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Content Analysis of Teacher Dismissal Cases for Incompetence under the Illinois Tenure Teacher Hearing Officer Act: 1975-1983

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CONTENT ANALYSIS OF TEACHER DISMISSAL CASES FOR INCOMPETENCE
UNDER THE ILLINOIS TENURE TEACHER HEARING OFFICER ACT:
1975-1983

by

Alan Charles Jones

A Dissertation Submitted to the Faculty of the Graduate School
of Loyola University of Chicago in Partial Fulfillment
of the Requirements for the Degree of
Doctor of Education

May, 1985

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CONTENT ANALYSIS OF TEACHER DISMISSAL CASES FOR INCOMPETENCE
UNDER THE ILLINOIS TENURE TEACHER HEARING OFFICER ACT:

1975-1983

Abstract

Boards of education and their administrative staffs view the dismissal of a tenured teacher for incompetence as a complex, confusing, and drawn-out process. This perception is caused by the inability of state legislatures, the courts, school boards and school administrators to clearly define or describe the types of behaviors which constitute teacher incompetence. In the present study, the content of all hearing report decisions issued since the passage of the Illinois Tenure Teacher Hearing Officer Act in 1975 were analyzed for hearing officer perceptions of incompetence and the role certain related variables had in determining the outcome of teacher dismissal actions for incompetence. The variables analyzed in the content of each hearing report included: reasons for termination, grounds for incompetence, types of evidence, and grounds for reversal.

The analysis of the variables was based on frequency counts of subcategories developed from words, phrases, or effects which consistently appeared in the content of hearing reports. The following four variables and their subcategories were coded, charted, and counted: 1) Reasons for termination—physical abuse, personal misconduct, insubordination, incompetence, and other; 2) Grounds for incompetence—planning, knowledge, class management, class climate, process of instruction, instructional outcomes, and attitudinal; 3) Types of evidence—supervisory ratings, expert ratings, peer ratings, student ratings,

student test results, complaints (from parents, students, and/or peers); 4) Grounds for reversal---not supported by the evidence, different methods, defective evaluation system, no damage to students and/or faculty, defective remediation, administrative error, and procedural error.

The sums of the aggregate frequency counts of the codings for each variable in this study revealed the following tendencies of boards of education and hearing officers in the dismissal of a tenured teacher for incompetence.

The most frequent reason for dismissing a tenured teacher for cause in the State of Illinois was the failure to present an effective instructional program (incompetence). The dismissal of a tenured teacher for incompetence was affirmed more often than reversed by Illinois Hearing Officers. Hearing officers affirmed the decision of a school board to dismiss a tenured teacher for incompetence if that teacher evidenced insubordinate conduct or failed to comply with supervisors in the remediation process.

The failure to maintain classroom order was the most frequent instructional deficiency exhibited by incompetent teachers. The attitudes of teachers in the dismissal process frequently became an issue in a dismissal report. Rarely do boards of education identify the knowledge of the teacher or poor performance of students as a ground for incompetence.

The evaluations of supervisors are used most frequently to substantiate teacher incompetence. Boards of education rarely used the results of expert, student, peer, or parent ratings to substantiate a charge of incompetence.

The decision to dismiss a tenured for incompetence was rarely reversed on procedural grounds. The most frequent reason for reversing the decision to dismiss a tenured teacher for incompetence was the failure of the board of education to present adequate evidence to substantiate incompetence. Hearing officers reversed the decision to dismiss a tenured teacher for incompetence if the evaluation and/or

remediation processes applied by a board of education were unfair or prejudiced. The effects of poor instruction were not a primary consideration in the dismissal of a tenured teacher for incompetence.

It was concluded from these findings that boards of education who dismiss a tenured teacher for incompetence must view the detection and response to incompetence as a process not an action. The foundation of this process should be the systematic application of policies and procedures which clearly describe effective teaching behaviors and a means of evaluating these behaviors.

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VITA

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CHAPTER I

INTRODUCTION

It's a question that's sometimes mumbled and sometimes asked directly: Why is Old Barney still teaching at the junior high school when he should have been fired years ago? Everyone knows he's incompetent.

The question makes you squirm because in Barney's case you know there's no good answer. He really is below par: he should be shaped up or shipped out. So why is he still around? Why hasn't the junior high school principal acted? 1

Background

The "quality of education" in America's schools is the subject of a great deal of criticism from a variety of groups who are not satisfied with the academic accomplishments of the students presently graduating from public school systems in America. Each of these groups is beginning to focus its attention on what it considers to be the primary cause of the deterioration of public school education---teachers. All of these groups are beginning to share the common belief that "...teachers are the ones who determine the quality of education experienced by...students."² "There is no mystery," in the words of Laurence T. Mayher of the The American School Board Journal, "about why some schools succeed and others fail. It depends mainly on the capability of the people who teach."³

This "capability" is increasingly being questioned by parents who find it difficult to understand why our school systems cannot select the best faculty from a market characterized by a surplus of teachers. More importantly, the

public has difficulty understanding why "Old Barney" cannot be fired. Since 1969, national opinion surveys of public school parents conducted by the Gallup Organization have consistently found that "...public school parents express serious concerns about the quality of teaching in their local schools. For thirteen consecutive years, public school parents have identified this particular problem as one of the biggest problems facing the schools in their community."⁴ In these polls the most frequently cited reason for poor quality of teaching was "incompetence."⁵

Parents are not the only group concerned about the quality of teaching in our nation's public schools. In three polls conducted by the American Association of School Administrators in 1974, 1976, 1977, school administrators consistently ranked "incompetent staff" as one of three top administrative problems in our nation's schools.⁶ A survey conducted by the American Association of School Administrators for an AASA Critical Issues Report On Staff Dismissal found that forty-two percent of the 1,728 responding districts said that "staff dismissal and layoff issues had reached 'serious' proportions."⁷ Fifty-one percent of the districts which responded to the survey listed "incompetence" as a reason why staff dismissal is a serious problem in their district.⁸

Superintendents and personnel directors in the districts which responded to the AASA critical issues survey reported that "...from 5 to 15 percent of the currently employed teachers are performing below expected levels."⁹ William B. Castetter in his book, The Personnel Function in Educational Administration, probably best summarizes the concerns and frustrations expressed by the school board members and administrators in the AASA survey when he writes: "It is inevitable that dismissal problems will arise in any organized endeavour despite

careful efforts to recruit, select, place, orient, supervise, and develop personnel."¹⁰

Even more ominous than these surveys of public and professional perceptions of the capability of our teaching force are studies of the quality of persons preparing to become teachers. In a study commissioned by Phi Delta Kappan on the quality of America's teaching force, Timothy J. Weaver reported that our "... society's brightest and best are not entering teaching."¹¹

This situation is becoming even more aggravated, according to Donna Kerr in her study of teacher competence and teacher education, because of the "... exceptionally able women choosing other careers."¹² Kerr concluded her summary of the studies on teacher education with the succinct assertion that: "On balance, it must be said that our teaching force corps is unacceptably incompetent."¹³

Although the conclusions reached by Weaver and Kerr appear to be a bit harsh, it is clear that "the public wants evidence that teachers are effective in their jobs or that efforts are being made to either improve their performance or remove them."¹⁴ The responsibility for the improvement or removal of incompetent teachers rests squarely with school boards and their administrative staffs who by law are charged with the duty of evaluating the performance of their faculty. As Harry J. Finlayson points out in his Kappan study of teacher incompetence: the "identification and resolution of incompetence within a teaching staff are the initial responsibility of an administrator--in most cases the 'building principal.'"¹⁵

"Unfortunately," as a Kappan article on incompetence and teacher dismissal points out, "in the political and legal arena where much of the teacher dismissal cases is played out, educators generally find themselves ill-prepared, uncomfortable, and sometimes even intimidated."¹⁶ This lack of preparedness on

the part of school boards and school administrators may be the primary reason "why the dismissal of a tenured teacher for incompetence appears to be a rare event..."¹⁷ There are other reasons offered in the literature for the rarity of tenured teacher dismissal for incompetence. Among those offered are: "...the effective resistance of teachers unions,"¹⁸ "...teachers' increased willingness to go to court if necessary to retain their jobs,"¹⁹ the "pathetic documentation of administrators in termination cases,"²⁰ "the costliness of dismissal,"²¹ the lack of knowledge, ability, or courage on the part of administrators.²² Whatever the reasons offered by school boards or administrators for not dismissing incompetent teachers, the hard reality remains that the "...ensuring of competent instruction sometimes requires the dismissal of an incompetent teacher...."²³

The momentous decision to dismiss a teacher for incompetence must begin with an understanding of the criteria for judging incompetence in the classroom. Without a generally agreed-upon definition of "incompetence," boards of education and their administrative staffs will continue to retain faculty who inhibit the effectiveness of a school's instructional program and more importantly do not develop the fullest potential of our student bodies in our public schools.

Need For Study

From the standpoint of parents the professional and moral obligation of school boards and school administrators to dismiss a teacher who is not performing adequately may appear to be obvious. From the standpoint of school boards and school administrators, the dismissal of a tenured teacher for

incompetence may appear to be complex, confusing, and a long drawn out process. The complexity and confusion surrounding the dismissal of a tenured teacher for incompetence has a number of causes. Foremost among these causes is the inability on the part of state legislatures, the courts, school boards and school administrative staffs to clearly define or describe the types of behavior which constitute teacher incompetence.

In a state by state analysis of the laws and court decisions governing teacher incompetence, the Institute for Research on Educational Finance (IFG) and Governance found the following:

Although most state legislatures have singled out incompetence (or one of its blood relatives---inefficiency, gross inefficiency, and inadequate performance) as a legal ground for dismissal, only two states, Alaska and Tennessee, have supplied definitions. In both instances, these definitions fail to specify criteria or standards for judging incompetence in the classroom. ²⁴

Courts and state legislatures continue to look upon incompetence as a generic term which conveys "...no information of the particular act of commission or omission, or want of qualification, which would authorize the conclusion that the individual having such status or guilty of such act or omission was incompetent."²⁵ The failure of state legislatures and school authorities to describe the behaviors which constitute teacher incompetence have created legal problems and personnel problems for the courts and school districts.

The first and perhaps most critical problem created by the lack of a definition for incompetence is the requirements for the dismissal of a tenured teacher prescribed by the statutory laws which govern teacher dismissal in the State of Illinois. Prior to 1975 school boards in Illinois "...enjoyed the final administrative authority to dismiss tenured teachers."²⁶ In 1975, Governor Daniel Walker signed Senate Bill 1371 into law. This law became Public Act 79-561. Public

Act 79-561 amended sections 24-12 and 24-16 of The School Code of Illinois (hereafter referred to as the Code).²⁷

The most significant amendment to section 24-12 and 24-16 of the Code is the addition of a neutral hearing officer to the dismissal process. This additional administrative layer in the dismissal process must be initiated when the local board of education approves "...a motion containing specific charges by a majority vote of all its members"²⁸ for causes prescribed in Section 10 paragraph 22.4 of the Code.

The implications of the intrusion of a hearing officer in the teacher dismissal process are significant for boards of education who intend to dismiss a teacher for incompetence in the State of Illinois. IFG's study of incompetence had this to say about the impact of hearing officers on the dismissal of incompetent teachers:

The success rate for teacher dismissals depends in part on the type of adjudicator—court judge, arbitrator, or hearing officer. Judges appear to render the most favorable decisions to schools districts; approximately two-thirds of the teacher dismissal decisions are upheld in the court system. Arbitrators acting under a collective bargaining agreement are somewhat less supportive of school district dismissal decisions than judges but more supportive than hearing officers.²⁹

IFG's conclusion becomes even more significant when read in conjunction with Paul Thurston's study of hearing officer decisions in Illinois for the period 1975-1979. Thurston concludes his analysis with the finding that "hearing officers are often willing to substitute their personal views of incompetence for the definition provided by the district."³⁰

Even though, as Thurston points out, the hearing officer decisions are technically not binding as precedent, they nonetheless can be important in preparing either side for a pending tenured teacher dismissal case.³¹ School districts which are considering the dismissal of a tenured teacher would be

helped by a systematic analysis of the reasons found in hearing officer reports for the dismissal of a teacher for incompetence.

In addition to the difficulties inherent in attempting to match a district's perception of incompetence with that of a hearing officer, the section of the Code dealing with the "Removal or Dismissal of Teachers in Contractual Continued Service," prescribes the policies and procedures which boards of education must adhere to in the dismissal of a tenured teacher for cause. The primary requirement that boards of education must follow in a dismissal case is informing the teacher "specifically" of the "causes," "charges," and "particulars" which justified the boards decision to dismiss.

Section 24-12 and 34-15 of the Code also requires that the "State Board of Education...promulgate uniform standards and rules for such hearings."³² The State Board of Education has complied with this mandate by publishing two pamphlets prescribing the rules and regulations boards of education must follow in dismissing a tenured teacher for cause. The first pamphlet, titled "Rules And Regulations Governing The Procedure For The Dismissal Of Tenured Teachers In The State Of Illinois," was published in February, 1976 and is commonly referred to as the Illinois Tenure Teacher Hearing Officer Act. These rules and regulations covered all teachers in the State of Illinois except the City of Chicago.

The second pamphlet, titled "Rules and Standards Governing the Procedure for the Dismissal of Tenured Teachers, Principals and Civil Service Employees in School Districts Governed by Article 34 of the School Code," was published in April, 1979. These rules and regulations prescribed the procedures that the Chicago Board of Education must follow in dismissing a tenured teacher.

The State Board of Education's rules and regulations for teacher dismissal

stipulate that boards of education must "...serve the teacher with reasonable warning in writing, stating specific causes which, if not removed, may result in termination."³³ If the teacher fails to remedy the deficiencies listed in the warning notice "...the board must approve a motion for dismissal which contains specific grounds for dismissal."³⁴ After the approval of the motion to dismiss, the board must schedule a hearing before an impartial hearing officer on the charges. The teacher must be presented with a written notice of charges, which contains a "bill of particulars," at least 21 days before the scheduled hearing.

The common thread which ties all of these statutory provisions together is the requirement that boards of education specify the types of teaching behaviors which constitute cause for dismissal. Nowhere in the code is there a statutory definition, explanation, or description of one of the causes for dismissal listed in Section 10-22.4 of the Code. Section 10-22.4 simply states that a teacher can be dismissed for "...incompetency, cruelty, negligence, immorality or other sufficient cause...."³⁵ Unfortunately for school boards and school administrators, this provision in the Code provides no direction in preparing "specific grounds," "bills of particulars" or "charges" against a teacher charged with "incompetence" as stated in Section 10-22.4.

The courts have been equally vague about what is meant by teacher incompetence. George M. Kohut's study of the "legal parameters of school boards and school administrators when they dismiss tenured teachers in the State of Illinois" found that appellate court decisions involving teacher dismissal consistently uphold the right of the teacher to be informed of his specific teaching deficiencies by the board of education. School boards have also been instructed by the appellate courts to provide the teacher with the necessary time and guidance to correct the deficiencies specified by the board.

Kohut's analysis of incompetence as a cause for dismissal³⁶ in the State of Illinois found that appellate courts and hearing officers demand that boards of education specify the weaknesses exhibited by the teacher and the necessity of providing a "concrete program" for the remediation of these weaknesses.

It is quite clear from the statutory laws and court decisions, which govern the dismissal of a tenured teacher, that boards of education must specifically inform a teacher of the deficiencies in his instructional performance and provide some type of corrective action to remediate the deficiencies. This fundamental right in the teacher dismissal process becomes an insurmountable barrier to school boards who have failed to define the behaviors which constitute incompetent instruction.

Aside from the legal difficulties incurred by a board of education's inability to define teacher incompetence, the ability of school administrators to implement an effective teacher evaluation program is jeopardized when the criteria on which to base evaluation are unclear. Boards of education that intend to clear the "termination hurdle" must have a sound evaluative process. The core of such a process is contained in the following description of an effective evaluative program by Robert McNaughton and Victor J. Ross:

If teachers don't know the criteria by which they're being evaluated, an adequate evaluation process can't happen. Make sure the criteria are clear and that the teachers understand the evaluative process. It should be considered part of a normal school policy. 37

If school administrators are to begin to judge the proposals for preventing and curing the problem of teacher incompetence then they "...need to know the prevalence of particular types of incompetence and the character of teacher failures in the classroom."³⁸ Since "...the dismissal of tenured teachers for incompetence remains a relatively neglected area of study..."³⁹ there exists a

distinct need to empirically examine the reasons for teacher dismissal so school boards and their administrative staffs are better able to "clear the termination hurdle."

Purpose of Study

The purpose of this study was to isolate certain variables which consistently appear in Illinois Hearing Officer Reports and to make inferences about hearing officer perceptions of incompetence and the role certain related variables had in determining the outcome of a teacher dismissal decision.

This purpose was accomplished by performing a content analysis on each report issued by Illinois Hearing Officers as prescribed in the "Rules and Regulations for the Dismissal of Tenured Teachers," to determine what if any definitions, descriptions, or characteristics, are contained in the hearing reports for the years 1975-1984.

This study also analyzed the following variables in Illinois Hearing Officer Reports where a teacher was dismissed for incompetence to see what if any relation these variables had to the outcome of a decision to dismiss a tenured teacher. These variables included the following two categories of decisions employed by the researcher to describe the outcomes stated in hearing reports for the dismissal of a tenured teacher in Illinois: affirmed, reinstated.

1. What types of evidence are used by school boards as proof of teacher incompetence?

2. What grounds for reversal do hearing officers apply to school board decisions to dismiss tenured teachers?

Research Questions

The intent of this study was to empirically examine the content of Illinois Hearing Officer Reports pursuant to the passage of Senate Bill 1371 and Senate Bill 430. Senate Bill 1371 amended Sections 24-12 and 24-16 of the Code. These amendments created a mandatory hearing process for tenured teachers who were dismissed for cause from public schools outside the City of Chicago. Senate Bill 430 amended Sections 34-15, 34-85, and 24-85b of the Code. In effect this legislation created a mandatory hearing process for the City of Chicago.

Senate Bill 1371 and 430 mandated that: "The State Board of Education...promulgate uniform standards and rules for such hearings." The State Board of Education has complied with this mandate by publishing two pamphlets outlining the procedures that boards of education must follow when dismissing a tenured teacher for cause in the State of Illinois.

Section 3.03 of the "Rules and Regulations Governing the Procedure for the Dismissal of Tenured Teachers in the State of Illinois" states that "within ten days" after a board of education passes a "motion for dismissal" "... the board must schedule a hearing before an impartial hearing officer." After the hearing is concluded, the hearing officer is required to "make a decision in writing as to whether or not the teacher shall be dismissed." Copies of these decisions are on file in the legal offices of the State Board of Education in the City of Chicago.

The following research questions were developed and applied to each hearing officer decision from 1975 to 1984 to ascertain the nature of teacher incompetence in the State of Illinois and to analyze certain related variables—types of evidence used by school boards to prove incompetence, the

grounds for reversal offered by hearing officers---to see what if any relation these variables had to the outcomes of a teacher dismissal case:

1. Since the passage of Senate Bill 1371, how many tenured teachers in the State of Illinois have been charged by the boards of education with one or more of the causes for teacher dismissal prescribed in section: 10-22.4 of the Code and subjected to the teacher dismissal process as prescribed in the "Rules and Regulations Governing the Procedures for the Dismissal of Tenure Teachers in the State of Illinois"?

2. In those cases where teachers have been charged with incompetence and subjected to the dismissal process, what words, phrases, or effects were used by boards of education to describe incompetence?

3. In those cases where teachers have been charged with incompetence and subjected to the hearing officer dismissal process, what types of evidence are used by school boards as proof of incompetence?

