Education Association. "Downstate Tenure Needs Your Support Now." File 73 (February-May, 1941) Chicago Historical Society. Chicago, Illinois.
- Chicago Teachers Federation. Illinois Education Association. "Education Legislation Advances." File 73 (February-May, 1941.) Chicago Historical Society. Chicago, Illinois.
- Chicago Teachers Federation. Illinois Education Association. "Legislative Program Submitted." Box 73 (February-May, 1941.) Chicago Historical Society. Chicago, Illinois.
- Chicago Teachers Federation. Illinois Education Association. "The Provisions of the Teacher Tenure Bill." File 73 (February-May, 1941.) Chicago Historical Society. Chicago, Illinois.



Chicago Teachers Federation. "Illinois Education Association." File 73 (February-May, 1941.) Chicago Historical Society. Chicago, Illinois.

Chicago Teachers Federation. "Ms. Haley's Bulletin." File 43 (July-September, 1915.) Chicago Historical Society. Chicago, Illinois.

Chicago Teachers Federation. National Education Association. "Report of the Committee on Tenure." Box 73 (March-October, 1940.) Chicago Historical Society. Chicago, Illinois.

Chicago Teachers Federation. "Protest Meeting Planned," File 43 (July-September, 1915) Chicago Historical Society. Chicago, Illinois.

Chicago Teachers Federation. "Senate Bill No. 193." Box 73 (February-May, 1941.) Chicago Historical Society. Chicago, Illinois.

Chicago Teachers Federation. "Stenographic Report of Public Mass Meeting Auditorium Theater 12 September 1913," File 43 (July-Sept., 1915) Chicago Historical Society. Chicago, Illinois.

Chicago Teachers Federation. "Teacher Tenure: Protect the Children by Protecting the Teachers." Box 73 (February-May, 1940.) Chicago Historical Society. Chicago, Illinois.

Chicago Teachers Federation. "Why a Tenure Law?" Box 72 (November-December, 1939.) Chicago Historical Society. Chicago, Illinois.

Chicago Teachers Federation. "Teacher Tenure." Box 72 (November-December, 1939.) Chicago Historical Society. Chicago, Illinois.

Chicago Teachers Federation. "House of Representatives - Education Committee." Box 74 (June-December, 1941.) Chicago Historical Society. Chicago, Illinois.

Chicago Teachers Federation. "Tenure for Teachers." Box 71 (January-May, 1939.) Chicago Historical Society. Chicago Illinois.

Chicago Teachers Federation. "Tenure Both Sides." Box 72 (1930s undated.) Chicago Historical Society. Chicago, Illinois.

Chicago Teachers Federation. "Tenure for Teachers." Box 72 (1930s undated.) Chicago Historical Society. Chicago, Illinois.

Chicago Teachers Federation. "Untitled," Box 43 (July-September, 1915) Chicago Historical Society. Chicago, Illinois.

Illinois Education Association. "Report of the Committee on Teacher Tenure." Program 88th Annual Meeting, 1940. Illinois Education Association. Springfield Illinois.

Robert Buck Collection. "An Act of Congress approved August 24, 1912." Chicago Historical Society, Chicago, Illinois.

Robert Buck Collection. "Letter from J. Rickert to John M. Buck, September, 1915." Chicago Historical Society. Chicago, Illinois.

Robert Buck Collection. "Questionnaire, 1916" Chicago, Historical Society. Chicago, Illinois.

#### Articles

Arrowwood, C. F. "Permanent Membership in the Teaching Profession," School and Society. 28 (August 11, 1928): 177-179.

Badger, Glenn Henry, "Teachers' Salaries in Illinois Public Schools, 1913-1928," School Life. 15 (April, 1930): 158-159.

Baldwin, Robert, D. "Professional Tenure for Teachers," American School Board Journal. 94 (February, 1937): 42-44.

Bedling, Anson, W. "Tenure as a Racket," Journal of Education. 123 (March, 1940): 77-78.

Betts, Gilbert, L. "Permanent Tenure through Efficient Selection," American School Board Journal. 28 (February, 1934): 31-32.

\_\_\_\_\_. "A Bill," The Illinois Teacher 6 (September, 1917): 124.

Bingham, Eloise P. "Provisions of the Teacher Tenure Bill," The Illinois Teacher. 29 (March, 1941): 204-206, 217.

Blight, Reynold E., "Is the Board of Education an Incubus on Modern Education?," American School Board Journal. 51 (October, 1915): 16-17.