4. In those cases where the hearing officer reversed the school board's decision, what grounds for reversing the decision of the school board did the hearing officer state in the hearing report decision?

5. In those cases where teachers have been charged with incompetence and subjected to the hearing officer dismissal process, what relationship do the variables selected for analysis in this study--grounds for incompetence, grounds for reversal, and types of evidence--have on the outcome of a decision to dismiss a tenured teacher in Illinois?

6. Based upon the aggregate counts of the coded variables, what are the implications for public school boards of education who would adopt policies and procedures for the dismissal of tenured teachers for incompetence in the State of Illinois?

Methodology

The analysis of hearing officer decisions since the passage of the Illinois Hearing Officer Tenured Teacher Dismissal Act in 1975 required three methodological decisions:

1. What method of analysis would best answer the research questions posed by this study?
2. How would the the researcher proceed to analyze the hearing reports using the agreed upon research method?
3. What criteria would be used to select variables from the hearing reports to be analyzed?

Method of Analysis

For purposes of this study the research method selected to analyze the hearing reports was content analysis. "Content analysis is any technique for making inferences by systematically and objectively identifying specified characteristics of messages."⁴⁰ This technique is "...used most frequently for research problems in which the question can be answered directly from a description of the attributes of content."⁴¹ "The basic concept..." behind content analysis "...is that words and phrases contain hidden messages and that these may

be ascertained by close examination of both consciously and unconsciously revealed clues in the...literature."⁴²

The use of content analysis as a research technique is valid only if the researcher can ensure objectivity from the method. Holsti's description of content analysis contains the guidelines for the objective application of content analysis:

To have objectivity, the analysis must be carried out on the basis of explicitly formulated rules which will enable two or more persons to obtain the same results from the same documents. In a systematic analysis the inclusion and exclusion of content or categories is done according to consistently applied criteria of selection; this requirement eliminates analysis in which only materials supporting the investigators hypotheses are examined. ⁴³

In order to analyze the content of the hearing reports objectively, definitions were developed for the categories used to classify the variables examined in each hearing report. These variables were then subjected to frequency counts. The results of these counts were displayed in eight tables.

To avoid possible bias in the selection of cases to be analyzed for this study, the content of all of the hearing reports were examined since the passage of the Illinois Tenure Teacher Hearing Officer Act in 1975. This study did not require the use of a particular statistic because the sample chosen for analysis---the hearing reports---was the same as the population. Simple sums and percentages were used to compute results of the frequency counts of the treated variables.

Criteria for the Selection of Variables

The empirical study of the dismissal of tenured teachers for incompetence in the State of Illinois required the development of criteria for the selection of variables to be classified and counted.

The first criterion used for the selection of variables to be treated in the hearing reports was the consistency with which the variable appeared in each hearing report. The variables in the cases which did not contain enough information to code or count were categorized as "not enough information present."

The second criterion used for the selection of variables to be treated in the hearing reports was the ability of the variable to be coded and counted. In effect this meant that the variable present in each case could be reduced to commonly used words, phrases, or effects which could be counted. This criterion required that definitions and descriptions for each treated variable be established and maintained throughout the study.

Based on the aforementioned criteria the following variables and their subcategories were coded, charted, and counted:

1. Reasons For Termination: The following five categories of charges were employed by the researcher to describe the reasons stated in the hearing reports for the dismissal of a tenured in teacher in Illinois: physical abuse, personal misconduct, insubordination, incompetence, and other.

2. Grounds For Incompetence: The following seven grounds for incompetence were employed by the researcher to describe the words, phrases, or effects which described ineffective teaching behaviors: planning, knowledge,

class management, class climate, process of instruction, instructional outcomes, and attitudinal.

3. Types Of Evidence: The following six categories of evidence were employed by the researcher to describe the evidence used by school boards to substantiate the charge of incompetence against a dismissed teacher: supervisory ratings, expert ratings, peer ratings, student ratings, student test results, complaints (from parents, students, and/or peers).

4. Grounds For Reversal: The following seven categories of grounds for reversal were employed by the researcher to describe the reasons stated in hearing reports for reversing the decision of a school board to dismiss a tenured teacher: not supported by the evidence, different methods, defective evaluation system, no damage to students and or faculty, defective remediation, administrative error, and procedural error.

Method for Proceeding

The systematic and objective treatment of the variables selected for analysis in the hearing reports required the development of procedures which established an order of analysis for each variable and a coding system for each variable.

The establishment of an order of analysis was necessitated by the fact that the hearing reports on file in the legal offices of the State Board of Education are catalogued by year. None of the reports on file at the State Board of Education legal office is catalogued by cause for dismissal, topic, subject, or name of teacher. For this reason the treatment of the data could not begin until all the hearing reports had been catalogued by cause.

The development of a coding system is a requirement when content analysis is selected as the method for analyzing data. The coding system which was applied to the data must be consistent and must be able to be tabulated.

The content analysis of the hearing officer reports involving incompetence proceeded in the stages listed below. For each stage where a variable or a subcategory of that variable was coded for the purpose of frequency counts, the coding system is explained.

1. Each hearing report was read and then classified according to the cause or causes for the dismissal of a tenured teacher since the passage of the Illinois Tenured Teacher Hearing Officer Act in 1975. The methodological problem incurred in classifying hearing reports by cause is the failure of hearing officers to specify in each report one or more of the causes prescribed for teacher dismissal in Section 10-22.4 of the Code. Instead, most hearing reports contain a description of the types of teaching deficiencies which resulted in the dismissal of the teacher. For this reason a classification system had to be developed which accurately portrayed the type of deficiencies described in each report.

The classification system which the researcher applied to the reports was developed by Paul Thurston in his study of tenured teacher dismissal in Illinois for the years 1975-1979.⁴⁴ Thurston categorized the causes for teacher dismissal stated in the reports into the following reasons for termination: physical abuse, personal misconduct, incompetence, insubordination, and other.

The researcher added the category other to the reasons for termination. The definition of these reasons for termination can be found in the "Definitions" subsection of this chapter.

2. Each hearing report was read and classified according to the "outcome of decision." If the hearing officer agreed with the judgment of the school board

to dismiss a tenured teacher for cause, then this decision was coded as affirmed. If the hearing officer substituted his judgment for the judgment of the school board's decision to dismiss a tenured teacher, then this decision was coded as reinstatement.

3. The "outcome of decision" for each hearing report was counted and summed.

4. Content analysis of those teacher dismissal cases where the "reason for termination" was incompetence. For a hearing report to be placed into the category designated "incompetence" as a reason for termination, the behaviors exhibited by the teacher in the report had "...to involve dismissal for ineffective performance in the classroom."⁴⁵ Hearing reports involving the incompetent performance of non-instructional duties were placed in one or more of the other reasons for termination. In those cases where the teacher was charged with incompetence and one or more of the other reasons for termination, the case received a multiple coding depending upon what other reasons were mentioned in the report.

After the report was placed in the category designated as incompetence, the content of the report was analyzed for words, phrases, or effects which described ineffective teaching behaviors. These words, phrases, or effects were then placed in one or more of the following seven grounds for incompetence: planning, knowledge, class management, class climate, process of instruction, instructional outcomes, and attitudinal.

The definition of these grounds for incompetence can be found in the "Definitions" subsection of this chapter.

5. The "grounds for incompetence" for each hearing report were counted and summed.

6. The classification of the "types of evidence" was used by school officials as proof of teacher incompetence. The coding system applied to each report for the types of evidence used by boards of education to substantiate the charge of incompetence was adopted from IFG's study of teacher incompetence.⁴⁶ The following six categories of evidence were used in this study to classify the types of evidence present in each hearing report to substantiate the charge of incompetence: supervisory ratings, expert ratings, peer ratings, student ratings, student test results, and complaints (from peers, parents, students).

The definition of these types of evidence can be found in the "Definitions" subsection of this chapter.

7. The "types of evidence" for each hearing report were counted and summed.

8. The classification of the "grounds for reversal" was stated in the hearing reports for the reversal of a school board's decision to dismiss a tenured teacher for incompetence. The classification system employed by the researcher to analyze this variable was modeled after the one used by Bridges in his study of teacher incompetence.⁴⁷ The researcher added and/or changed the following grounds for reversal in the Bridges' model: not supported by the evidence, different methods, defective evaluation system, no damage to students and/or faculty, defective remediation, administrative error, and procedural error.

The definition of these grounds for reversal can be found in the "Definitions" subsection of this chapter.

9. The "grounds for reversal" of a school board's decision to dismiss a tenured teacher for incompetence were counted and summed.

Limitations of Study

The research questions asked in this study and the methodological approach adopted to answer these questions imposed certain inherent limitations on the selection and treatment of the available data on teacher dismissal for incompetence in Illinois. The following limitations should be considered when reading the conclusions of this study:

1. This study was confined to the study of the dismissal of tenured teachers. No analysis was made of dismissal cases involving non-tenured teachers, superintendents, or principals as prescribed in Sections 24-11, 35-15, 34-85, and 34-85b of the Code.

2. No background data were examined for the hearing reports treated in this study.

3. This study examined only those cases where the board of education passed a motion to dismiss a tenured teacher as prescribed in Sections 24-12 and 34-15 of the Code and the "Rules and Regulations Governing the Procedure For the Dismissal of Tenured Teachers in the State of Illinois," and "Rules and Standards Governing the Procedure for the Dismissal of Tenured Teachers, Principals and Civil Services Employees in School Districts Governed by Article 34 of the School Code."

This study did not examine cases where school boards coerced a teacher to resign or where the board negotiated a financial settlement in return for the resignation of the teacher.

4. Hearing officer decisions lack consistency in the level and type of information provided in each case. These inconsistencies did not affect the classification or tabulation of the treated variables. However, the sums arrived at may conceal the emphasis placed on certain issues by hearing officers.

5. This study did not analyze appellate court decisions dealing with teacher incompetence or hearing officer decisions appealed pursuant to Section 24-16 of the Code.

6. Except for the initial classification of cases by cause, the only reports which were analyzed for content were those cases where the teacher was charged with ineffective performance in the classroom. No reports were analyzed where the teacher was charged with a cause or reason for termination which involved non-instructional duties.

7. This study did not analyze the following selected variables related to hearing reports: a) The individual hearing officer's sex, the decision to affirm or reinstate, the levels of review that the case was eventually appealed to. b) The location, size, type, and union status of the district from which the case originated. c) The sex, age, education and experience of the district superintendents who initiated the dismissal case. d) The sex, age, education, experience, and assignment of the teacher who was subjected to the dismissal process.⁴⁸

8. The purpose of this study was not to directly examine the history and provisions of the Illinois Tenure Teacher Hearing Officer Act or frequency counts of the following variables related to teacher dismissal cases: a) The number of resignations submitted to boards of education. b) The number of teachers who have waived rights to have a hearing. c) The frequency of tenured teacher dismissals in Illinois d) The patterns of settlement that have evolved in Illinois teacher dismissal cases in reference to selected demographic characteristics.⁴⁹

9. This study did not directly examine hearing officer and court decisions as they related "to both the substantive and procedural due process rights afforded tenured teachers by local school districts."⁵⁰

10. It should be noted that content analysis as a research methodology "can rarely be used to determine the truth of an assertion."⁵¹ The only reason for using content analysis as a research technique was the need to systematically record and tabulate certain common variables in the hearing reports. The guilt or innocence of the teacher charged with incompetence or the correctness of the hearing officer's perception of incompetence were not within the purview of this study.

Definitions

The following definitions were employed by the researcher to analyze the data necessary to answer the research questions posed by this study:

Administrative Error--- A variable chosen for analysis in the content of each hearing report was grounds for reversal. One of the grounds for reversal coded in this study was administrative error. Hearing reports received such a designation when the content of the report indicated that actions by administrative or supervisory personnel caused the instructional deficiencies of the dismissed teacher.

Affirmed--- A decision was rendered in a hearing report where the hearing officer agreed with the judgment of the board of education to dismiss a tenured teacher for cause. For purposes of this study such a decision was coded under the variable outcome of decision. All hearing reports since the passage of the Illinois Tenured Teacher Dismissal Act were coded either affirmed or reinstated.

Attitudinal--- A variable chosen for analysis in the content of each hearing report was grounds for incompetence. One of the grounds for incompetence coded in this study was attitudinal. Hearing reports received such a designation when the

report indicated that the teacher who was dismissed for incompetence exhibited an unwillingness to cooperate with coworkers and administrators, unconscientiousness in carrying out assigned duties, and/or a lack of concern for institutional objectives and policies.

Board of Education--- In Illinois a board of education is a quasi-municipal corporation established by the state to operate public and elementary schools. All powers of the board of education are delegated by the state. Members of boards of education are either elected or appointed. The primary function of the board of education is to set policy for the schools within their prescribed boundaries. Among these policy setting responsibilities is the authority to determine salary and working conditions for teachers. For purposes of this study boards of education in the State of Illinois are the governmental body responsible for initiating the teacher dismissal process pursuant to state law and the rules and regulations of the State Board of Education.

Cause--- Cause is defined as those reasons specified in the Code for the removal or dismissal of a tenured teacher. For purposes of this study the only cause for dismissal which was analyzed was incompetence. The causes for teacher dismissal specified in Section 10-22.4 of the Code are: "...incompetency, cruelty, negligence, immorality or other sufficient cause..." The causes for teacher dismissal as prescribed in the Code are never specified in hearing reports. For this reason other terms were developed by the researcher which more accurately described the reasons stated by boards of education and hearing officers for the dismissal of a tenured teacher. For purposes of this study these charges were: physical abuse, personal misconduct, insubordination, incompetence, and other.⁵²

Class Climate--- A variable chosen for analysis in the content of each

hearing report was grounds for incompetence. One of the grounds for incompetence coded in this study was class climate. Hearing reports received such a designation when the content of the report indicated that the teacher who was dismissed for incompetence did not organize the physical environment of the classroom and/or demonstrate an interest in students or an enthusiasm about learning which stimulated and encouraged student learning.

Class Management--- A variable chosen for analysis in the content of each report was grounds for incompetence. One of the grounds for incompetence coded in this study was class management. Hearing reports received such a designation when the content of the report indicated that the teacher who was dismissed for incompetence did not organize classroom activities or manage student behavior in such a way as to maximize student learning experiences.

Complaints--- In this study one variable selected for analysis in the content of each hearing report was the nature of evidence which boards of education used to substantiate the charge of incompetence. One of the categories of evidence coded for this study was complaints. A hearing report received such a designation when the board of education used as evidence against the dismissed teacher criticisms of the teacher's instructional performance from students, parents, or peers.

Defective Evaluation System--- A variable chosen for analysis in the content of each hearing report was grounds for reversal. One of the grounds for reversal coded in this study was defective evaluation system. Hearing reports received such a designation when the content of the report indicated that the evaluation system employed by the district as evidence of incompetence was not based upon an objective standard of teacher performance and/or was the direct result of prejudice or bias behaviors of supervisory personnel.

Defective Remediation--- A variable chosen for analysis in the content of each hearing report was grounds for reversal. One of the grounds for reversal coded in this study was defective remediation. Hearing reports received such a designation when the content of the report indicated that the period of time and/or supervisory assistance provided by a board of education to correct the deficiencies of a dismissed teacher were inadequate.

Different Methods--- A variable chosen for analysis in the content of each hearing report was grounds for reversal. One of the grounds for reversal coded in this study was different methods. Hearing reports received such a designation when the content of the report indicated that the teacher who was dismissed for incompetence employed instructional methodologies that conflicted with the instructional methodologies contained in the evaluations of supervisory personnel.

Dismissal--- The term dismissal refers to the termination for cause of any tenured teacher or probationary teacher within the contract period.

Expert Ratings--- A variable chosen for analysis in the content of each hearing report was types of evidence. One of the types of evidence coded in this study was expert ratings. Hearing reports received such a designation when the content of the report indicated that the teacher who was dismissed for incompetence was evaluated or rated by personnel who possessed specialized knowledge of the field or discipline taught by the teacher or who possessed effective teaching techniques. This expert could be an employee of the district or an outside consultant employed for the purpose of evaluating the teacher.

Grounds for Incompetence--- This is a variable chosen for analysis in the content of each report where the dismissed teacher was charged with incompetence. This variable included the following seven categories for incompetence employed by the researcher to codify the words, phrases, or effects

stated in the hearing reports to describe ineffective teaching behaviors: planning, knowledge, class management, class climate, process of instruction, instructional outcomes, attitudinal.

Grounds for Reversal--- This is a variable chosen for analysis in the content of each hearing report where the dismissed teacher was charged with incompetence. This variable included the following seven categories for reversal employed by the researcher to describe the grounds stated in the hearing report for reversing the decision of a board of education to dismiss a tenured teacher for incompetence: not supported by the evidence, different methods, defective evaluation system, no damage to students and/or faculty, defective remediation, administrative error, procedural error.

Hearing Officer--- This individual is selected by boards of education and a dismissed teacher to preside at and render a decision for a teacher dismissal hearing as prescribed in the Code and the "Rules and Regulations Governing the Procedure for the Dismissal of Tenured Teachers in the State of Illinois."

Hearing Report--- A decision issued by a hearing officer pursuant to Section 7:01 of the "Rules and Regulations Governing the Procedure for the Dismissal of Tenured Teachers in the State of Illinois." Section 7.01 states that: "The hearing officer shall, with reasonable dispatch, make a decision in writing as to whether or not the teacher shall be dismissed."⁵³

Incompetence--- This term is one of the statutory causes for dismissal found the Code. However, the Code does not define or describe the term incompetence. One of the purposes of this study was to examine the content of all hearing reports to see what words, phrases or effects are most frequently used by hearing officers and/or boards of education to describe incompetence. The initial classification of hearing reports into reasons for termination

demanding that the researcher develop an operational definition for incompetence. Cases selected from hearing reports for content analysis contained instructional deficiencies in one or more of the following three areas:

1. "Lack of knowledge in the subject matter taught."

2. "Ineffectiveness in instructional methods." This category includes "...classroom conduct and teaching techniques. A failure to maintain a proper atmosphere for learning or the use of ineffective instructional methods..."

3. Attitudinal incompetence which "...includes unwillingness to cooperate with coworkers and administrators, unconscientiousness in carrying out assigned duties, and lack of concern for institutional objectives and policies."⁵⁴

In addition to these deficiencies the behavior of the teacher had to be the direct result of the dismissed teacher's ineffective performance in the classroom. Hearing reports involving the incompetent performance of non-instructional duties were not analyzed.

Instructional Outcomes--- A variable chosen for analysis in the content of each hearing report was grounds for incompetence. One of the grounds for incompetence coded in this study was outcomes of instruction. Hearing reports received such a designation when the report indicated that the teacher who was dismissed for incompetence used tests, techniques, or methods to evaluate students which were not appropriate to the student or the objectives of instruction.

Insubordination--- For purposes of this study this reason for termination described teaching behaviors where a teacher refused to comply with a contractual obligation or an order of the board of education and/or their designee. The most frequent example of insubordination found in the hearing reports were: "failure to appear for duty;" "attending conventions without permission;" and "failure to follow directives."

Knowledge--- A variable chosen for analysis in the content of each hearing report was grounds for incompetence. One of the grounds for incompetence coded in this study was knowledge. Hearing reports received such a designation when the content of the report indicated that the teacher who was dismissed for incompetence did not possess the necessary knowledge of the subject matter to carry out an instructional program.

Multiple Rater--- One variable analyzed in the content of each hearing report was the types of evidence which school boards used to substantiate the charge of incompetence. One of categories of evidence coded for this variable was supervisory ratings. Within this category there were two further subcategories---single rater, multiple rater. Hearing reports where the board of education used as evidence against the dismissed teacher the evaluations, documentation, or testimony of more than one supervisor or peer were coded multiple rater.

No Damage To Students/Faculty--- A variable chosen for analysis in the content of each hearing report was grounds for reversal. One of the grounds for reversal coded in this study was no damage to students/faculty. Hearing reports received such a designation when the content of the report indicated that the instructional methodologies employed by the dismissed teacher did not cause physical or mental damage to students/faculty. Cases also received such a coding if students assigned to the dismissed teacher showed normal progress in the subject areas the teacher was responsible for teaching.

Not Supported By Evidence--- A variable chosen for analysis in the content of each hearing report was grounds for reversal. One of the grounds for reversal coded in this study was not supported by evidence. Hearing reports received such a designation when the content of the report indicated that the quality and/or

quantity of the evidence provided by the board of education to substantiate their charge of incompetence was not adequate.

Other--- For purposes of this study this reason for termination described teaching behaviors which did not meet the criteria established for the other four reasons for termination (physical abuse, insubordination, personal misconduct, and incompetence). Examples of the behaviors which were placed into this category were: "not appearing for duty," "negligence," "not qualified to teach," "physical incapacity," "abandonment of tenure."

Outcome of Decision--- This is a variable selected for analysis in this study. This variable included the following two categories of decisions employed by the researcher to describe the outcomes stated in hearing reports for the dismissal of a tenured teacher in Illinois: affirmed, reinstated.

Peer Ratings--- A variable analyzed in the content of each hearing report was the types of evidence which boards of education used to substantiate the charge of incompetence. One of the categories of evidence coded for this variable was peer review ratings. Hearing reports received such a designation when the school board used as evidence against the dismissed teacher, the evaluations, documentation, or testimony of teaching personnel. Teaching personnel were those individuals whose main responsibility was classroom instruction.

Personal Misconduct--- For purposes of this study this reason for termination described non-teaching behaviors involving illegal or immoral conduct on the part of the dismissed teacher.

Physical Abuse--- For purposes of this study this reason for termination described teaching behaviors where a teacher physically mistreated a student.

Planning--- A variable chosen for analysis in the content of each hearing

report was grounds for incompetence. One of the grounds for incompetence coded in this study was planning. Hearing reports received such a designation when the content of the report indicated that the teacher who was dismissed for incompetence failed to prepare adequate lesson plans and/or exhibit a plan for instruction.

Procedural Error--- A variable chosen for analysis in this study was grounds for reversal. One of the grounds for reversal coded in this study was procedural error. Hearing reports received such a designation when the content of the report indicated that the district failed to provide the teacher with due process rights and/or to follow the procedures for the dismissal of a tenured teacher prescribed by state law or the State Board of Education.

Process of Instruction--- A variable chosen for analysis in the content of each hearing report was grounds for incompetence. One of the grounds for incompetence coded in this study was process of instruction. Hearing reports received such a designation when the report indicated that the teacher who was dismissed for incompetence presented classroom lessons which did not contain one or more of the following characteristics: objectives which were properly sequenced; presentations which were clear and accurate; questions of students which were appropriate and ascertained student understanding of lesson objectives; and the use of a variety of teaching methods, materials, and activities.

Reasons for Termination--- This is a variable chosen for analysis in this study. This variable included the following five causes for dismissal employed by the researcher to describe the reasons stated in the hearing reports for the dismissal of a tenured teacher in Illinois: physical abuse, personal misconduct, insubordination, incompetence, other.

Reinstatement--- A decision rendered in a hearing report where the

hearing officer substituted his judgment for the judgment of a board of education in the dismissal of a tenured teacher for cause. For purposes of this study such a decision was coded under the variable outcome of decision. All hearing reports since the passage of the Illinois Tenured Teacher Dismissal Act were coded either affirmed or reinstated.

Single Rater---One variable analyzed in the content of each hearing report was the types of evidence used by boards of education to substantiate the charge of incompetence. One of the categories of evidence coded for this variable was supervisory ratings. Within this category there were two further subcategories---single rater, multiple rater. Hearing reports where the board of education used as evidence against the dismissed teacher the evaluations, documentation, or testimony of one supervisor and/or peer were coded single rater.

Student Ratings--- One variable analyzed in the content of each hearing report was the types of evidence boards of education used to substantiate the charge of incompetence. One of the categories of evidence coded for this variable was student ratings. Hearing reports received such a designation when the board of education used as evidence against the dismissed teacher ratings by students of the teacher's performance. These ratings originated from formal evaluative instruments or questionnaires administered by the teacher or supervisory personnel.

Student Test Results--- One variable analyzed in the content of each hearing report was the types of evidence used by the boards of education to substantiate the charge of incompetence. One of the categories of evidence coded for this variable was student test results. Hearing reports received such a designation when the board of education used as evidence against the dismissed

teacher the achievement results of students on standardized test and/or teacher made test.

Supervisory Ratings--- One variable analyzed in the content of each hearing report was the types of evidence used by boards of education to substantiate the charge of incompetence. One of the categories of evidence coded for this variable was supervisory ratings. Hearing reports received such a designation when the board of education used as evidence against the dismissed teacher the evaluations, documentation, or testimony of supervisory personnel. Supervisory personnel were those personnel whose main responsibility was the administration and supervision of a school building. Supervisory ratings were further coded with the designations---single rater, multiple rater.

Teacher--- For purposes of this study teacher was defined as those school district personnel who are required to be certified under the teacher certification laws of the State of Illinois and whose main responsibility is the guidance and direction of the learning experiences of pupils comprising grades K-12 of the public schools. Hearing reports involving the dismissal of administrators or civil service employees were not analyzed.

Tenured Teacher--- Any teacher who, pursuant to Section 24-11 of the Code, is granted "continued contractual service" by the board of education employing that teacher. "Continued contractual service" means that a teacher who is dismissed by a board of education must be accorded all the substantive and procedural rights guaranteed by the federal and state constitution and the laws of the State of Illinois.

Types of Evidence--- This is a variable chosen for analysis in this study. This variable included the following six categories of evidence employed by the researcher to describe the types of evidence boards of education used to

substantiate the charge of incompetence against a dismissed teacher: supervisory ratings, expert ratings, peer ratings, student ratings, student test results, complaints (students, parents, and/or peers).

Variables--- The purpose of this study was to isolate and analyze certain characteristics of reports issued by Illinois Hearing Officers in cases where a teacher was dismissed for incompetence. For purposes of this study these characteristics were designated as variables. The following variables found in the content of each hearing report were isolated, coded, and counted: grounds for incompetence, reasons for termination, types of evidence, grounds for reversal, outcome of decision.

Organization of Remainder of Study

Chapter I of this study provided an overview of the topic of teacher dismissal for incompetence. Included in this overview was an explanation of the need for such a study and the methodological approach which would be employed by the researcher to analyze the dismissal of a teacher for incompetence in the State of Illinois.

Chapter II of this study is divided into two parts. Part 1 of Chapter II provides an overview of the topics and content covered by the literature on teacher dismissal. Part 2 of Chapter II reviews the literature on the management of incompetence in education.

Chapter III of this study provides a description of the method of analysis employed by the researcher to answer each of the research questions posed in this study. This chapter also presents graphic representations of the data which were analyzed for this study. For each computation and graphic representation

there is an explanation of how results were arrived at and a summary of the results.

Chapter IV presents a summary of the conclusions arrived at in Chapter III. These conclusions will provide the basis for the recommendations to boards of education who contemplate dismissing a tenured teacher for incompetence in the State of Illinois.

END NOTES

¹Robert MacNaughton and Victor J. Ross, "With Preparation, You Can Clear the Teacher Termination Hurdles," The American School Board Journal, 169 (April, 1982), 32.

²Gregg W. Downey, "How To Get Rid of Your Bad Teachers and Help Your Good Ones Get Better," The American School Board Journal, 6 (June, 1978), 23.

³Laurence T. Mayher, "You Have the Power to Defend Excellence in Teaching," The American School Board Journal, 170 (May, 1983), 19.

⁴Ann B. Dolgin, "Two Types of Due Process: The Role of Supervision in Teacher Dismissal Cases," 65 (February, 1981), 2.

⁵Ibid., 2.

⁶Shirley Boes Neill and Jerry Custis, Staff Dismissal: Problems and Solutions. AASA Critical Issues Report, 1978 (Sacramento, California: Education News Service, 1978), 6.

⁷Ibid., 5.

⁸Ibid., 8.

⁹Ibid., 9.

¹⁰William B. Castetter, The Personnel Function in Educational Administration, (2 ed.; New York: Macmillan Publishing Company, Inc.), 467.

¹¹Donna H. Kerr, "Teaching Competence and Teacher Education in the United States," Teacher's College Record, 84 (Spring, 1983), 527.

¹²Ibid., 528.

¹³Ibid., 531.

¹⁴Daniel L. Webb, "Teacher Evaluation," A Legal Memorandum: National Association of Secondary Principals, (December, 1983), 1.

¹⁵Harry J. Finlayson, "In Search of Quality: The Need for Talent in Teaching," Phi Delta Kappan, 61 (September, 1979), 69.

¹⁶Ibid., 69.

¹⁷ Edwin M. Bridges and Patricia J. Gumpert, The Dismissal of Tenured Teachers for Incompetence, Project Report No. 84-A1 made to the Institute for Research on Educational Finance, Stanford University, California., February, 1983 (Stanford, California: Institute for Research on Educational Finance and Governance, 1983), 10. Bridges and Gumpert's study of court cases involving teacher incompetence in state courts of appeal, state supreme courts, federal trial courts, federal appellate courts, and the United State Supreme Court found a total of eighty-six cases for a forty-year period beginning in 1940. Bridges and Gumpert's study attempted to "...locate as many court cases as possible which involved the dismissal of tenured teachers for incompetence."

The problem with their study, as with other studies of teacher incompetence, was their method for discovering cases where teachers were dismissed for incompetence. In the current study, fifty-five cases were found in Illinois alone. One should, therefore, question the methodological approach and findings of Bridges and Gumpert's study. This does not, however, diminish the research questions asked in their study or the model developed in their study for the management of teacher incompetence.

¹⁸ Neill, Staff Dismissal, 5.

¹⁹ Ibid., 5.

²⁰ Mayher, Power to Defend Excellence, 21.

²¹ Edwin M. Bridges, The Management of Teacher Incompetence, Project Report No. 83-A20 made to the Institute for Research On Educational Finance and Governance, Stanford University, California., February, 1983 (Stanford, California, 1983), 29.

²² Gene S. Jacobsen, David J. Sperry, and Boyd F. Jensen, "The Dismissal and Non-Reemployment of Teachers," Journal of Law Education, I (July, 1972), 346.

²³ Suzanne H. McDaniel and Thomas McDaniel, "How to Weed Out Incompetent Teachers Without Getting Hauled Into Court," The National Elementary Principal, 59 (March, 1980), 36.

²⁴ Bridges, Management of Teacher Incompetence, 4.

²⁵ J.H. Tigges, "What Constitutes Incompetency or Inefficiency," American Law Reports, 4 (3d. 1965), 1096.

²⁶ Paul Thurston, "Tenured Teacher Dismissal in Illinois, 1975-1979," Illinois Bar Journal, (March, 1981), 422.

²⁷ Robert W. Leli's unpublished doctoral dissertation entitled, "A History and Analysis of the Illinois Tenure Teacher Hearing Officer Act on Tenure Teacher Dismissal in Illinois," provides a detailed description of the political maneuvers that were employed to obtain passage of the Illinois Tenure Teacher Hearing Officer Act. Leli concludes from his analysis of the debates over Senate Bill 1371 and interviews with the legislatures who became involved with the

passage of Senate Bill 1371 that "the major conflict over Senate Bill 1371 centered on whether or not provisions of the proposed legislation would apply to the City of Chicago as well as downstate Illinois."

Another interesting finding of Leli's study was the fact that no witnesses testified at the Senate or House Education Committees hearings on Senate Bill 1371. It is hard to believe that so fundamental a change in the way boards of education dismissed personnel for cause should receive no attention from organizations or groups representing boards of education and school administrators.

²⁸The Illinois State Board of Education, The School Code of Illinois, (St. Paul, Minnesota: West Publishing Company, 1981), Ch. 122, sec. 24-11.

²⁹Bridges, Management of Teacher Incompetence, 24.

³⁰Thurston, "Tenured Teacher Dismissal," 428.

³¹Ibid., 431.

³²School Code of Illinois, Ch. 122, sec. 24-12.

³³Illinois State Board of Education, "Rules Governing Dismissal of Tenured Teachers," S.B.E. 500, sec. 3.01.

³⁴Ibid., sec. 3.02.

³⁵School Code of Illinois, Ch. 122, sec. 10-22.4.

³⁶George M. Kohut's unpublished doctoral dissertation entitled, "A Study of Public School Tenure Dismissal in Illinois Under Hearing Officers Procedures, 1983" is a comprehensive analysis of the substantive and procedural due process rights afforded tenured teachers by local school districts. Kohut's ambitious undertaking makes some of the same methodological errors found in other studies of teacher dismissal. Specifically, the conclusions Kohut reaches in analyzing hearing officer reports involving incompetence appear to be based on the examination of eighteen hearing officer reports. This number was arrived at by counting footnote citations where the content of hearing reports was used to document a specific conclusion reached by Kohut.

Although Kohut states in the beginning of his study that a "classification scheme was developed and utilized to group similar decisions," there is no mention in the study of the criteria used to select the eighteen cases for analysis or the methodology used to determine the substantive and procedural issues present in teacher incompetence cases in Illinois. This current study of Illinois hearing reports found fifty-five hearing reports dealing with the charge of teacher incompetence in the State of Illinois.

Kohut's study illustrates the problems inherent in research studies which state conclusions based on a few precedent setting cases. This is especially true when studying hearing officer cases where the attention paid to legal precedent is less rigorous than appellate court judges. For this reason content analysis was chosen as a method of examining hearing reports where the teacher was charged with incompetence. Such a method demands that a researcher establish quantitative aspects of court decisions. With the advent of the computer, the

content analysis of court decisions can become much more precise than the traditional precedent setting paradigm applied to most legal questions.

³⁷ MacNaughton, "With Preparation, You Can Clear the Teacher Termination Hurdles," 34.

³⁸ Bridges, Management of Teacher Incompetence, 5.

³⁹ Bridges, Dismissal of Tenured Teachers for Incompetence, 5.

⁴⁰ Ole R. Holsti, "Content Analysis," in The Handbook of Social Psychology, ed. by Gardner Lindsey and Elliot Aronson, II (Massachusetts: Addison-Wesley, 1968), 601.

⁴¹ Ibid., 610.

⁴² Richard E. Beringer, Historical Analysis: Contemporary Approaches to Clio's Craft, (New York: John Wiley and Sons, 1978), 225.

⁴³ Holsti, "Content Analysis," 598.

⁴⁴ Thurston, "Tenured Teacher Dismissal in Illinois."

⁴⁵ Bridges, Dismissal of Tenured Teachers for Incompetence, 6.

⁴⁶ Ibid.

⁴⁷ Ibid.

⁴⁸ Nan Spivey Spalding, "Data Related to Illinois Tenured Teacher Dismissal, 1975-81," Ed.D. dissertation, (Illinois State University, 1982).

⁴⁹ Robert William Leli, "A History and Analysis of the Illinois Tenure Teaching Hearing Officer Act on Tenure Teacher Dismissal in Illinois," Ed.D dissertation, (Northern Illinois University, 1983).

⁵⁰ George Kohut, "A Study of Public School Tenure Teacher Dismissal in Illinois Under Hearing Officer Procedures," Ed.D dissertation, (Illinois State University, 1983).

⁵¹ Holsti, "Content Analysis," 602.

⁵² The first four reasons for termination were developed by Paul Thurston in his article, "Tenured Teacher Dismissal in Illinois, 1975-1979." The reason "other" was developed by the researcher to classify teaching behaviors not specified in Thurston's study. The category "other" is defined in the definitions section of this paper.

⁵³ Illinois State Board of Education, "Rules Governing Dismissal of Tenured Teachers," S.B.E. 500, sec. 7.01.

54 "Dismissing Tenure Faculty: A Proposed Standard," New York University Law Review," 54 (October, 1979), 842.

CHAPTER II

REVIEW OF THE LITERATURE

Introduction

A search of the literature on teacher dismissal produced numerous citations on teacher and staff dismissal. Those citations were in two general categories: 1) The legalities of teacher dismissal; 2) Models that districts should adopt for the dismissal of teachers.

Although the literature on teacher dismissal invariably makes mention of the problems endemic to teacher incompetence, there were very few citations which dealt specifically with the topic of teacher dismissal for incompetence. For this reason, an overview is presented on the subjects which journals and papers focus on when the topic of teacher dismissal is examined.

Part 1 of the review of the literature presents an overview of the two topics which dominate the literature on teacher dismissal—legalities of teacher dismissal and models for teacher dismissal.

Part 2 of the review of the literature examines the literature on the management of incompetence in education.

Part 3 summarizes the findings of the literature on teacher dismissal in general and teacher incompetence in particular.

Legalities of Teacher Dismissal

The topic of teacher tenure dominates the literature on teacher dismissal.¹ The literature on tenure focuses on two questions: 1) What does tenure mean? 2) What are the implications of this meaning for public school education?

The answer to the first question appears to be fairly straightforward. However, the literature on teacher tenure often fails to provide a clear definition or explanation of the term. The difficulty with defining tenure is caused by articles which begin their explanation of tenure by answering question two—"what are the implications of tenure on public school education"?—before question one—"what does tenure mean"? The way one answers the "implications" question is often influenced by how one defines the term tenure. Therefore, the term should be defined first before considering implications.

Historically and legally, tenure laws in education have been passed by state legislatures to protect the classroom teacher from being arbitrarily or capriciously dismissed from his position.² These laws originated from the grievances of teachers who were dismissed from their positions by boards of education who were more sensitive to public or political pressure than academic standards.

The ideal of tenure laws is to maintain the right of a teacher, as a professional, to decide the two fundamental questions in an instructional program: 1) What content will be taught in the classroom? and 2) How will that content be taught?³ These two rights, argue teacher tenure advocates, should not be interfered with by parents or boards of education. Both groups, in the the opinion of teacher tenure advocates, lack the necessary expertise to answer these two

fundamental instructional questions.

Advocates of teacher tenure are quick to point out that historically, whenever parents and boards of education interfere with the teacher's right to decide the what and how of teaching, the consequence is poor quality education and the denial of teacher due process rights. For this reason, argue teacher tenure advocates, states were forced to pass teacher tenure laws to ensure that public school students received a quality education and to protect the due process rights of teachers.⁴

The right of a teacher to decide the what and how of his instructional program has been guaranteed by the passage of teacher tenure laws by state legislatures. These laws typically contain three provisions which protect teachers from arbitrary employment decisions of a board of education.⁵ The first provision usually outlines the necessary requirements a teacher needs to be considered a permanent full-time employee. This provision usually stipulates that a teacher must satisfactorily complete a probationary period before being granted all the rights and privileges of a permanent full-time employee. Depending on the state, this period can run from two to five years.⁶

When a teacher attains the status of a "permanent full-time employee," then the second and third provisions of a state tenure law become operative. The second provision of a state tenure law specifies the causes or reasons for which teachers maybe removed from their permanent position.⁷ One of the problems with state tenure laws is the failure of state legislatures to clearly define these "causes" or "reasons" for teacher dismissal.⁸

The failure of state legislatures to define "cause" for dismissal is a distinct handicap in the dismissal process when boards of education attempt to satisfy the third provision of a state tenure law. The third provision usually

prescribes the procedures which a board of education must follow in dismissing a tenured teacher for "cause." Among these "procedural guarantees" is the right to be given notice or a list of written charges for dismissal and the right to a hearing on these charges. Some states further specify that a teacher who is charged with a "remediable cause" should be allowed a period of time to "remediate" his deficiencies.⁹

The State of Illinois complies with the substance of all three of these provisions in Sections 10-22.4, 24-11, 24-12, and 34-15 of the Illinois School Code.