- Borchardt, Selma, M. and Lefkowitz, Abraham. "Essentials of a Sound Tenure Law," American Teacher 16 (December, 1931): 8.
- \_\_\_\_\_. "Business of the State Meeting," The Illinois Teacher 1 (December, 1913): 5.
- \_\_\_\_\_. "A Campaign for Tenure," American Teacher 21 (November-December, 1936): 9.
- Chambers, M., M. "Tenure Does Not Lock the Exit," Nations Schools. 25 (April, 1940): 66-68.
- Chambers, M., M. "Tenure in One State," Nations Schools. 23 (May, 1939): 70-72
- Chambers, M., M. "What Do Tenure Laws Protect." Nations Schools 25 (May, 1940): 66-68.
- \_\_\_\_\_. "The Chicago Board of Education and the Teacher's Federation," School and Society. 2 (October, 1915): 566.
- \_\_\_\_\_. "The Chicago Situation," Elementary School Journal. 5 (September, 1916): 3.
- Cline, Blanche. "Report of Committee on Tenure," The Illinois Teacher. 27 (November, 1938): 69.
- Cline, Blanche. "Definite Tenure for Teachers," The Illinois Teacher. 27 (December, 1938): 105-106.
- \_\_\_\_\_. "Committee on Teacher Tenure," The Illinois Teacher 27 (May-June, 1938): 92.
- \_\_\_\_\_. "Continuos Employment for the Teacher," Journal of the National Education Association. 20 (December, 1931): 343-344.
- Couch, Edward, B. "Current Aspects of Teacher Tenure," American School Board Journal. 90 (April, 1937): 66.
- \_\_\_\_\_. "Definite Tenure for Teachers," The Illinois Teacher 27 (December, 1938): 105.
- Devers, Nancy, O. "Salvaging Teachers," School and Society. 56 (July 26, 1930): 410.
- Dey, Herbert, W. and Nebelsick, Alvin. "The Need for Tenure," The Illinois Teacher. 26 (May, 1937): 289.

- Donecker, Franklin C., "Laws Providing for Tenure of Position," The Illinois Teacher 5 (December, 1916): 71.
- DuShane, Donald. "The Superintendent and Tenure," Journal of the National Education Association. 24 (May, 1935): 156.
- DuShane, Donald. "The Tenure Committee at Work," Journal of the National Education Association. 26 (September, 1937): 187.
- \_\_\_\_\_. "Editorial Notes," The Illinois Teacher," 5 (September, 1916): 2.
- Elder, Arthur. "Attacks on Tenure in Michigan," American Teacher. 21 (September-October, 1936): 13.
- Forer, Bernard. "Where A Law Is Not A Law," American Teacher. 22 (January-February, 1938): 11.
- Givens, Willard, E. "Teacher Welfare to the Front," Journal of the National Education Association. 25 (October, 1936): 202.
- Goldberg, Stella., "Tenure as It Affects the Child," Journal of the National Education Association. 24 (December, 1935): 278-281.
- Guinn, Major Robert J., "The School Board as a Factor in Educational Efficiency," American School Board Journal. 51 (July, 1915): 14-16.
- Harris, William T., "City School Supervision," Educational Review. (February, 1892): 167-172.
- \_\_\_\_\_. "Illinois Teacher." The Illinois Teacher. 4 (December, 1915): 57.
- \_\_\_\_\_. "The Illinois Teacher." The Illinois Teacher. 5 (September, 1916): 1, 8.
- \_\_\_\_\_. "Illinois Teacher." The Illinois Teacher. 27 (May-June, 1938): 292.
- \_\_\_\_\_. "Important School Bills: Briefs for Tenure and Distribution Bills," The Illinois Teacher. (April, 1939): 241.
- Jarvis, Paul. "Teacher Tenure-- Does It Hold," American Teacher. 19 (September-October, 1934): 26.

\_\_\_\_\_. "Joint Meeting of Superintendents and School Boards of State," The Illinois Teacher. 28 (December, 1939): 115.

Lancaster, Thomas, J. "The Question of Teacher Tenure Again," The Illinois Teacher 19 (February, 1931): 198-200.

\_\_\_\_\_. "Laws Providing for Tenure of Position," The Illinois Teacher. 5 (December, 1916): 70.

\_\_\_\_\_. "The Legislative Campaign: The I.E.A. Program," The Illinois Teacher 26 (September, 1937): 5.

Lozo, John P. "Tenure and Civil Service," Clearinghouse. 17: 42-43.

Madden, Mrs. Paul, E. "Illinois Congress of Parents and Teachers: Legislation Endorsed by the Illinois Congress," The Illinois Teacher. 25 (April, 1937): 245.

Marshall, R. W., "Teacher Tenure," Address presented at City Superintendents Association, (November, 1938).

McMillen, P., A. "Campaign for Tenure in Minnesota," American Teacher 11 (May, 1927): 3-4.

\_\_\_\_\_. "Meetings of Board of Directors: Committee on Teacher Tenure," The Illinois Teacher. 27 (May-June, 1938): 292.

\_\_\_\_\_. "A Model Tenure Bill," American Teacher. 23 (February, 1939): 5.

Moore, Robert, C. "Teacher Welfare," The Illinois Teacher. 23 (November, 1934): 75.

\_\_\_\_\_. "A Most Important Bill," The Illinois Teacher. 5 (May, 1917): 125.

Murphy, A., B. "What Shall We Do with Teacher Tenure?," American School Board Journal. 90 (April, 1935): 14.

\_\_\_\_\_. "The Need for Tenure," Journal of the National Education Association. 25 (February, 1936): 42.

\_\_\_\_\_. "New Frontiers," School And Society. 46 (August, 1937): 279.

Newlon, Jesse H., "The Role of Administrative Leadership in the Reconstruction of Education," Teachers College Record. 52 (January, 1916): 213-214.

- Norman, Harold, "Teacher Tenure," Illinois Association of School Boards Journal. 5 (January-February, 1940): 3-10.
- Ormond, Williams, Charles, "Tenure--An Important Problem," Journal of the National Education Association. 10 (November, 1921): 151.
- Patterson, Herbert. "Common Sense and Teachers' Contracts," School and Society. 10 (November 8, 1919): 553-556.
- Pearson, Irving. "Organizing for Legislation," The Illinois Teacher. 27 (March, 1938): 202.
- Pearson, Irving. "Presenting a Record of Important Roll Calls," The Illinois Teacher. 27 (September, 1939): 8-11.
- Pearson, Irving. "Security for the Teaching Profession," The Illinois Teacher. (May, 1940): 278-279.
- \_\_\_\_\_. "Permanent Membership In Teaching Profession." School and Society. 28 (August, 1928): 177-179.
- Peterson, A. G., "The Turnover of Rural Teachers," Educational Administration and Supervision. (1930).
- \_\_\_\_\_. "Powers, Duties, Tenure Freedom," The Illinois Teacher. 4 (December 1915): 57-58.
- \_\_\_\_\_. "Problems of Education in Illinois as Viewed by: The Democratic Candidates for Governor; The Republican Candidates for Governor," The Illinois Teacher. 28 (March, 1940): 196-197.
- \_\_\_\_\_. "Progress in Legislation," The Illinois Teacher. 5 (May, 1917): 1.
- \_\_\_\_\_. "Report of Director of Public Relations," The Illinois Teacher. 28 (January, 1940): 147.
- \_\_\_\_\_. "Resolutions: Adopted by the Chicago Division," November 18, 1922," The Illinois Teacher. 12 (May, 1923): 57.
- Robinson, Ernest, W., "Some Defects of Public School Administration," American School Board Journal. 52 (January, 1916): 11.

- Schermerhorn, W., D. "Teachers' Contracts," School and Society. 10 (December 27, 1919): 773-775.
- Shafer, B., F. "What About Legislation?," The Illinois Teacher. 27 (February 1939): 167-168.
- Scott, Cecil Winfield. "Protective Teacher Tenure," American School Board Journal. 96 (April, 1938): 29-32.
- Scott, Cecil Winfield. "Sound Support for Protective Teacher Tenure., School and Society. 45 (June 1937): 852-855
- Shafer, B. F., "The Task Ahead: A Preview of 1940 Activities," The Illinois Teacher. 28 (February, 1940): 167.
- Simon, Donald, L. "Opposed to a Teacher-Tenure Law." Nations Schools. 17 (June, 1936): 22.
- \_\_\_\_\_. "Sound Support for Protective Tenure," School and Society. 45 (June, 1937): 852-855.
- \_\_\_\_\_. "Sound Tenure Law Advocated," American Teacher. 23 (September-October, 1938): 3.
- \_\_\_\_\_. "Superintendent Pearse on Tenure of Position," The Illinois Teacher. 5 (October, 1916): 25.
- Supple, Markis, J. "New Frontiers," School And Society. 46 (August 28, 1937): 278-280.
- \_\_\_\_\_. "A Survey of Tenure Laws in the United States," American Teacher. 24 (November, 1940): 15-17.
- \_\_\_\_\_. "Teacher Tenure," American Teacher. 17 (October, 1932).
- \_\_\_\_\_. "Teacher Tenure," The Illinois Teacher. 28 (April, 1940): 268.
- \_\_\_\_\_. "Teacher Tenure," Journal of the National Education Association. 23 (November, 1934): 194.
- \_\_\_\_\_. "Teacher Tenure in Rural Areas," School and Society. 35 (January, 1932): 892.