Section 24-11 of the Code stipulates that: "Any teacher who has been employed for a probationary period of two consecutive school terms shall enter upon continued service unless given written notice of dismissal stating the specific reason...." Section 24-11 also provides a time period (at least sixty days prior to the end of a school term) in which the board must notify the teacher of the dismissal charges. Section 24-11 further stipulates that if a board "...fails to give such notice," then the employee will be "...deemed reemployed."

Section 10-22.4 of the Code states the "causes" for teacher dismissal in the State of Illinois. These causes are: "...incompetency, cruelty, negligence, immorality or other sufficient cause...." The Code does not explain or define these "causes" for teacher dismissal.

Sections 24-12 and 34-15 of the Code outline the procedures which a board of education must follow in order to dismiss a tenured teacher. The two most important procedural guarantees contained in 24-12 and 34-15 are the right of the teacher to be presented with "specific charges," and the right of a teacher to a "hearing" before a "disinterested hearing officer."

The State Board of Education in Illinois has published two pamphlets which

present detailed descriptions of the procedures boards of education must follow in the dismissal of a tenured teacher.

There are only fifteen states in the United States which do not have teacher tenure laws. Even these states provide the teacher with notification and hearing rights.¹⁰

The procedural guarantees contained in most state teacher tenure laws---provisions two and three---are the ones which most opponents of teacher tenure laws believe are guaranteeing teachers a life-time teaching position.¹¹ The opponents of teacher tenure argue that court decisions and legislative mandates have created a complex web of procedures which boards of education must follow in order to dismiss a tenured teacher.¹² The complexity of these procedures, according to the opponents of teacher tenure, has resulted in the expenditure of much time and money by boards of education who decide to dismiss an incompetent teacher. Thus, because of the costs, tenure laws have all but eliminated any efforts by boards of education to deal effectively with inadequate instructional performance by a tenured teacher.

The debate over the effect of teacher tenure on public school education has generated more heat than light on the subject. The literature is partially to blame for not clearing up some of the myths or misinformation which currently surround the tenure question. Much of the literature on teacher tenure merely reproduces the arguments for and against teacher tenure.¹³ The reality of the meaning and impact of teacher tenure laws on public school education lies somewhere in between the arguments of the two opposing sides in the tenure debate.

When tenure laws and court decisions on tenure are read without their ideological implications, it becomes clear that tenure laws mean that the authority of boards of education to dismiss a tenured teacher is governed by

specific guidelines and procedures.¹⁴

Contrary to popular belief, however, school boards still retain the power to discharge a tenured faculty member for just cause. "Unfortunately...", as the editors of the New York University Law Review point out, the "...inaccurate interpretations of tenure's guarantees have clouded the legitimate power of administrators to determine staff dimensions."¹⁵

The conclusion reached by the editors of the New York University Law Review is a cogent one because much of the "cloudiness" surrounding the tenure question¹⁶ has been generated and perpetuated by the legal questions endemic to the granting and withholding of tenure. The early literature on tenure and teacher dismissal was consumed with the intricacies of these legal questions.

Two legal questions consume the literature on tenure and teacher dismissal. Both legal questions originated with court cases in the late sixties¹⁷ involving the non-reappointment of non-tenured teachers. The first question asked the courts to determine what actions or agreements by a board of education would entitle a probationary teacher to the same due process rights guaranteed a tenured teacher in a dismissal action. Once the courts had decided that probationary teachers in certain situations could be accorded the same due process rights as tenured teachers,¹⁸ the courts then were asked to determine what process is due a teacher in a dismissal action.¹⁹

The answer to the first question can be found in a myriad of state and federal court decisions dealing with the legal interpretation of "property interest rights" and "liberty interest rights" of non-tenured teachers.²⁰ In cases involving the question of "property interest", non-tenured teachers are asking the courts to grant them tenure based on statutory law or the contractual obligations of the board of education.²¹

If teachers are able to prove that, by reason of their service in the district, they have established a legitimate entitlement to continued employment or tenure, then the board of education must provide them with the same procedural rights that a tenured teacher possesses.²² The failure of the teacher to prove that he has a "vested" or "property" interest in the position means that a board of education can dismiss the teacher without following the due process requirements of the constitution or state law.²³

"Liberty interest" disputes are similiar to "property interest" suits in that a non-tenured teacher is asking the courts to provide the dismissed teacher with the same due process rights as a tenured teacher.²⁴ The difference between each type of legal action is that in "property interest" suits, non-tenured teachers are attempting to substantiate the fact that they have a vested interest in their position by reason of their length of service or a contractual obligation, while in a "liberty interest" dispute, non-tenured teachers are claiming that certain actions by the board of education in a dismissal action have placed their good names, reputations, or integrity in jeopardy.²⁵ The courts have ruled that when a board of education damages a teacher's reputation, then that teacher must be provided reasons for dismissal and a hearing on those reasons.²⁶

An issue related to "property and liberty interest" disputes is cases involving substantive due process claims. In these cases teachers contend that their dismissal by a board of education was based on certain actions in or out of the classroom which are protected by the first amendment to the United States Constitution.²⁷ Boards of education who cannot substantiate a teacher dismissal action without the introduction of evidence involving a protected constitutional right will usually be ordered by the courts to reinstate the teacher.²⁸

The second issue, which has become the major focus of the literature on

the legalities of teacher dismissal, is the question of what due process rights are teachers guaranteed when the courts recognize the existence of a liberty or property claim on the part of the dismissed teacher. In other words, how much due process is due?²⁹

Court decisions involving due process questions in teacher dismissal cases have made a distinction between due process rights, which should be present in the dismissal action, i.e. notice, hearing, counsel, introduction of evidence and the due process rights which should be present during the supervisory evaluative process, i.e. knowledge of performance standards, notice and feedback of instructional deficiencies, and sufficient time and guidance to correct the stated deficiencies.³⁰

The early literature on teacher dismissal focused on the traditional due process guarantees which should be present in a teacher dismissal hearing. The current literature on due process claims in teacher dismissal cases has changed its emphasis to due process questions involving the rights which should be present in the evaluative process.

Although there has been a distinct change in the emphasis paid to due process claims in the literature, administrative journals continue to focus attention on cases where boards of education have failed to follow proper due process procedures. Cases relating to the instructional effectiveness of a teacher or judgments regarding a particular teacher's competence are downplayed.³¹

Perhaps, as some court observers suggest, the emphasis on due process concerns reflects the courts' preference for accepting the local school boards' judgment in issues involving instructional competence.³² Whatever the reason for this focus on due process questions, the fact remains that courts have been reticent to interfere with a local board of education's right to prescribe

acceptable curriculum and instruction in its district.³³ This does not mean that boards of education have pursued this right energetically. In fact, court cases in the last five years have been quite critical of the content and clarity of the policies and procedures boards of education adopt in the areas of curriculum and instruction. This is especially true in cases where the statutory causes for dismissal are so vague.

The neglect of curriculum and instruction by boards of education is similar to the neglect of teacher due process rights exhibited by boards of education in early dismissal hearings. Court decisions and articles on teacher dismissal repeatedly urge school boards and school administrators to adopt policies and procedures which clearly prescribe their curriculum and instructional expectations.³⁴ The courts have further directed boards of education to communicate their curriculum and instructional expectations to their teaching staffs.³⁵ If boards of education continue to neglect their right to prescribe curriculum and instruction, as they neglected the due process rights of teachers in early dismissal hearings, then the courts may be forced to begin creating their own standards of what is acceptable curriculum and instruction in the classroom.

The legalities of teacher tenure are not the only legal concerns which appear in the literature on teacher dismissal. Journal articles on teacher dismissal have reflected the legal concerns of the time periods in which they were published. In the late sixties, for example, the courts became preoccupied with the civil rights' violations of black teachers who were dismissed by boards of education. The literature on teacher dismissal for that period contains many articles on the case law surrounding civil rights violations and the policies and procedures that boards must adhere to in dismissing black teachers from public schools.³⁶

Recently, the literature on teacher dismissal has become preoccupied with the legalities of state evaluation mandates and the authority of school boards to dismiss tenured teachers. Both concerns reflect a renewed interest in teacher accountability in particular, and the role that boards of education play in implementing accountability programs in general. The proliferation of merit pay plans for teachers has given additional impetus to answering the questions posed in the literature on the right of boards of education to prescribe what they consider to be acceptable curriculum and instruction.³⁷

Although it would appear that recent literature on teacher dismissal has given undue attention to the authority of school boards to dismiss teachers, the merit plan concept has brought back in the literature the same due process questions which dominated the tenured teacher debate. Essentially, proponents of teacher tenure are concerned that merit pay plans are denying teachers due process rights in the name of accountability. For this reason, proponents of teacher tenure have begun writing articles on cases which question the right of boards of education to deny a teacher a raise in pay or promotion without an evaluation system which preserves the right of the teacher to be clearly informed of the criteria which will be used to evaluate merit.³⁸

The question of what criteria should be used to judge the merit of a teacher and/or the dismissal of an incompetent teacher has produced a number of books and articles on the policies and procedures which boards of education should adopt in evaluating and dismissing a tenured teacher. These "models of teacher dismissal" form the second general category of books and articles on teacher dismissal.

Models of Teacher Dismissal

Searches of the literature on teacher dismissal and a reading of the articles and books on teacher dismissal make it clear that professional educators are concerned about teacher incompetence. It is equally clear, however, that this concern has not resulted in a significant increase in teacher dismissal actions for incompetence or systematic studies of the subject by educators.³⁹ The literature on teacher dismissal presents a number of reasons for administrative paralysis when it comes to pursuing an incompetent classroom practitioner.

Foremost among these reasons for administrative paralysis is the complexity and rigidity of teacher tenure laws.⁴⁰ The legal problems which arise in a teacher dismissal action have already been described in the section on the "legalities of teacher dismissal." It is sufficient to say that court decisions dealing with the due process rights of teachers and the rights guaranteed teachers under statutory tenure laws have, in the minds of many professional educators, made it all but impossible to dismiss an incompetent classroom teacher.

Another cause offered for administrative paralysis in teacher incompetence cases are the theories and methods of the clinical school of supervision.⁴¹ The clinical supervisory model adopted by most supervisory textbooks and journals originated with the research conducted by Thomas J. Sergiovanni and Morris Cogan.

Supervisors who adopt the Sergiovanni-Cogan paradigm of supervision ideally attempt, through a non-threatening supervisory process, to create situations and dialogue which allow the teacher and supervisor to analyze together any instructional problems which exist in the classroom.⁴² Administrators schooled in this theory would experience some difficulty in

applying procedures and policies which demand an adversarial approach to supervision. If the literature on teacher dismissal is clear about any issue, it is the recognition that the dismissal of a teacher demands the intrusion of an adversarial process to determine the veracity of the charges brought against the teacher by a board of education.⁴³

It is interesting to note that recent studies by O'Reilly and Weitz of marginal employees in the private sector have found that the overwhelming majority of studies on the effective performance of employees has concentrated on the "recruiting, selecting, and training" of the best person for the position. The private business sector, according to O'Reilly and Weitz, has spent considerable time and money attempting to design jobs and plant environments that are "satisfying and motivating as well as productive."⁴⁴ O'Reilly and Weitz concluded from their review of the literature on marginal employees that the private sector has given little attention to the problems of dealing with employees "who are hired, trained, and managed, yet remain ineffective or marginal performers."⁴⁵

O'Reilly and Weitz carried their research of marginal performers one step further by conducting studies of the effect of sanctions on marginal employees. These studies found that the more frequent use of sanctions by supervisors was associated with increased performance of employees. O'Reilly and Weitz concluded their study of marginal employees with the premise that sanctions may play an important part in the development and maintenance of productivity norms.⁴⁶

The basis for these findings is the theoretical premise that the failure of a supervisor to identify and deal with marginal employees may result in lowered job performance and motivation of the entire work force. This premise is especially applicable to the teaching profession where superior and inferior teaching

performances receive the same monetary and status rewards.

O'Reilly and Weitz' study of marginal employees in the private sector is one among many studies which is beginning to question the veracity and effectiveness of supervisory models which emphasize cooperation as a means of remediating inadequate job performance.

The other frequently mentioned reason for administrative paralysis in teacher dismissal actions is the assertion that, at their worst, school administrators are inept and, at their best, ignorant of the laws and pedagogical skills necessary to detect, remedy, and/or sanction incompetent classroom practitioners.⁴⁷ These articles insist that the expense, time, and poor results of teacher dismissal cases are not the result of complex teacher tenure laws, but rather the lack of expertise on the part of school administrators.

For this reason, there have been a variety of books and articles published which present models or detailed descriptions of the policies and procedures boards of education should adopt and administrators should implement to dismiss a marginal or incompetent employee. These models are usually derived from a synthesis of court decisions which specifically speak to the issue of teacher dismissal.

The legal issue most frequently addressed in these dismissal models is the due process rights boards of education must provide teachers throughout the entire dismissal process. These models prescribe policies and procedures which specifically state the due process rights boards of education should adopt and adhere to during the dismissal of a tenured teacher.⁴⁸

The other policy, which dismissal models suggest that boards of education include in their policy manuals, is a detailed description of the process that will be used to evaluate inadequate teaching behaviors. The literature on teacher

dismissal in general, and models for teacher dismissal in particular, has devoted more space to the steps boards of education should follow in the evaluative process than any other policy or procedure in the dismissal process. Dismissal models continue to place an emphasis on policies and procedures which prescribe process over substance. The emphasis on process in most teacher dismissal models reflects the concern of early court decisions with ensuring the due process rights of the dismissed teacher. The literature on teacher dismissal and the models promulgated by the literature still consider the due process rights of the teacher to be a priority concern for a board of education that anticipates dismissing a tenured teacher for cause.⁴⁹

The final policy, which dismissal models suggest that boards of education adopt, is a detailed description of the criteria which will be used by a board of education to evaluate acceptable instructional behaviors.⁵⁰ While models for dismissal generously provide model policy statements on the the due process rights of teachers, they provide little, if any, model policy language for describing acceptable instructional behaviors.

As will be pointed out later in this review of the literature, the emphasis on process over substance in the dismissal of a tenured teacher for cause is a fatal flaw in any dismissal process. The recent literature on teacher dismissal has begun to warn boards of education of the consequences of not specifically informing their staffs of the types of instructional behaviors they expect from their teachers on a daily basis.⁵¹

In addition to providing a general outline of the policies and procedures which boards of education should adopt for the dismissal of a tenured teacher, most dismissal models include sample policy statements on certain specific issues which the courts have addressed in teacher dismissal cases. These model policy

statements address the following issues in the dismissal of a tenured teacher for cause:

1. Boards of education should identify the acceptable knowledge and skill levels teachers must possess in order to be considered competent in those districts. These standards must be communicated to the teaching staff.⁵²

2. Boards of education must establish an evaluation system which accurately and fairly rates the performance of a teacher using the instructional criteria prescribed by the board of education.⁵³

3. Boards of education must provide a teacher with proper notice of inadequate performance. This "proper notice" should include: a specific list of the instructional deficiencies exhibited by the teacher; a specific list of recommendations to correct the alleged deficiencies; adequate help and guidance to correct the alleged deficiencies; and most importantly, enough time to remediate the alleged instructional deficiencies.⁵⁴

4. Boards of education who decide to dismiss a tenured teacher for cause should schedule a hearing on the charges. The teacher should be provided with the specific charges for dismissal and an adequate period of time to prepare a defense. At the hearing the teacher should be provided with the following due process guarantees: right to counsel; right against self-incrimination; right to present evidence and cross-examine witnesses; right to the access of records and reports in possession of the school district; right to compulsory attendance of witnesses; right to the correct application of the necessary standard of proof; and the right to a written record of the hearing.⁵⁵

5. Boards of education who intend to terminate a teacher for inadequate performance should have policies and procedures in place which govern a comprehensive documentation system. This documentation system should include:

a list of the supervisory personnel who are responsible for the collection of data; a detailed description of the types of data which should be collected; and in what form the data should be recorded and reported.

The most comprehensive model for the dismissal of a tenured teacher is Newell Jenkins' manual, Formal Dismissal Procedures Under Illinois Teacher Tenure Laws. The first part of Jenkin's guide to teacher dismissal presents the legal implications of the teacher tenure law in Illinois and the Illinois Tenure Teacher Hearing Officer Act for boards of education who initiate a teacher dismissal action against a tenured teacher. Included in this legal explanation are suggested procedures which boards of education should adopt in order to be in compliance with teacher dismissal laws in Illinois. Jenkins' guide also provides similar legal explanations and procedural guidelines for non-tenured teachers.

The final chapter of Jenkins' dismissal manual presents a number of sample forms which contain model formats and language for different procedures in the dismissal process. Each of these forms addresses a specific legal issue and/or procedural stage in the teacher dismissal process.

It should be noted that there are very few teacher dismissal guides on the market today that are as comprehensive as the Jenkins' manual. There are quite a few articles, journals, and papers which pretend to offer comprehensive dismissal models. In fact, most of these models describe a particular legal issue in the dismissal process and then provide boards of education with suggestions on how to comply with the court decisions and statutory laws pertinent to that issue.

When the models for the dismissal of tenured teachers are read in their entirety, they often present a confusing collage of legal issues and "cookbook" approaches for the dismissal of a tenured teacher. A careful reading of this

collage of cases and advice finds a great deal of attention paid to contemporary issues in education (e.g. Civil Rights, merit pay) or issues which have been addressed over and over again by the courts or other commentators on teacher dismissal. The "cookbook" approach provides advice based on very few court decisions or legislative regulation. The "contemporary legal issues" approach makes it appear to boards of education that if they focus on certain legal issues in the dismissal process, then they will be successful in prosecuting their case.

The issue which has preoccupied most of the literature on teacher dismissal and "comprehensive" models on teacher dismissal is the due process rights of teachers who are being dismissed for cause by a board of education.⁵⁶ Certainly, no one who has read the literature or court decisions on teacher dismissal can deny the fact that boards of education in early teacher dismissal cases often disregarded the due process rights of tenured teachers. At the same time, however, it is important to note that many of the concerns about due process rights of dismissed teachers have now been remedied by boards of education. Yet, the literature and comprehensive models on teacher dismissal continue to emphasize due process rights of teachers while neglecting other issues which have become equally important in the dismissal process.

The issue, which has been ignored in the literature on teacher dismissal and continues to be neglected by the courts and commentators on the subject of teacher dismissal, is the management of incompetence in education.⁵⁷ This does not mean that the literature on teacher dismissal is not concerned with teacher incompetence. In fact, as mentioned in this section, there has been considerable comment in the literature on teacher incompetence. This comment, however, has consisted primarily of diatribes against the inflexibility of the teacher tenure laws or the lack of leadership by administrators who tolerate incompetent

practitioners on their staffs. There are few research studies on the nature of incompetence in our teaching force or how to deal effectively with incompetence once it is detected. The literature must go beyond the efforts of the research summarized in the next section in order to provide boards of education with complete models for the dismissal of a tenured teacher.

Management of Incompetence in Education

Much of what is written on teacher dismissal can be categorized as "saber rattling" or righteous indignation literature. This literature spends page after journal page castigating public school education, boards of education, and school administrators for their failure to get rid of incompetent practitioners in the classroom. The problem with most of these articles is that they are long on indignation and short on substantive suggestions for dismissing incompetent teachers.

The reason why articles on incompetence in public school classrooms are short on substantive advice for dismissing incompetent teachers is their emphasis on the effects incompetent teachers have on students and their colleagues. Most of the space in these articles is consumed with asserting the obvious--- that poor teaching hinders student learning. These articles usually conclude with the equally trite suggestion that boards of education and school administrators can deal effectively with teacher incompetence if they merely get out of their office more. None of these articles however provides a comprehensive or systematic approach to the management of incompetence in public schools.⁵⁸

There are journal articles and books which thoughtfully address the issue of teacher incompetence. These articles typically analyze a particular legal or

administrative issue related to teacher incompetence cases. The problem with these articles is their failure to fully develop all the issues present in teacher incompetence cases in a systematic and comprehensive manner. The following review of the literature on teacher incompetence is an effort to place the limited attempts at addressing the issues in teacher incompetence cases into a coherent framework for analysis.

The only systematic approach found in the literature regarding the management of teacher incompetence was created by Edwin M. Bridges in his recent study of teacher incompetence for the Institute for Research on Educational Finance and Governance. Bridges introduces his study of teacher incompetence by stating that the literature contains no model for the management of "inept performers" in the public or private sector.⁵⁹ Bridges believes that if boards of education and school administrators are going to successfully manage teacher incompetence, they must begin to address the issues and questions posed in his study of teacher incompetence.

Bridges' model divides the management of teacher incompetence into two stages---the detection stage and the response state. For each stage Bridges poses a question which has not been addressed in the literature on incompetence, and, he outlines a series of approaches which researchers should pursue in finding a comprehensive answer to that question.⁶⁰

Detection Stage

The detection stage in Bridges' model for the management of incompetence attempts to find the answer to "what constitutes incompetence in the classroom?"⁶¹ Bridges contends that this question must be answered before a purposeful approach

to the management of incompetence can be adopted by a board of education or school administrator. Bridges suggests several issues which researchers need to explore before a systematic and comprehensive answer can be developed for this question.⁶² These issues can be reduced to seven questions which researchers and school administrators should answer before initiating a dismissal action for incompetence.

1. What is the meaning of incompetence?

2. If the agreed upon meaning of incompetence contains characteristics which cannot be applied to teacher behaviors in the classroom, then what criteria need to be inserted to make the meaning of teacher incompetence operational?

3. What basis---pedagogical, contractual, supervisory---was used to formulate the criteria for the operational definition of teacher incompetence?

4. Why are different types of instructional failure considered to be important in some districts and inappropriate in other districts?

5. What is the frequency with which particular types of teacher incompetence occur in schools?

6. What is the character of teacher failure? Bridges describes "character of teacher failure" as the need to know whether the teacher failure was the result of "repeated shortcomings" or a "single instance."

7. What types of evaluation systems are going to be used to "detect" the deficient teaching behaviors described in the definition of incompetence?⁶³

The questions posed in the detection stage of Bridges' model for the management of incompetence provide a comprehensive outline for districts intending to create policies and procedures for the dismissal of a teacher for incompetence. Based upon the legal issues present in the literature on teacher

dismissal, school districts would be well-advised to answer all the questions posed by Bridges in the most systematic and comprehensive manner possible. The literature and court decisions are replete with cases of school districts which failed to dismiss a tenured teacher for incompetence because their administrative staffs neglected to fully answer one or more of the questions posed in the detection stage of Bridges' model.

Unfortunately for boards of education, the literature on teacher incompetence provides no comprehensive answer to the questions asked in the detection stage of Bridges' model. What does appear in the literature on teacher incompetence is a variety of books and articles which touch on certain aspects of each question in the detection stage. Even these articles and books typically degenerate into a "how to" or "helpful hints" approach to dismissing an incompetent teacher. This approach is most apparent in the two most frequently addressed topics in the literature on the dismissal of a teacher for incompetence---evidentiary standards for the dismissal of a tenured teacher for incompetence, and teacher evaluation.

There are many articles on the subject of teacher incompetence which offer suggestions to boards of education on the types, amount, and methods of collecting and presenting evidence in teacher incompetence cases. These suggestions can be reduced to the following five basic standards of evidence which boards of education should adhere to in dismissing a tenured teacher for incompetence:

1. The definitions, or criteria, boards of education develop for teacher incompetence should prescribe a standard of performance which can be used to evaluate other teachers in similar positions. Boards of education, according to this standard of evidence, should not prescribe for their teachers a "hypothetical

standard of perfection" which only a few teachers can attain.⁶⁴

2. Boards of education who initiate a teacher dismissal action must have "substantial evidence" to justify incompetence. This evidence should prove that the teacher charged with incompetence exhibited deficient instructional behaviors over a period of time. The literature recommends that boards of education not initiate a teacher dismissal action for incompetence based on a single or isolated example of an inadequate instructional practice.⁶⁵

3. The evidentiary standard which consumes most of the literature on the dismissal of a teacher for incompetence is the amount and type of documentation which is necessary to succeed in a teacher dismissal action. The most succinct summary of the advice on documentation systems is the necessity of everyone involved in supervision of the incompetent teacher to "document, document, document."⁶⁶ There is no such thing in teacher dismissal cases as "too much" documentation. Most dismissal cases for incompetence are lost, according to the literature, because of documentation systems which are quantitatively and qualitatively inadequate.⁶⁷

4. Recent literature on teacher dismissal for incompetence has recommended that boards of education present evidence in dismissal cases substantiating the fact that teachers charged with incompetence were provided with adequate time and guidance to remediate their teaching deficiencies. Earlier literature on teacher incompetence spent a great deal of space on the difference between remediable and irreparable teaching behaviors.⁶⁸ The current literature on teacher incompetence suggests that only in cases where the teaching behavior is presenting a clear and present danger to students should the board of education declare the behaviors of the teacher as irreparable. Another question associated with the remediation problem is how long should a board of education

provide a teacher to remediate his teaching deficiencies? The most succinct answer offered in the literature on remediation is "the longer the better." Before the courts will dismiss a teacher for incompetence, they must be convinced that boards of education made a commitment in time and personnel to help the teacher charged with incompetence to correct the deficiencies described in evaluation instruments.⁶⁹

The final standard of evidence addressed by the literature on teacher incompetence is the requirement that boards of education prove that the inadequate instructional performance of a teacher had an adverse effect on students. Although the literature has yet to explore this issue in any depth, it is apparent that the courts are not satisfied with evidence produced by boards of education which merely proves that a teacher did not comply with the standards of instructional competence prescribed by the board of education. These standards, according to the recent literature on teacher incompetence, should have a direct relationship to the instructional outcomes of the students served by the school district.⁷⁰ The question which this standard creates, and is presently being debated in the literature on evidentiary guidelines, is how can the "direct relationship" between instruction and student outcomes be measured and are these measures reliable and valid?

The other topic which dominates the literature on teacher dismissal for incompetence is the detection stage of Bridges' model for managing teacher incompetence is teacher evaluation. Probably no topic in the literature on teacher dismissal receives more attention than the policies and procedures boards of education should adopt in evaluating an incompetent teacher. The answers to the following four questions posed in the literature on the evaluation of teacher incompetence provide the basis for the content of articles dealing with teacher

evaluation in general and the evaluation of teacher incompetence in particular:

1. Which school personnel should or will assume the responsibility for applying the teacher evaluation process?

2. What criteria should be used to evaluate the performance of teachers?

3. What format should the evaluation instrument conform to in order to rate and/or describe the performance of the teacher in relationship to the criteria for adequate instructional performance prescribed by a board of education?

4. What steps or stages should be included in the teacher evaluation process in order to satisfy the evidentiary standards prescribed by the courts in teacher dismissal actions?

The objective of this review of the literature is not to provide a comprehensive answer to these four questions. The detection and evaluation of teacher incompetence demand, however, that boards of education and the literature on the evaluation of teacher incompetence answer all of these questions in a comprehensive manner. The current literature on teacher evaluation offers boards of education evaluation models based on the answers to one or two of the questions posed above. By focusing on only one or two of the components of the evaluation process, the literature on teacher evaluation often becomes a kaleidoscope of models and prescriptions which provide simplistic answers---"document, document, document"---for a complex process.

What makes the detection and evaluation of teacher incompetence a complex process is the need to prescribe the teaching behaviors which constitute effective teaching. The criteria or behaviors for competent instruction must be agreed upon by a board of education before the other components of the teacher evaluation process can become operational. Unfortunately, the literature on

teacher evaluation is all but silent on the topic of what constitutes effective teaching or what criteria should be used to judge effective teaching.

The failure of the literature on teacher evaluation to address the question of what is effective teaching poses a distinct handicap to the development of any evaluation system which attempts to detect incompetent teaching.⁷¹ All of the questions posed in the detection stage of Bridges' model for the management of teacher incompetence assume that the board of education knows what behaviors constitute competent teaching.

When the literature does address the question of the criteria boards of education should adopt to evaluate competent instruction, the question which preoccupies journal articles on teacher incompetence is: "what constitutes inadequate teaching performance?" The answer to this question may appear to include the answer to what is "effective teaching." The literature on the detection of incompetence, however, typically avoids answering the effective teaching question and instead focuses on the behaviors which constitute inadequate teaching performance or the problems endemic to formulating a definition for teacher incompetence.⁷²

The statutory laws and the literature on the causes of inadequate teaching performance list a number of teaching behaviors which have become associated with teacher incompetence.⁷³ The teaching behaviors which are most frequently analyzed by the literature on inadequate teaching performance are: insubordination, teacher absences, personal misconduct, immorality, violation of school rules, neglect of duty. Each of these causes for inadequate teaching performance has been associated with or included in the definitions of teacher incompetence. This association has drawn attention away from the questions of what teaching behaviors constitute effective instruction to the legal questions

and descriptions related to the causes for inadequate teaching performance.

There are two reasons why boards of education in early teacher dismissal cases selected inadequate teaching behaviors such as personal misconduct, insubordination, failure to report to duty, immorality, and physical abuse, as causes for dismissing a tenured teacher. First, these inadequate teaching behaviors were recognizable to boards of education. School administrators who reported such acts to their boards of education had little difficulty in describing the types of behaviors which constituted these causes for dismissal. Second, and perhaps more importantly, boards of education perceived these behaviors as an immediate threat to the efficient operation of the school district. Thus early dismissal cases concentrated more on the personal behaviors of teachers than on their instructional performance in the classroom.

The few attempts in the literature to differentiate the instructional components of teacher competence from the personal inadequacies of teachers resulted in long lists of instructional techniques which all good teachers should be using in their classrooms.⁷⁴ These lists, especially the ones which appeared in the early literature on instructional effectiveness, were just a compilation of a particular authors' personal beliefs about what was good teaching.

At their worst, these lists of personal beliefs lack any basis in the research on teacher effectiveness. At their best, these lists of personal beliefs are never placed into a coherent scheme or model which can be applied to real teaching situations.

For this reason, the literature on the detection of teacher incompetence focused on the detection process—evidentiary guidelines, teacher evaluation process---rather than the instructional components of teacher competence—lesson planning, grouping, time-on-task, direct teaching, formative

questioning, and so forth.

The emphasis on process rather than substance in the detection of teacher incompetence has resulted in an abundance of articles and books containing list after list of the steps that school administrators should follow to deal effectively with inadequate instructional performance. The salient shortcoming of all these lists or models for dismissal is that they rarely present a clear description of the instructional behaviors which constitute effective instruction.

Thus far, the literature on teacher dismissal and teacher incompetence has not recognized or included in its models or prescriptions the findings of the research on teacher effectiveness.⁷⁵ The literature and in-service activities of professional organization are attempting to remedy this deficiency by publishing articles and presenting workshops and seminars on the components of effective teaching.⁷⁶ Only when professional educators include an instructional component in the detection stage of teacher incompetence will any model, policy or procedure for the dismissal of a tenured teacher for incompetence be effective.

Response Stage

The final stage in Bridges' model for the management of incompetence in education is called the response stage. The response stage in Bridges' model provides the following alternatives or responses which boards of education and school administrators may adopt in dealing with teacher incompetence: "sidestep the problem," "engage in symbolic action," "undertake remedial efforts," and/or "impose sanctions." As Bridges points out, none of these managerial actions has ever been subjected to empirical investigation in an educational setting.⁷⁷

The literature on teacher incompetence makes it clear why these responses

have not been systematically examined or, for that matter, why boards of education and their staff prefer to "sidestep" or "symbolically" react to teacher incompetence. Simply put, the response stage can only become operative when boards of education and their administrative staffs have become aware of incompetence through some formalized detection process. The Bridges' model for the management of teacher incompetence assumes that the detection process used by boards of education and school administrators has systematically addressed all the questions posed in the detection stage of Bridges' model.

Although Bridges makes no claims for his model, the literature is filled with cases where boards of education and school administrators lost a dismissal action because they responded to the behavior of a teacher before answering all the questions posed by Bridges in the detection stage for the management of teacher incompetence. The failure of boards of education and school administrators to look before leaping has all too frequently weakened or terminated whatever response they have decided to initiate.

Boards of education and school administrators have for years wrongly blamed their poor results regarding teacher incompetence actions on their response to teacher behaviors rather than the detection and management of these behaviors. For this reason, boards of education and school administrators have concluded that the best way to deal with teacher incompetence is not to deal with it at all or to engage in symbolic acts---writing job descriptions, writing policy manuals and so forth.

If boards of education elect to respond to teacher incompetence in a meaningful way---"undertaking remedial action" or "imposing sanctions"---then it is imperative that the questions in the detection stage of Bridges' model be systematically and completely asked and answered. Until the literature on

teacher dismissal in general and teacher incompetence in particular addresses the questions posed in the detection stage of Bridges' model, boards of education and their administrative staffs will not effectively remediate or sanction the inadequate instructional behaviors of teachers.

Summary

It is clear from the literature that boards of education and school administrators are concerned about teacher incompetence. It is equally clear, however, that school administrators and boards of education presently do not possess a comprehensive or systematic approach to detecting or responding to incompetence in the classroom.

The literature on teacher incompetence offers a variety of reasons for the failure of school administrators to successfully manage teacher incompetence. Based upon the number and content of the articles written on teacher incompetence, the literature appears to blame the failure of boards of education to pursue teacher incompetence on the legal complexities of teacher tenure laws or the failure of boards of education to provide teachers with the appropriate procedural rights in the dismissal process.

Recent articles in the literature on teacher incompetence have begun to suggest that the salient problem with most articles or models on the dismissal of incompetent teachers is the failure to define and remediate ineffective instructional behaviors. In addition to this inherent shortcoming, recent studies of teacher incompetence have discovered that there has been "little empirical work" on the subject of managing the inept performer in the public or private sector. What exists in the literature on teacher incompetence, in the words of Edwin M.

Bridges, is "impressions, opinions, and prescriptions."

The purpose of this study was to analyze selected variables in cases of teacher incompetence in the State of Illinois. Each variable was systematically analyzed according to prescribed rules. The use of content analysis on each case of teacher incompetence attempts to establish empirical validity for the findings of the study.

The analysis of teacher incompetence cases in the State of Illinois in the next chapter begins to examine variables in teacher incompetence cases which have never been examined in a systematic manner. The results of this content analysis of incompetence cases attempt to provide the empirical data necessary to formulate a comprehensive approach to the management of teacher incompetence.

END NOTES

¹ Robert W. Leli in his unpublished doctoral dissertation, "A History and Analysis of the Illinois Tenure Teacher Hearing Officer Act on Tenure Teacher Dismissal in Illinois," provides a comprehensive summary of the historical development of teacher tenure from 1900 to the present.

² MacNaughton, "With Preparation, You Can Clear the Teacher Termination Hurdles," 80.

³ Linda Wilkins Rickman, "The Teacher Tenure Controversy," The Educational Forum, 46 (Fall, 1981), 9.

⁴ Leli, "History and Analysis of Illinois Tenure Hearing Officer Act," 25-28.

⁵ Stanley M. Elam, "Some Observations On Incompetence," Phi Delta Kappan, 60 (January, 1980), 337.

⁶ Patricia Palker. "Tenure: Do We Need It?" Teacher, 97 (May-June, 1980), 37.

⁷ Ibid.

⁸ Neill, Staff Dismissal, 8.

⁹ Robert K. Roney and Irma O. Perry, "Where the Buck Stops: Tenure Laws and Incompetency," NASSP Bulletin, 61 (February, 1977), 49-50.

¹⁰ Rickman, "The Teacher Tenure Controversy," 14.

¹¹ Neill, Staff Dismissal, 9.

¹² Palker, "Tenure: Do We Need It?" 38.

¹³ Rickman, "Teacher Tenure Controversy," 15.

¹⁴ Roney, "Where the Buck Stops," 45.

¹⁵ "Dismissing Tenure Faculty," 828.

¹⁶ Ibid.

¹⁷ Robert E. Phay, Legal Issues in Public School Administrative Hearings, (Topeka, Kansas: A Nolpe Monograph Series, 1982), 10.

¹⁸ Ibid., 14.

- ¹⁹ Joseph C. Beckham, Legal Issues Of Teacher Evaluation, (Topeka, Kansas: National Organization on Legal Problems, 1981), 11.
- ²⁰ Phay, Legal Issues In Public School Administrative Hearings, 10.
- ²¹ McDaniel, "Weed Out Incompetent Teachers," 32.
- ²² Webb, "Teacher Evaluation," 12.
- ²³ Beckham, Legal Aspects of Teacher Evaluation, 8.
- ²⁴ McDaniel, "Weed Out Incompetent Teachers," 32.
- ²⁵ Harold J. Rood, "Legal Issues in Faculty Termination," Journal of Higher Education, 48 (March/April, 1977), 137.
- ²⁶ Phay, Issues in Administrative Hearings, 14.
- ²⁷ Dudycha, "Illinois Teacher's Right to Retention," 88.
- ²⁸ Beckham, Legal Aspects of Teacher Evaluation, 6.
- ²⁹ Ibid., 11.
- ³⁰ Robert J. Munnely. "Dealing With Teacher Incompetence: Supervision and Evaluation in a Due Process Framework," Contemporary Education, 50 (Summer, 1979), 222-223.
- ³¹ Ibid., 221.
- ³² Dean L. Webb, "Teacher Evaluation," A Legal Memorandum, (Virginia: National Association of Secondary Principals, 1983), 2.
- ³³ Munnely, "Dealing With Teacher Incompetence," 221.
- ³⁴ William H. Holley and Hubert S. Field, "The Law and Performance Evaluation in Education: A Review of Court Cases and Implications for Use," Journal of Law and Education, 6 (October, 1977), 843.
- ³⁵ Dolgin, "Two Types of Due Process," 19.
- ³⁶ Beckham, Legal Aspects of Teacher Evaluation, 12-32.
- ³⁷ Karen Klein, ed. Merit Pay and Evaluation, (Bloomington, Phi Delta Kappa, 1984).
- ³⁸ Webb, Teacher Evaluation, 8.
- ³⁹ Bridges, Dismissal of Tenured Teachers for Incompetence, 4.
- ⁴⁰ Palker, "Tenure: Do We Need It?" 38.

⁴¹ Thomas J. Sergiovanni and Robert J. Starratt, Emerging Patterns of Supervision: Human Perspectives, (New York: McGraw-Hill Book Company, 1971).

⁴² Thomas J. Sergiovanni, ed. Professional Supervision for Professional Teachers, (Alexandria, Virginia: Association for Supervision and Curriculum Development, 1975), 28.

⁴³ Neill, Staff Dismissal, 41-52.

⁴⁴ Charles O'Reilly and Barton A. Weitz, "Managing Marginal Employees: The Use of Warnings and Dismissals," Administrative Science Quarterly, 25 (September, 1980), 467.

⁴⁵ Ibid.

⁴⁶ O'Reilly, "Managing Marginal Employees," 462.