- \_\_\_\_\_. "Teacher Tenure in the United States," American School Board Journal. 73 (September, 1926): 140.
- \_\_\_\_\_. "Teachers' Tenure," School and Society 14 (September, 1921): 129-136.
- \_\_\_\_\_. "Teachers' Tenure Localized," The Illinois Teacher. 4 (September, 1916): 10.
- \_\_\_\_\_. "Tenure," American Teacher. 10 (February, 1921): 32.
- \_\_\_\_\_. "Tenure and Civil Liberties," American Teacher. 23 (November, 1939): 9.
- \_\_\_\_\_. "Tenure Bill," The Illinois Teacher. 27 (February, 1939): 193.
- \_\_\_\_\_. "Tenure Can Be Won," American Teacher. 21 (November, 1936): 4.
- \_\_\_\_\_. "Tenure Committee," The Illinois Teacher. 28 (January, 1940): 134.
- \_\_\_\_\_. "Tenure Key Bill for Teachers at This Session of the Legislature," Illinois Union Teacher. (1941) 1.
- \_\_\_\_\_. "Tenure of Position," The Illinois Teacher. 27 (February, 1939): 168.
- \_\_\_\_\_. "Tenure for Teachers," The Illinois Teacher. 27 (April, 1939): 241.
- \_\_\_\_\_. "Tenure Laws, Satisfactory and Otherwise," The Illinois Teacher 18 (June, 1930).
- \_\_\_\_\_. "Tenure Pamphlet," The Illinois Teacher. 27 (January, 1939): 144.
- \_\_\_\_\_. "Tenure for the Profession," Journal of the National Education Association. 25 (November, 1936): 240.
- \_\_\_\_\_. "Tenure of Position," The Illinois Teacher. 5 (September, 1916): 5.
- \_\_\_\_\_. "Tenureless Tenure," American Teacher. 20 (September-October, 1935): 19-20.
- \_\_\_\_\_. "The Tenure and Turnover of the Teacher Service," American School Board Journal. 77 (August, 1928): 62.
- \_\_\_\_\_. "The Tenure Question," The Illinois Teacher. 24 (May, 1936): 299.
- \_\_\_\_\_. "The Tenure of Teachers," School and Society. 32 (July, 1930): 121-122.



\_\_\_\_\_. "Tenure Under Fire," NEA Today 14 (May, 1996): 23.

Thiel, Richard, B. "Rights of Teachers Under Tenure Laws," Journal of Educational Research. 33 (October, 1939): 122-135.

\_\_\_\_\_. "Three Year Contracts Legal," The Illinois Teacher. 28 (April, 1940): 237.

Waggener, Edwin, C. "Tenure Brings a Challenge," Journal of Education. 123 (March, 1940): 91.

Walsh, Sara, T. "Pennsylvania Wins Tenure," American Teacher. 21 (May-June, 1936): 19.

Wieldand, John A., "To the Teacher - Items of Interest from the Office of the Superintendent of Public Instruction," The Illinois Teacher. 28 (May, 1940): 295.

Williams, Lewis, W. "Turnover Among High-School Teachers in Illinois," School Review (June, 1932): 416-428.

Williams, Charl, Ormond. "Tenure--An Important Problem," Journal of the National Education Association. 10 (November, 1921): 151-152.

\_\_\_\_\_. "Victories in Academic Freedom and Tenure," American Teacher 22 (September-October, 1937): 3-4.

## VITA

The author, Dorene J. Huvaere, is the daughter of Donald and Delphine (Gleba) Huvaere. She was born in Chicago, Illinois, December 9, 1958.

Her elementary and high school education was obtained in the Catholic school system of Chicago. In December of 1977, Ms. Huvaere graduated from Northeastern Illinois University and received a Bachelor of Science degree in Secondary Education. She completed a Master of American History degree from Northeastern Illinois University in May, 1989.

Professional work has included fifteen years of service in education, with nine years employed as a teacher and department chair of Good Counsel High School and two years as Department Chair of Social Studies for Leyden Township High Schools. The author has served on the Teacher Advisory Council for the Chicago History Education Center and the National Council for Social Studies. Currently the author resides in Chicago and is principal of South Central Community Services Therapeutic Day School and Alternative School Program for disruptive youth residing in the city of Chicago.

## DISSERTATION APPROVAL SHEET

The dissertation submitted by Dorene J. Huvaere has been read and approved by the following committee:

Janis Fine, Ph.D., Director  
Assistant Professor, Education  
Loyola University Chicago

Max A. Bailey, Ed.D.  
Associate Professor, Education  
Loyola University Chicago

Philip Carlin, Ed.D.  
Associate Professor, Education  
Loyola University Chicago

The final copies have been examined by the director of the dissertation and the signature which appears below verifies the fact that any necessary changes have been incorporated and that the dissertation is now given final approval by the committee with reference to content and form.

The dissertation is, therefore, accepted in partial fulfillment of the requirements for the degree of Doctor of Philosophy.

3-26-97  
Date

Dr. Janis Fine  
Director's Signature