⁴⁷ David S. Rosenberger and Richard A. Plimpton, "Teacher Incompetence and the Courts," Journal of Law and Education, 4 (1975), 470.

⁴⁸ There are a number of monographs which specifically list the due process rights boards of education must guarantee teachers in a dismissal hearing. The most comprehensive lists are contained in the following monographs: Robert Phay, Legal Issues in Public School Administrative Hearings, (Topeka, Kansas: A Nolpe Monograph, 1982), Joseph C. Beckham, Legal Aspects of Teacher Evaluation, (Topeka, Kansas: National Organization on Legal Problems, 1981), Nelda H. Cambron-McCabe, "Procedural Due Process," in Legal Issues in Public School Employment, ed. by Joseph Beckham and Perry A. Zirkel, (Bloomington, Indiana: Phi Delta Kappa, 1983).

⁴⁹ Munnely, "Dealing With Teacher Incompetence," 221.

⁵⁰ Jerry D. Peterson, "Teacher Termination Hearings: The ABC's of Survival," NASSP Bulletin, 66 (December, 1982), 84.

⁵¹ Laura Means Pope, "State Regulation of Educator Evaluation," in Legal Issues in Public School Evaluation, ed. by Joseph Beckham and Perry A. Zirkel, (Bloomington, Indiana: Phi Delta Kappa, 1983), 143.

⁵² Beckham, Legal Aspects of Teacher Evaluation, 48.

⁵³ Ibid.

⁵⁴ Ibid.

⁵⁵ Peterson, "Teacher Termination Hearings," 85.

⁵⁶ Munnely, "Dealing With Teacher Incompetence," 221.

⁵⁷ Bridges, Management of Teacher Incompetence, 4.

⁵⁸Ibid.

⁵⁹Ibid.

⁶⁰Ibid.

⁶¹Ibid.

⁶²Ibid., 4-10.

⁶³Ibid.

⁶⁴ Lance W. Landauer, John H. Spangler and Benjamin F. Van Horn, "Good Cause Basis for Dismissal of Education Employees," in Legal Issues in Public School Employment, ed. by Joseph Beckham and Perry A. Zirkel, (Bloomington, Indiana: Phi Delta Kappa, 1983), 159.

⁶⁵Ibid., 160.

⁶⁶ McDaniel, "Weed Out Incompetent Teachers," 42.

⁶⁷Ibid.

⁶⁸ Kohut, "A Study of Public School Tenure Teacher Dismissal in Illinois," 131-133.

⁶⁹ Landauer, "Good Cause for Dismissal of Education Employees," 161-162.

⁷⁰Ibid., 162.

⁷¹ Beckham, Legal Aspects of Teacher Evaluation, 1-2.

⁷² Neill, Staff Dismissal, 8.

⁷³ Floyd G. Delon, "Legal Controls on Teacher Conduct: Teacher Discipline," (Topeka, Kansas: National Organization on Legal Problems of Education, 1977), 11-12.

⁷⁴ Klein, Merit Pay and Evaluation, 209-213. Karen Klein in a Phi Delta Kappa monograph, Merit Pay and Evaluation, presents the teacher evaluation form used by the Austin Independent School District to evaluate instructional effectiveness. This form is typical of the evaluation instruments presented in the literature on teacher evaluation. The Austin evaluation instrument contains a multi-page checklist of instructional behaviors which the evaluator is supposed to rate on an "attainment scale." The scale typically contains levels of attainment with such descriptors as poor, good, above average, excellent, outstanding, strong, good, expected, unacceptable, etc. Aside from the inherent difficulty in describing to a teacher what is the difference between an excellent or good application of a particular teaching behavior, the behaviors themselves are often composed of personal beliefs, myths and feelings about what is good teaching. What these instruments assume is that teaching behaviors such as "using

motivational behaviors," "practices positive reinforcement," "has good sense of humor," "maintains class control in an atmosphere conducive to learning," mean the same thing to all teachers and administrators alike and more importantly are behaviors which contribute to effective learning.

What the research on effective teaching has begun to demonstrate is that these assumptions, more often than not, do not mean the same thing to teachers and administrators alike and are not behaviors which correlate with effective instruction. All too often boards of education find out in a teacher dismissal hearing that their administrative team is unable to adequately answer or explain to a judge or attorney the meaning of the criterion on the evaluation instrument, the scale used to judge attainment of that criterion, or the relationship between the criterion listed on the evaluation instrument and effective teaching. The failure to fully understand the components of effective instruction and to make all instructional personnel in a district aware of these components precludes any attempt by a school district to develop policies and procedures to effectively manage teacher performance.

⁷⁵ Harold H. Punke, Teacher and The Courts, (Danville, Illinois: The Interstate Printers and Publishers, Inc., 1971), 78.

⁷⁶ In the last three years, the two most prominent journals of education---Phi Delta Kappan and Educational Leadership---have published articles and featured editions with such titles as: "Teaching Effectiveness and Teacher Education," "Can Research Influence Practice," "Effective Schools Research," "Group Instruction: As Powerful a Tool as Tutoring," "The Realities of Supervision," "School Effectiveness, Teacher Effectiveness." The Association for Supervision and Curriculum Development titled its 1984 yearbook, Using What We Know About Teaching. The theme of the ASCD's fortieth annual convention is "Exalting Teaching and Learning."

⁷⁷ Bridges, Management of Teacher Incompetence, 13-14.

CHAPTER III

RESEARCH FINDINGS AND ANALYSIS

Introduction

The purpose of this study was to isolate certain variables which consistently appear in Illinois Hearing Officer Reports and to draw inferences about hearing officer perceptions of incompetence and the role certain related variables had in determining the outcomes of a teacher dismissal action. This purpose was accomplished by performing a content analysis on each report issued by Illinois Hearing Officers since the passage of the Illinois Tenure Teacher Hearing Officer Act in 1975.

Content analysis is a research technique which draws inferences from data by "systematically and objectively identifying specified characteristics of messages." The degree of objectivity of content analysis depends upon the clarity and completeness of the criteria established for the inclusion or exclusion of content in the messages being studied, and the consistency with which the criteria are applied to the data by the researcher.

In this study certain variables present in Illinois Hearing Reports were defined, classified, coded, and counted. The variables selected for analysis had to meet two criteria for inclusion in this study. First, the selected variable had to appear consistently in each hearing report. Secondly, the treated variable had to be one which could be reduced to commonly used words, phrases, or effects

which could be classified and counted. This criterion required that definitions and descriptions used to identify a variable or a subcategory of a variable be established and maintained throughout the study.

Based upon the aforementioned criteria the following variables and their subcategories were coded, charted, and counted:

1. Reasons for Termination: The following five categories of charges were employed by the researcher to describe the reasons stated in the hearing reports for the dismissal of a tenured teacher in Illinois: physical abuse, personal misconduct, insubordination, incompetence, and other.

The subcategories developed for the remaining three variables in this study were coded, charted, and counted in the content of those hearing reports where the reason for termination was incompetence.

2. Grounds for Incompetence: The following seven grounds for incompetence were employed by the researcher to describe the words, phrases, or effects which boards of education used to describe ineffective teaching behaviors (incompetence): planning, knowledge, class management, class climate, process of instruction, outcomes of instruction, and attitudinal.

3. Types of Evidence: The following six categories of evidence were employed by the researcher to describe the evidence used by school boards to substantiate the charge of incompetence against a dismissed teacher: supervisory ratings, expert ratings, peer ratings, student ratings, student test results, complaints (from parents, students, or peers).

4. Grounds for Reversal: The following seven categories of grounds for reversal were employed by the researcher to describe the reasons stated in hearing reports for reversing the decision of a school board to dismiss a tenured teacher: not supported by the evidence, different methods, defective evaluation

system, no damage to students and or faculty, defective remediation, administrative error, and procedural error.

This chapter presents the results of the content analysis of certain variables in the content of Illinois Hearing Officer Reports since 1975. These results are organized around the following research questions posed in this study:

1. Since the passage of Senate Bill 1371, how many tenured teachers in the State of Illinois have been charged by the boards of education with one or more of the causes for teacher dismissal prescribed in sections: 10-22.4 of the Code and subjected to the teacher dismissal process as prescribed in the "Rules and Regulations Governing the Procedures for the Dismissal of Tenure Teachers in the State of Illinois?"

2. In those hearing reports where tenured teachers have been charged with incompetence and subjected to the dismissal process, what words, phrases, or effects were used by boards of education to describe incompetence?

3. In those cases where tenured teachers have been charged with incompetence and subjected to the hearing officer dismissal process, what types of evidence are used by school boards as proof of incompetence?

4. In those cases where hearing officers reversed the school board's decision, what grounds for reversing the decision of the school board did the hearing officer state in the hearing report decision?

5. In those cases where tenured teachers have been charged with incompetence and subjected to the hearing officer dismissal process, what relationship do the variables selected for analysis in this study--grounds for incompetence, grounds for reversal, and types of evidence---have on the outcome of a decision to dismiss a tenured teacher in Illinois?

6. Based upon the aggregate counts of the coded variables listed above, what are the implications for public school boards of education who would adopt policies and procedures for the dismissal of tenured teachers for incompetence in the State of Illinois?

Each section in this chapter presents a description and analysis of one of the variables treated in the content of each hearing report. Tables are included in each section to graphically represent the codings and frequency counts of the treated variables in each hearing report.

Limitations

In addition to the limitations stated in Chapter I of this study, there are other limitations which are related to the analysis of variables coded in each hearing report. The following limitations should be considered when reading the charts, tables, and conclusions based on the frequency counts for each variable analyzed:

1. For each variable analyzed in this study, there were a minimum of five subcategories and a maximum of seven subcategories which were coded in the content of each hearing report. In most of the hearing reports analyzed for this study, the content of each report contained multiple codings for each subcategory. For this reason, it is impossible to evaluate or weigh which subcategory or variable determined the outcome of the decision. The conclusions arrived at for each variable are based on general tendencies expressed in aggregate frequency counts of subcategories for each variable analyzed.

2. The subcategories selected for each variable did not appear in the

content of each hearing report on a consistent basis. For this reason, the absolute number of cases analyzed for each variable did not remain the same for each variable analyzed. Percentages expressed for each variable or subcategory were based on the total number of cases where enough information was present to code the prescribed subcategories.

3. Hearing officer decisions lack consistency in the level and type of information provided in each case. These inconsistencies did not affect the classification or tabulation of the treated variables. However, the sums arrived at may conceal the emphasis placed on certain issues by individual hearing officers.

4. The goal of content analysis is to classify and quantify certain carefully defined messages in the content of selected data. Content analysis was used by the researcher to analyze certain selected variables in the content of each hearing report. The major shortcoming of content analysis is the failure of numbers or frequency counts to accurately represent the feelings and tone of the hearing officer's decision. For this reason, the researcher used quotes from the hearing reports for certain selected variables to point out the importance of certain variables or issues which arise in the dismissal of a tenured teacher for incompetence.

Reasons for Termination

Research Question #1--- Since the passage of Senate Bill 1371, how many tenured teachers in the State of Illinois have been charged by boards of education with one or more of the causes for teacher dismissal prescribed in sections: 10-22.4 of the "Code" and subjected to the teacher dismissal process as

prescribed in the "Rules and Regulations Governing the Procedures for the Dismissal of Tenure Teachers in the State of Illinois?"

The first stage in the content analysis of Illinois Hearing Officer Reports where a tenured teacher was dismissed for incompetence was the classification of each hearing report according to the reason or reasons for the dismissal of a tenured teacher. This stage was necessary for two reasons. First, the hearing officer reports on file in the legal offices of the State Board of Education are catalogued by year. None of the reports on file at the State Board of Education legal office is catalogued by cause for dismissal, topic, subject, or name of teacher. Second, hearing officers fail to specify in their decisions the causes prescribed for teacher dismissal in Section 10-22.4 of the Code. Instead, most hearing reports contain a description of the types of teaching deficiencies which resulted in the dismissal of a tenured teacher.

The variable used to categorize the causes for teacher dismissal stated in each hearing report was reasons for termination. The following five categories were employed by the researcher to describe the reasons stated in the hearing reports for the dismissal of a tenured teacher in Illinois: physical abuse, personal misconduct, insubordination, incompetence, and other. The definition of these reasons for termination can be found in the "Definitions" subsection of Chapter

I.

Table A-1 (See Table 1 in Appendix A) graphically represents the reason(s) and outcomes stated in each hearing report for the dismissal of a tenured teacher for cause in the State of Illinois since 1975. The total number of cases displayed in Table A-1 is 127. This number represents the total number of cases brought before a hearing officer under the "Procedures for the Dismissal of Tenured Teacher in the State of Illinois." Five of the 127 cases brought before a

hearing officer were not ruled upon for the following reasons: case settled before decision rendered (Case, Payne, Peterson); case was not available for review (Rogers); case was a remand of a prior hearing officer decision (Kroll). In two of the cases (Kadow, Lawyer) the reason for termination could not be determined in the content of the hearing report.

For purposes of this study the analysis of the frequency counts of reasons for teacher dismissal and outcomes displayed in Table A-1 reveals two significant findings:

1. Based upon the number of cases brought before hearing officers since 1975 and frequency counts of the outcomes of these cases, it is clear that it is possible to dismiss a tenured teacher in the State of Illinois. Since 1975 a total of 122 decisions have been rendered by Illinois Hearing Officers where a tenured teacher was dismissed for cause. In 66 of these dismissal actions, the decision of the board of education to dismiss a tenured teacher for cause was affirmed. In 56 dismissal actions, the decision of the board education to dismiss a tenured teacher for cause was reversed (The remand of the Kroll decision was not counted in the aggregate totals of decision outcomes). Although the difference between the number of cases which were affirmed or reversed amounts to only five percentage points, the aggregate totals of cases brought before and decided by hearing officers indicate that boards of education are dismissing teachers for cause in the State of Illinois. Furthermore, in over half of the cases (54.1%) where a hearing officer rendered a decision, the dismissal action of a board of education was affirmed.

2. Failure to cooperate with supervisory personnel can be an important factor in the decision of a hearing officer to dismiss a tenured teacher for incompetence. In 19 of the 28 cases where a hearing officer affirmed the

decision of a board of education to dismiss a tenured teacher for incompetence, that teacher was also charged with insubordination or failure to cooperate with superiors during the remediation process. This quantitative finding becomes even more significant when the language of each hearing officer is examined in cases where a teacher was dismissed for incompetence and insubordination or failure to cooperate with a superior during the remediation process. Listed below are representative quotes made by hearing officers in their decision to dismiss a teacher for incompetence and insubordination or failure to cooperate with a superior during the remediation process.

Banks saw nothing wrong with her teaching, saw no reason to improve it, and resented the efforts of the administrators to help her. 1

He (Button) was repeatedly insubordinate in giving evasive or non-responsive answers to questions from superiors and frequently failed or refused to do as directed by his superiors. 2

The Respondent (Carey) persistently refused or failed to take corrective action with parents although repeatedly instructed to do so by the building principal. The Respondent did not even make a good faith effort to comply.... 3

Collins' manifest disregard for District policy and her apparent refusal to follow the suggestions of her principal in improving the manner in which she dealt with students left the District no choice but to terminate her employment. 4

It is the hearing officer's opinion that the teacher (Combs) missed the whole point of remediation. The testimony as elicited shows an attitude of confrontation rather than conciliation and accommodation. 5

...the Respondent (Divilia) exhibited a strong resentment to authority and directives, however reasonable and necessary they were. His failure to abide by and comply with policies and directives continued even after he was served with the Notice to Remedy. 6

...she (Jones) failed to discharge her duties as a teacher by exhibiting an attitude of non-cooperation and non-participation.... 7

...his (Owens) full and complete cooperation would be needed for any remedial assistance to be productive, and there is nothing, unfortunately, in this record to indicate that this would be forthcoming on his part. 8

The record is replete with the teacher's (Stone) intention not to comply with directives and orders. 9

It is clear that he (Szkirpan) refused to follow advice on preparing lesson plans and organized methods of instruction, refused to follow-up on attendance problems, and refused to conduct his classes for the benefit for all students and not just for a select few. 10

The above statements made by hearing officers in their reports point out both the strengths and weaknesses of content analysis as a research technique. The strength of conducting frequency counts on selected variables within hearings reports reveals a relationship between incompetency and insubordination. The weakness of quantitative analysis, as reflected in the quotes above, is the failure of numbers or frequency counts to accurately represent the feelings or tone of the hearing officer's decision. It is apparent from the quotes above that a teacher who blatantly disregards the advice of superiors in conducting an instructional program or remediating deficient instructional behaviors will not fare well in a dismissal hearing.

Table 1 presents the the sums of the frequency counts for each reason stated in the content of the hearing reports for the dismissal of a tenured teacher for cause in the State of Illinois. Since 1975 a total of 120 Hearing Officer Reports contained enough information to determine a reason for termination. The reasons for termination presented in Table 1 are listed in frequency order with the reason most frequently stated in a hearing report---incompetence---in first position.

Table 1

FREQUENCY COUNTS FOR REASONS AND OUTCOMES FOR TEACHER
TERMINATION

Reason	Affirmed	Reinstated	Number of Cases
Incompetence	28	27	55
Insubordination	19	15	34
Personal Misconduct	18	15	33
Other	10	13	23
Physical Abuse	13	8	21

The total number of dismissal actions brought before an Illinois Hearing Officer since 1975 was 127. In five of the 127 dismissal actions no decision was rendered by a hearing officer. Two of dismissal actions did not contain enough information to determine a reason for termination. The content of the remaining 120 hearing reports were coded, charted and counted for the variable reasons for termination. The sums arrived at for each reason for termination listed in Table 1 may represent multiple codings for each hearing report analyzed, thus the sum of the total number of cases exceeds 120. The total number of cases for the reason insubordination does not include those cases where the teacher charged with incompetence evidenced insubordinate conduct or a non-cooperative attitude during the remediation process. In Table A-1 these cases received the following coding: x**

The analysis of the sums displayed in Table 1 reveals two significant findings about the dismissal of a tenured teacher for incompetence in the State of Illinois:

1. Boards of Education in the State of Illinois identify the failure of a teacher to present an effective instructional program (incompetence) to be the most frequent reason for termination. A clearer picture of what boards of education mean by incompetence and an analysis of these findings will be presented in other sections of this chapter. It should be noted however, that, based on Table 1, boards of education in the State of Illinois and their administrative staffs will be faced with the problems related to the detection and response to incompetent teachers more frequently than the other causes for teacher deficiency displayed in Table A-1 and Table 1.

2. In the State of Illinois, it is possible to dismiss a teacher for incompetence. Although the sums above reveal no significant difference between the number of teachers who are dismissed for incompetence, or reinstated the fact remains that teachers are being dismissed for incompetence in Illinois. Furthermore, school districts who dismissed a tenured teacher for incompetence in the State of Illinois have their decision affirmed more often than reversed by hearing officers. These findings are contrary to the impression left by some of the literature on teacher dismissal which portrays the dismissal of a tenured teacher for incompetency as all but impossible.

The classification of hearing officer decisions by reasons for termination and the frequency counts of these reasons reveal four findings which are significant for this study:

1. Since 1975 boards of education in the State of Illinois have dismissed

122 teachers for reasons enumerated in Table A-1. In over half of these dismissal actions (54.1%), boards of education have had their decision to dismiss a tenured teacher affirmed by an Illinois Hearing Officer.

2. In over half (67.9%) of the decisions where a hearing officer affirmed the decision of a board of education to dismiss a tenured teacher for incompetence, that teacher also evidenced insubordinate behavior or a failure to cooperate with supervisors in the remediation process.

3. In 45.8% of the hearing reports where a reason for termination was stated, the teacher was charged with some type of instructional deficiency (incompetence).

4. Boards of education in Illinois who have dismissed a tenured teacher for incompetence have had their decisions affirmed by an Illinois Hearing Officer more often than reversed.

The content analysis of reasons for termination revealed general tendencies and concerns of boards of education and hearing officers in Illinois. The other variables selected for analysis in this study will attempt to bring these tendencies and concerns into sharper focus. It should be noted that, based on the numbers in Tables A-1 and 1, teacher incompetency is a concern of boards of education in Illinois. More importantly, hearing officers in Illinois are willing to dismiss teachers who show evidence of instructional deficiencies, and they take a dim view of teachers who fail to act upon the advice of supervisors to correct their instructional deficiencies.

Grounds for Incompetence

Research Question #2--- In those hearing reports where tenure teachers have been charged with incompetence and subjected to the dismissal process, what words, phrases, or effects were used by boards of education to describe incompetence?

The analysis of grounds for incompetence proceeded in three stages. The first stage demanded that the researcher develop an operational definition for incompetence. The development of an operational definition for incompetence was necessary because the Code does not define this statutory cause for dismissal. Hearing reports coded as "incompetence" as a reason for termination contained instructional deficiencies in one or more of the following three areas:

1. "Lack of knowledge in the subject matter taught."
2. "Ineffectiveness in instructional methods." This category includes "...classroom conduct and teaching techniques. A failure to maintain a proper atmosphere for learning or the use of ineffective instructional methods..."
3. Attitudinal incompetence which "...includes unwillingness to cooperate with coworkers and administrators, unconscientiousness in carrying out assigned duties, and a lack of concern for institutional objectives and policies."

In addition to these deficiencies, the behavior of the teacher had to be the direct cause of the dismissed teacher's ineffective performance in the classroom. Hearing reports involving the incompetent performance of non-instructional duties were not analyzed.

The second stage of the analysis of grounds for incompetence demanded that the researcher further describe the instructional deficiencies listed in the

the operational definition of "incompetence." This step was necessary because the content of hearing reports which received the initial coding of incompetence as the reason for termination contained words or phrases which defined more specifically the instructional deficiencies contained in the operational definition of incompetence. The following seven grounds for incompetence were employed by the researcher to codify the words, phrases, or effects stated in the hearing reports to describe ineffective teaching behaviors: planning, knowledge, class management, class climate, process of instruction, instructional outcomes, and attitudinal. The definitions of these terms can be found in the "Definitions" subsection of Chapter I.

The third stage of the analysis of grounds for incompetence involved the coding of the words, phrases, or effects in the content of hearing reports designated as "incompetent" as a reason for termination into one or more of the seven grounds for incompetence and frequency counts of these codings.

Table A-2 (See Table 2 in Appendix A) graphically represents the grounds stated in each hearing report for the dismissal of a tenured teacher for incompetence in the State of Illinois since 1975. Table A-2 includes the decision of the hearing officer for each hearing report.

Table 2 presents the sums of the frequency counts for each ground for incompetence stated in the content of the hearing reports for the dismissal of a tenured teacher for incompetence in the State of Illinois since 1975. In two of 55 hearing reports where a teacher was dismissed for incompetence by a board of education, there was not enough information to determine a ground for incompetence. The grounds for incompetence presented in Table 2 are listed in frequency order.

Table 2

SUMS OF FREQUENCY COUNTS FOR GROUNDS FOR INCOMPETENCE

Grounds for Incompetence	Number of Cases Ground Appeared
Class Management	49
Attitudinal	38
Process of Instruction	37
Planning	26
Instructional Outcomes	18
Class Climate	13
Knowledge	8

The total number of hearing reports where the reason for termination was coded as incompetence was 55. In two of the 55 hearing reports where a teacher was dismissed for incompetence there was not enough information to determine a ground for incompetence. The remaining 53 hearing reports were coded, charted and counted for the variable grounds for incompetence. The sums arrived at for each ground for incompetence listed in Table 2 may represent multiple codings for each hearing report analyzed, thus the sum of the total number of cases exceeds 53.

For purposes of this study, the analysis of the grounds for incompetence in hearing reports displayed in Table A-2 and the sums of the frequency counts of the grounds for incompetence displayed in Table 2 revealed two significant findings:

1. Boards of Education in the State of Illinois find the failure of a teacher to maintain classroom order to be the most frequent instructional deficiency exhibited by incompetent teachers. In 49 of the 53 hearing reports where a teacher was dismissed by a board of education for incompetency, class management was stated as a ground for incompetence. It is clear from reading the hearing reports that the frequency with which poor classroom discipline is detected and documented that administrators and supervisors believe that the maintenance of classroom discipline is a critical component of an effective instructional program.

Although administrators and supervisors identified classroom management as an instructional deficiency in 92.5% of the cases where a tenured teacher was dismissed for incompetence, this does not mean that teachers who are charged with poor classroom discipline by a board of education are assured of having their decision affirmed by an Illinois Hearing Officer. Boards of Education must convince the hearing officer by a preponderance of evidence that the discipline problems in the teacher's classroom are in fact present and, most importantly, are the direct result of a teacher's instructional technique. Even then, hearing officers often allow their own perceptions of what is good discipline, or why poor discipline occurred in a particular teacher's classroom, to influence their decision. The statements below provide a few examples of the reasons given by hearing officers for reinstating a tenured teacher who was charged with poor classroom management.

I find that a good deal of adverse criticism by the grievant's (Agnos) students appears to be motivated by a feeling that they would like easier tests, higher grades and a less demanding teacher. 11

File maintained...that the presence of Kendizor and Kalina frightened the children, causing them to react in an inappropriate manner, a comment which appears reasonable in view of the fact that the students were involved for the first time with new subject material and not prepared for the appearance of the School Principal and the Director of the Media Center. 12

His (Grant) classes were all lower level classes....It is...agreed to by this Hearing Officer that the problem with the students in the Respondent's classroom was not necessarily the instructional methods, or lack thereof by the Respondent but rather the level of the student and the background that they have come from. 13

...although the classroom might have appeared to have been somewhat rowdy, it does not appear from the record that Mrs. Ingels did not have sufficient control of her students to protect them from any injury.... 14

It is clear from the evidence that Ms. Klinghoffer had discipline problems with her class.... It appears that the suggestions made by administrators regarding discipline were inappropriate or inadequate under the circumstances. 15

It is evident that during the 1980-81 school year Mary Ann Eberbach failed to maintain proper discipline in her eighth grade classes. However, as a tenured teacher with three or four years of satisfactory performance in teaching pupils in lower grades, the hearing officer finds it difficult to conclude that Mrs. Eberbach's tenure should be terminated because of poor conduct of her eighth grade pupils during the 1980-81 school year. 16

These statements from hearing reports provide a good illustration of the danger inherent in instructing boards of education that all they need to do to dismiss a tenured teacher for incompetence is to follow the proper procedures and "document, document, document." In each of the cases above, the board of education proved their ground but lost the case. As other variables are analyzed in this study, it will become clearer that hearing officers will interpret principles of law and legal principles in ways that affirm their own beliefs about education

or the sincerity of the people who offered evidence at the hearing.

It should be noted that the impression left from most of the hearing reports where a teacher was dismissed for incompetence is that classroom management was the catalyst for administrators and supervisors to initiate a dismissal action against a tenured teacher. The other grounds for incompetence listed in Table 2 appear to be secondary concerns which were placed in the bill of particulars to provide additional evidence of instructional deficiencies or became apparent when supervisors went into the classroom to see what was causing the discipline problems. In fact 50 of the 53 hearing reports in Table A-2 stated multiple grounds for incompetence.

There is nothing wrong with school administrators or supervisors listing "secondary concerns" as grounds for incompetence in a bill of particulars. The listing of these "secondary charges" in a bill of particulars or evaluation form mean, however, that the board of education and their administrative staffs will have to prove these "secondary grounds" for incompetence to a hearing officer.

2. Based on the codings displayed in Table A-2 and the sums of the frequency counts in Table 2, the ineffectiveness of a teacher's instructional methods is the most frequently described deficiency stated in the hearing reports. In 46 of the 53 hearing reports where a teacher was dismissed for incompetence, one or more of the following instructional deficiencies were stated in each hearing report: class climate, process of instruction, planning. Class management as an instructional deficiency was analyzed in number one above. For purposes of this finding it was not included in the frequency counts of instructional deficiencies.

The significance of this finding will become more apparent when the variable grounds for reversal is analyzed. At this point it should be noted that it

is difficult to create criteria and observation processes which objectively evaluate the planning, climate, or instructional methodology present in a particular classroom.

The objectivity issue becomes much less problematic for the supervisor when he is asked to evaluate a teacher's knowledge, the instructional outcomes of students, or the discipline in the classroom. This is why it is not surprising to find that classroom management is the most frequently documented ground for incompetence in the hearing reports. It is surprising, however, to discover that instructional outcomes as ground for incompetence are stated only 18 times in the hearing reports, and that the teacher's knowledge of subject matter as a ground for incompetence is stated only 8 times in the hearing reports.

3. The attitudes of teachers throughout the dismissal process frequently becomes an issue in hearing reports. In 38 of the 53 hearing reports where a teacher was dismissed by a board of education for incompetence, the failure of the teacher to cooperate with supervisor or institutional goals and objectives was listed as a ground for incompetence.

There are two reasons why this finding is significant for boards of education who make the decision to dismiss a teacher for incompetence. First, the content of all the hearing reports where a teacher was dismissed for incompetence revealed an adversarial relationship between supervisory personnel and the teacher. This type of relationship can become a very emotional one, with supervisor and teacher engaging in verbal and written confrontations over each other's perceptions of what is good teaching. This atmosphere can become even more acrimonious when students, parents, or peers become involved in the dispute. Thus, it is not surprising to find in the content of these hearing reports inappropriate or unprofessional behaviors on the part of teachers and supervisors.

These behaviors lead to charges by supervisors that the teacher is not cooperative or adhering to institutional goals or objectives. The teacher will counter these accusations with the charge that the supervisor is biased and "out to get him."

Second, hearing officers do not look favorably on supervisors or teachers who lose their professionalism in the detection and remediation of incompetence. Hearing officers expect that teachers will cooperate and take direction from supervisors and that supervisors will make every effort to evaluate fairly a teachers instructional program and provide all the necessary help to correct the instructional deficiencies of the teacher. Teachers or supervisors will not fare well in a dismissal hearing if a hearing officer perceives uncooperativeness on the part of the teacher or unfairness on the part of the supervisor.

The classification of hearing officer decisions by grounds for incompetence and the frequency counts of these grounds have revealed two findings which are significant for this study:

1. The ground for incompetence which is stated most frequently in hearing reports where teachers have been dismissed for incompetence is classroom management. This ground for incompetence appears in 92.5% of the cases where a ground for incompetence is stated in the hearing report.

2. One or more of the three grounds for incompetence which document ineffective instructional methods---class climate, process of instruction, and planning---are stated in 86.8% of the cases where a grounds for incompetence is stated in the hearing report.

3. The attitudes expressed by supervisors and teachers throughout the dismissal process can become an issue in a dismissal hearing. The failure of a

teacher to cooperate with supervisors or institutional goals and objectives became a ground for incompetence in 71.7% of the hearing reports where a teacher was dismissed for incompetence by a board of education.

4. The grounds for incompetence which received little or no emphasis in hearing reports are the teacher's knowledge of subject matter and the instructional outcomes of the students.

Types of Evidence

Research Question #3--- In those cases where tenured teachers have been charged with incompetence and subjected to the hearing officer dismissal process, what types of evidence are used by school boards as proof of incompetence?

The analysis of types of evidence proceeded in two stages. The first stage involved the development of terms to describe the types of evidence which boards of education used to prove their charge of incompetence. Five of six categories employed by the researcher to describe the types of evidence boards of education used to substantiate the charge of incompetence against a dismissed teacher were adopted from Edwin M. Bridges' study of teacher incompetence for the Institute for Research on Educational Finance and Governance. The sixth category---expert ratings---was developed by the researcher. The following six categories of evidence were employed by the researcher to describe the types of evidence coded in the content of each hearing report where a teacher was dismissed for incompetence: supervisory ratings (multiple, single), expert ratings, peer ratings, student ratings, student test results, and complaints (students, parents, and/or peers).

The second stage of the analysis of types of evidence involved the coding of the words or phrases in the content of each hearing report where a teacher was dismissed for incompetence into one or more of the six types of evidence and frequency counts of these codings. Table A-3 (See Table 3 in Appendix A) graphically represents the types of evidence stated in each hearing report where a teacher was dismissed for incompetence. In five of the 55 cases where a teacher was dismissed for incompetence the hearing report did not contain enough information to designate a type of evidence. Table 3 also includes the outcomes of each hearing report.

Table 3 presents the sums of the frequency counts for each type of evidence stated in the content of each hearing report where a teacher was dismissed for incompetence. The types of evidence presented in Table 3 are listed in frequency order.

For purposes of this study the analysis of the types of evidence in the content of hearing reports displayed in Table A-3 and the sums of the frequency counts of the types of evidence displayed in Table 3 revealed three significant findings:

1. Boards of education use supervisory ratings most frequently to substantiate the grounds for incompetence stated in the hearing reports. In 45 of the 50 cases where a teacher was charged with incompetence, the board of education used one or more supervisors to detect, document, and evaluate the instructional deficiencies of the teacher.

Table 3

SUMS OF FREQUENCY COUNTS FOR TYPES OF EVIDENCE

Nature of Evidence	Number of Cases
<u>Supervisory Ratings</u>	44
a. Single	23
b. Multiple	21
<u>Complaints</u>	41
a. Parents	19
b. Students	12
c. Peers	10
<u>Peer Ratings</u>	9
<u>Expert Ratings</u>	8
<u>Student Test Results</u>	4
<u>Student Ratings</u>	2

The total number of hearing reports where the reason for termination was coded as incompetence was 55. In five of the 55 hearing reports where a tenured teacher was dismissed for incompetence, there was not enough information to determine a type of evidence. The remaining 50 hearing reports were coded, charted, and counted for the variable types of evidence. The sums arrived at for each type of evidence listed in Table 3 may represent multiple codings for each hearing report analyzed, thus the sum of the total of cases exceeds 50.

This finding is significant when analyzed in conjunction with the grounds for incompetence stated in each hearing report. When the sums of both variables are analyzed, it is apparent that boards of education depend largely on the observations and testimony of their supervisory staff to substantiate instructional deficiencies in the areas of classroom management, classroom climate, the process of instruction, and planning.

2. Boards of education frequently use the complaints of students, parents, and peers to substantiate the charge of incompetence. In 26 of the 50 cases where a teacher was charged with incompetence, the board of education presented testimony or documentation of parents, students, or peers to detect or evaluate the instructional deficiencies of a dismissed teacher.

What is significant about using the complaints of parents, students, or peers to substantiate the charge of incompetence is the motivating force behind the complaint. If the student, parent, or peer initiated his complaint because of a wrong done to him by the teacher, then his testimony or documentation is highly suspect. This problem is compounded by the fact that students, parents, and peers lack the professional training to "objectively" evaluate the dismissed teacher. The significance of this finding will become apparent when the grounds for reversal are analyzed in the next section of this paper.

3. Boards of education rarely use the testimony or documentation of experts or the results of student ratings, peer ratings, and student test results to substantiate the charge of incompetence. In 19 of the 50 cases where a teacher was charged with incompetence, the board of education presented the ratings of experts, peers, or students to detect or evaluate the instructional deficiencies of a dismissed teacher.

This finding becomes significant when analyzed in conjunction with the

the frequency counts of the other types of evidence displayed in Table 3. What these sums reveal is that boards of education rely primarily on two sources of evidence---the evaluations and documentation of supervisors and the complaints of students, parents, peers---to substantiate the charge of incompetence. Boards of education rarely use other types of evidence---expert ratings, student ratings, student test results---to detect or document teacher incompetence.

The classification of hearing officer decisions by types of evidence and the frequency counts of these grounds have revealed three findings which are significant for this study:

1. The type of evidence which is stated most frequently in hearing reports where teachers have been dismissed for incompetence is the ratings of supervisors. This type of evidence appeared in 90% of the cases where a type of evidence was stated in the hearing report.

2. Boards of education frequently use the complaints of students, parents, or peers to detect or document the instructional deficiencies of a teacher dismissed for incompetence. This type of evidence appeared in 52% of the cases where a type of evidence was stated in the hearing report.

3. Boards of education rarely use the ratings of experts, students, peers or the student test results to document the instructional deficiencies of a dismissed teacher. The following percentages reflect the frequency with which each of the aforementioned types of evidence appeared in cases where a type of evidence was stated: peer ratings-18%; expert ratings-16%; student test results-8%; student ratings-4%.

Grounds for Reversal

Research Question #4-- In those cases where the hearing officer reversed the school board's decision, what grounds for reversing the decision of the school board did the hearing officer state in the hearing report decision?

The purpose of this study was to isolate certain variables which consistently appear in Illinois Hearing Officer Reports and to make inferences about hearing officer perceptions of incompetence, and the role certain related variables had in determining the outcomes of a teacher dismissal action. The three variables analyzed thus far in this study--reasons for termination, grounds for incompetence, and types of evidence---have revealed certain general tendencies about the reasons and types of evidence boards of education use to detect, document, and evaluate teacher incompetence.

One of the limitations of content analysis and this study in general is the inability to correlate frequency counts of selected messages with the outcomes of the decisions. Because the content of most of the hearing reports contained multiple codings for each variable, it was impossible to select which variable or combination of variables influenced the decision of the hearing officer. This limitation is compounded by the level and type of information provided for each case.

For these reasons, the researcher developed another variable which would give some insight into why boards of education have their dismissal actions reversed by an Illinois Hearing Officer. This variable is grounds for reversal. Although no correlations can be drawn from the frequency counts contained in this section, the sums arrived at can provide an idea of what can go wrong with

a board of education's case to dismiss a tenured teacher, and how often these deficiencies appeared in hearing officer decisions. When the results of these frequency counts are compared with the sums from the other variables, there are some inferences which can be made about hearing officer perceptions of incompetence and the role certain related variables had in determining the outcome of a teacher dismissal action.

The analysis of grounds for reversal proceeded in two stages. The first stage involved the development of terms to describe the grounds hearing officers state in hearing reports for the reinstatement of a tenured teacher who has been dismissed by a board of education for incompetence. The following seven grounds for reversal were employed by the researcher to describe the issues, evidence, and law which were stated in the content of each hearing report where a teacher was dismissed for incompetence and reinstated by a hearing officer: not supported by the evidence, different methods, defective evaluation system, no damage to students/faculty, defective remediation, administrative error, and procedural error.

The second stage of the analysis of grounds for reversal involved the coding of the words or phrases in the content of each hearing report where a teacher was dismissed for incompetence and reinstated by a hearing officer into one or more of the seven grounds for reversal. Frequency counts were then made of these codings. Table A-4 (See Table 4 in Appendix A) graphically represents the grounds for reversal stated in each hearing report where a teacher was dismissed for incompetence and reinstated by a hearing officer.

The reports selected for analysis were all those cases where a hearing officer reinstated a dismissed teacher for incompetence. In the original classification of cases by reasons for termination, there were 55 cases of teacher

incompetence. Of these 55 cases, 27 teachers who were dismissed for incompetence were reinstated by a hearing officer. All 27 cases contained enough information to designate a ground for reversal.

Table 4 presents the sums of the frequency counts for each ground for reversal stated in the content of each hearing report where a teacher was dismissed for incompetence and reinstated by a hearing officer. The grounds for reversal presented in Table 4 are listed in frequency order.

For purposes of this study, the analysis of the grounds for reversal in the content of hearing reports displayed in Table A-4 and the sums displayed in Table 4 reveal three significant findings:

1. Boards of education rarely have their decision to dismiss a tenured teacher for incompetence reversed on procedural grounds. The most significant finding of this entire study was the discovery that in only six cases where a board of education dismissed a teacher for incompetence was the decision reversed by a hearing officer on procedural grounds. This finding is significant because much of the literature on teacher dismissal and teacher evaluation is devoted to the due process rights of teachers and the legal procedures with which boards must comply with when they dismiss a tenured teacher for cause. The results in Table 4 reveal that for the most part boards of education in Illinois are providing teachers with their due process rights and are in full compliance with the policies and procedures listed in the "Rules and Regulations for the Dismissal of Tenured Teacher."

Table 4

SUMS OF FREQUENCY COUNTS FOR GROUNDS FOR REVERSAL

Grounds	Number of Cases
Not Supported by the Evidence	21
Defective Evaluation System	10
Defective Remediation	9
No Damage to Students/Faculty	8
Procedural Error	6
Different Methods	3
Administrative Error	2

The total number of hearing reports where the reason for termination was coded as incompetence was 55. Of these 55 cases 27 teachers who were dismissed for incompetence were reinstated by a hearing officer. All 27 cases contained enough information to designate a ground for reversal. The sums arrived at for each ground for reversal listed in Table 4 may represent multiple codings for each hearing report analyzed, thus the sum of the total of cases exceeds 55.

2. In instances where boards of education have their dismissal reversed by a hearing officer, the most likely reason is that the evidence presented did not substantiate the decision. In 21 of the 27 cases where a teacher was dismissed for incompetence and reinstated by a hearing officer, the ground for reversal stated in the hearing report was not supported by the evidence. The phrases most frequently used by hearing officers to state this ground were: "did not establish by the greater weight of the evidence," "charges against the Respondent have not been proven by a preponderance of the evidence," "evidence fails to establish sufficient basis on which to draw the conclusions."

The frequency with which these phrases are stated in hearing reports does not mean that these phrases are easily described or classified. Although hearing officers frequently quote from cases where the "preponderance of proof" standard was established for administrative hearings, the fact remains that the amount, type, and veracity of evidence necessary to sustain this degree of proof depends entirely on the judgment of the hearing officer. The ritualistic utterance of this legal standard by a hearing officer does not change the fact that "preponderance of proof" can mean many things to many people.

The other problem with describing or classifying what hearing officers mean by not supported by the evidence is a tendency of hearing officers to use this ground for reversal to describe a number of deficiencies in evidence which do not meet other standards of proof.

This does not mean that not supported by the evidence defies definition. The hearing reports analyzed for the variable grounds for reversal did reveal certain tendencies of hearing officers who use this ground as a reason for reinstating a tenured teacher who was dismissed by a board of education for incompetence. In hearing reports where a teacher was dismissed for incompetence

and reinstated by a hearing officer, the following explanations were given by hearing officers for stating in the hearing report that the board of education did not prove their case by a "preponderance of proof:"

1. The most obvious explanation offered by hearing officers for a reinstatement ruling was the failure of the board of education to provide enough documentation or testimony to prove one or more of the grounds for incompetence stated in the hearing report. By "enough" the hearing officer means that the quantity or quality of testimony or documentation did not substantiate one or more of the grounds stated in the hearing report.

There were cases in which the evidence presented by a board of education proved that the dismissed teacher did not show the instructional deficiencies described by a board of education or did not exhibit the deficiencies to the degree described by the board of education.

2. There is a tendency by hearing officers to disbelieve or give little weight to the testimony of parents, students, or peers. As mentioned in the analysis of types of evidence, there is an inherent danger in using the testimony or documentation of people who are not "disinterested witnesses."

3. Hearing officers, at times, will question whether boards of education have used all available sources of evidence to prove their case. There are cases where hearing officers have reinstated a teacher because the board either ignored evidence which would further prove or disprove the charges brought against the teacher or failed to develop other sources of evidence related to the grounds for incompetence.

4. Hearing officers do not dismiss a tenured teacher for incompetence if the evidence presented by the board of education indicates that the criteria for incompetence established an unfair standard of performance. Hearing officers

compare a teacher's performance with other teachers in similar situations. Boards of education run great risks in dismissing a tenured teacher for incompetence if the criteria or standards used to define the grounds for incompetence are not uniformly prescribed and applied.

5. Hearing officers look at all the circumstances surrounding the dismissal action and the reasons why the instructional deficiencies occurred. If there were circumstances beyond the control of the teacher which caused the poor performance by the teacher, then the hearing officer will attribute the poor performance to those circumstances and not the behaviors of the teacher. Examples of circumstances which hearing officers viewed as beyond the control of the teacher were: the transfer of a teacher to a new school or grade which he had never taught before; the achievement level of the students being taught; the attitudes expressed by administrators or supervisors throughout the evaluation and remediation process.

The explanations above describe the reasons hearing officers give in their reports for not accepting the evidence presented by a board of education in the dismissal of a tenured teacher for incompetence. It should be understood that each of these explanations was codified under the general subcategory not supported by the evidence. The frequency with which these explanations appeared in each case and the degree to which each explanation appeared as a reason for reinstating the teacher demanded that a more general category be developed for the content analysis of this variable. These explanations, however, provide an outline of the standards of proof which hearing officers expect from boards of education.

3. Hearing officers affirm a dismissal of a tenured teacher for incompetence if the evidence indicates that the evaluation process or the supervisors involved in the evaluation process were biased. In ten of the 27 cases where a teacher was reinstated by a hearing officer, the board of education used documentation, testimony from supervisors, and/or evaluation instruments which the hearing officer perceived to be unfair or prejudiced.

The following behaviors or policies present in the content of hearing reports where a teacher was dismissed for incompetence were judged to be unfair by hearing officers: supervisors who demonstrate through their actions, statements, or written documentation a personal dislike for the dismissed teacher; the failure on the part of the supervisor to provide clear and specific recommendations for remediating the instructional deficiencies; the failure on the part of the supervisor to provide the necessary help or materials to correct the instructional deficiencies; the failure of a supervisor to provide enough time for the teacher to correct the instructional deficiencies; evaluation instruments which are not filled out fully by the supervisor or where certain criteria are given undue emphasis; the failure of a board of education to remove a biased administrator or include the documentation or testimony of a "disinterested " observer.

4. The remediation process boards of education initiate to correct the instructional deficiencies of a teacher can become a factor in the decision of a hearing officer to reinstate a tenured teacher who has been dismissed for incompetence. In nine of the 27 cases where a hearing officer reinstated a teacher who was dismissed for incompetence, one of the factors stated in the decision for reinstatement was the failure of the board of education to provide enough time or quality help to remediate the instructional deficiencies listed on

evaluation forms or bill of particulars. It should be noted, however, that, in the hearing reports where defective remediation is stated, the impression is left by the hearing officer that this ground for reversal was a secondary concern in determining the outcome of the case.

This finding is significant because the literature on teacher dismissal is replete with articles on the principles and processes which boards of education should follow to demonstrate to a hearing officer that every effort has been made to help a teacher correct deficient instructional behaviors. The sums of frequency counts in Table 4 and the fact that this ground for reversal never is the sole ground stated for reinstating a tenured teacher dismissed for incompetence would imply that, for the most part, boards of education are aware of the importance of remediation in the dismissal process and are providing the necessary time and help to teachers to correct their instructional deficiencies.

5. The effect of poor instruction on students or faculty members is not a primary consideration in the reinstatement of a tenured teacher who has been dismissed for incompetence by a board of education. In eight of the 27 cases where a hearing officer reinstated a teacher dismissed for incompetence, the board of education did not present evidence to substantiate that the methods or behaviors of the teacher caused any damage to students or faculty members.

One of the standards of proof which appears in dismissal actions and the literature on teacher dismissal for incompetence is the impact ineffective instruction has on students or faculty. It is significant to find that hearing officers rarely refer to achievement tests of students who have received instruction from a teacher who has been dismissed for incompetence by a board of education. The reason for the infrequent use of this standard of proof may be the fact that boards of education presented as evidence the test results of

students in only 29.6% of the cases where a teacher was dismissed for incompetence.

The classification of hearing officer decisions by grounds for reversal and the frequency counts of these grounds have revealed four findings which are significant for this study.

1. Boards of education have had their decision to dismiss a tenured teacher for incompetence reversed on procedural grounds in only 22.2% of the cases brought before an Illinois Hearing Officer.

2. The ground for reversal which is stated most frequently in hearing reports where a teacher has been dismissed for incompetence and reinstated by a hearing officer is the failure of the board of education to present the necessary evidence to substantiate its charges. This ground for reversal was stated in 77.8% of the cases where a teacher was dismissed for incompetence and reinstated by a hearing officer.

It should be noted that this ground for reversal is a general category which includes several different explanations of why the evidence presented by a board of education was inadequate. These explanations were outlined in the analysis of this variable.

3. In 37% of the hearing reports where a teacher was dismissed for incompetence and reinstated by a hearing officer, the fairness and objectivity of the evaluation process and the supervisors involved in that process became a ground for reversal.

4. In 33% of the hearing reports where a teacher was dismissed for incompetence and reinstated by a hearing officer, the amount of time and quality of help which a board of education provided a teacher to correct their

instructional deficiencies became a ground for reversal.

5. In 30% of the hearing reports where a teacher was dismissed for incompetence and reinstated by a hearing officer, the effects of poor instruction on students and faculty became a ground for reversal.

Hearing Report Outcomes

Research Question #5--- In those cases where tenured teachers have been charged with incompetence and subjected to the hearing officer dismissal process, what relationship do the variables selected for analysis in this study---grounds for incompetence, grounds for reversal, and types of evidence---have on the outcome of a decision to dismiss a tenured teacher in Illinois?

For each variable analyzed in this study, there were a minimum of five subcategories and a maximum of seven subcategories which were coded in the content of each report. An analysis of tables for each variable reveals multiple codings for each subcategory developed to describe words, phrases, or effects in the content of each hearing report. The frequency with which multiple codings appeared for each hearing report made it impossible to evaluate or weigh which subcategory or variable determined the outcome of the decision. For this reason, the conclusions arrived at for each variable are based on general tendencies expressed in aggregate frequency counts of subcategories for each variable analyzed.

Summary

This chapter has the codings and frequency counts of certain selected variables found in the content of Illinois Hearing Reports since 1975. The four variables analyzed in this chapter were: reasons for termination, grounds for incompetence, types of evidence, and grounds for reversal.

The findings for each variable provided certain inferences about hearing officer perceptions of incompetence and the role certain related variables had in determining the outcomes of a teacher dismissal action.

Chapter IV summarizes these inferences and explains the implications of these conclusions for boards of education who make the decision to dismiss a tenured teacher for incompetence.

END NOTES

- ¹ Dismissal Hearing RE: Banks, April 5, 1982, at 53.
- ² Dismissal Hearing RE: Button, August 16, 1981, at 27.
- ³ Dismissal Hearing RE: Carey, January 16, 1984, at 38.
- ⁴ Dismissal Hearing RE: Collins, July 18, 1980, at 23.
- ⁵ Dismissal Hearing RE: Combs, July 25, 1984, at 13.
- ⁶ Dismissal Hearing RE: Divilia, March 22, 1977, at 16.
- ⁷ Dismissal Hearing RE: Jones, October 14, 1977, at 29.
- ⁸ Dismissal Hearing RE: Owens, July, 30, 1979, at 19.
- ⁹ Dismissal Hearing RE: Stone, March 16, 1977, at 14.
- ¹⁰ Dismissal Hearing RE: Szkirpan, July 28, 1983, at 10.
- ¹¹ Dismissal Hearing RE: Agnos, August 6, 1976, at 55.
- ¹² Dismissal Hearing RE: File, September 11, 1981, at 73.
- ¹³ Dismissal Hearing RE: Grant, March 2, 1982, at 13.
- ¹⁴ Dismissal Hearing RE: Ingels, December 5, 1977, at 6.
- ¹⁵ Dismissal Hearing RE: Klinghoffer, October 18, 1982, at 22.
- ¹⁶ Dismissal Hearing RE: Eberbach, October 9, 1981, at 11.

CHAPTER IV

CONCLUSIONS AND IMPLICATIONS

Introduction

The analysis of certain selected variables in the content of Illinois Hearing Reports revealed certain general tendencies of boards of education and hearing officers in the dismissal of a tenured teacher for incompetence. These findings were arrived at by reading all reports issued by hearing officers pursuant to the Illinois Tenure Teacher Hearing Officer Act. For each report, certain selected variables in each report were defined, classified, coded, and counted. Because of the limitations inherent in content analysis it was not possible to arrive at conclusions based on correlations between a specific variable or subcategory of that variable and the outcomes of the hearing reports.

This chapter presents the conclusions of the analysis of the selected variables in the content of hearing reports issued since 1975 and the implications these conclusions have for boards of education who make the decision to dismiss a tenured teacher for incompetence. The presentation of the conclusions and implications of the content analysis of hearing reports will be reported in three sections.

The first section, "Conclusions," presents a listing of the general tendencies or characteristics boards of education exhibit in the dismissal process. These findings were based on the results of the analysis of charts and frequency counts presented in Chapter III.

The second section presents "a profile" of a teacher dismissal case based on the conclusions presented in section one. This profile will attempt to transform the quantitative results and conclusions of this study into a picture of how each variable impacts on school personnel.

The third section presents the "implications" of the findings of this study for boards of education who make the decision to dismiss a tenured teacher for incompetence.

The final section of this chapter presents "recommendations" for further research.

Conclusions

The analysis of selected variables in the content of hearing reports where a board of education dismissed a tenured teacher for incompetence produced eight tables. These eight tables displayed the codings of selected variables and the sums of the frequency counts for each subcategory developed by the researcher to define the variable. Each table was analyzed for the purpose of answering the following research questions:

The first research question posed in this study was: Since the passage of Senate Bill 1371 , how many tenured teachers in the State of Illinois have been charged by boards of education with one or more of the causes for teacher dismissal prescribed in sections: 10-22.4 of the Code and subjected to the

teacher dismissal process as prescribed in the "Rules and Regulations Governing the Procedures for the Dismissal of Tenure Teachers in the State of Illinois?" It was found that:

1. In over half of the dismissal actions brought by boards of education pursuant to the Illinois Tenure Teacher Hearing Act, the decision of the board of education to dismiss a tenured teacher for cause has been affirmed by an Illinois Hearing Officer.

2. Boards of education in the State of Illinois who dismiss a tenured teacher pursuant to the Illinois Tenure Teacher Hearing Act identify the failure of a teacher to present an effective instructional program (incompetence) to be the most frequent reason for termination.

3. Boards of education who have dismissed tenured teachers for incompetence in the State of Illinois have had their decisions affirmed more often than reversed by hearing officers.

4. In over half of the decisions by a hearing officer to affirm the decision of a board of education to dismiss a tenured teacher for incompetence, that teacher also evidenced insubordinate behavior or failure to cooperate with supervisors in the remediation process.

The second research problem posed in this study was: In those hearing reports where tenured teachers have been charged with incompetence and subjected to the dismissal process, what words, phrases, or effects were used by boards of education to describe incompetence? It was found that:

1. Boards of education in the State of Illinois who dismiss a tenured teacher for incompetence identified the failure to maintain classroom order to be the most frequent instructional deficiency exhibited by incompetent teachers. In addition to classroom discipline, 86.8% of the hearing reports referred to

deficiencies in class climate, process of instruction, and/or planning.

2. The attitudes of teachers throughout the dismissal process frequently was an issue in a hearing where a tenured teacher was dismissed for incompetence by a board of education.

3. Boards of education in the State of Illinois rarely identify the teacher's knowledge of the subject matter or poor performance of students as a ground for incompetence.

The third research problem posed in this study was: In those cases where tenured teachers have been charged with incompetence and subjected to the hearing officer process, what types of evidence are used by school boards as proof of incompetence? It was found that:

1. Boards of education most frequently use the observations, documentation, and evaluations of supervisors to substantiate the grounds for incompetence stated in the hearing reports.

2. Boards of education frequently use the observations and documentation of student, parents, and fellow teachers to substantiate the grounds for incompetence stated in the hearing reports.

3. Boards of education rarely use the testimony or documentation of experts or the results of student ratings, peer ratings, and student test results to substantiate the charge of incompetence.

The fourth research question posed in this study was: In those cases where the hearing officer reversed the school board's decision, what grounds for reversing the decision of the school board did the hearing officer state in the hearing report decision? It was found that:

1. The decision of a board of education to dismiss a tenured teacher for incompetence is rarely reversed by a hearing officer on procedural grounds.

2. Boards of education frequently have their decision to dismiss a tenured teacher for incompetence reversed by a Illinois Hearing Officer because they did not present adequate evidence to substantiate the charge of incompetence. Hearing officers state one or more of the following levels of proof with which boards of education failed to comply in substantiating the charge of incompetence:

a) The quantity or quality of documentation presented by the board of education did not substantiate one or more of the grounds for incompetence stated in the hearing report.

b) The hearing officer did not believe or gave little weight to the testimony of parents, students, or peers.

c) The hearing officer concluded that the board of education did not use all available sources of evidence to substantiate the charge of incompetence.

d) The hearing officer perceived the standards set by the board of education for effective instruction to be too high or not applied uniformly to other teachers in similar situations.

e) The hearing officer viewed the instructional deficiencies exhibited by the teacher charged with incompetence to be caused by circumstances (e.g. achievement level of student, actions taken by administrators) beyond the teacher's control.

3. Hearing officers reinstated tenured teachers who were dismissed for incompetence by a board of education if the evaluation process or the supervisors involved in the evaluation process were unfair or prejudiced.

4. The amount of time and quality of help which a board of education provides a teacher to remediate his instructional deficiencies can become a

factor in the decision of a hearing officer to reinstate a tenured teacher who has been dismissed for incompetence.

5. The effects of poor instruction on students enrolled in a classroom of a teacher who has been dismissed for incompetence are not a primary consideration in the decision of a hearing officer to dismiss a tenured teacher for incompetence.

The fifth research question posed in this study was: In those cases where tenured teachers have been charged with incompetence and subjected to the hearing officer dismissal process, what relationship do the variables selected for analysis in this study---grounds for incompetence, grounds for reversal, and types of evidence---have to the outcome of the a decision to dismiss a tenured teacher in Illinois? It was found that:

In a majority of the hearing reports analyzed for this study the content of each report contained multiple codings for each variable analyzed. For this reason it was impossible to evaluate or weigh which subcategory or variable determined the outcome of the decision.

The conclusion arrived at for each research question posed in this study was based on general tendencies expressed in aggregate frequency counts of subcategories for each variable analyzed.

A Profile

The analysis of selected variables in the contents of hearing reports where a tenured teacher was dismissed for incompetence has revealed certain general tendencies and characteristics of boards of education and hearing officers in the dismissal process. The problem with these findings is that tables and frequency

counts alone do not present a complete picture of what boards of education and their administrative staffs will experience in a dismissal action.

For this reason a profile of a typical dismissal action is presented below in an attempt to place the findings and conclusions of this study into a meaningful context for boards of education and practicing administrators. The profile below is based on the analysis of tables and frequency counts of selected variables in the content of hearing reports presented in Chapter III. The researcher also used the findings from other studies of the dismissal of a tenured teacher in Illinois to present a more complete profile of what boards of education, administrators, and teachers experience in the dismissal process. The findings of these studies were limited by the research questions asked in each study and by the methodological approach used to answer the questions.

Administrators most often become involved with teachers who are identified as incompetent when they directly observe disorderly students in a classroom or commons area (e.g. hallways, cafeteria). Administrators also become aware of a teacher's inability to present an effective instructional program from students, parents, or fellow staff members. Administrators rarely become aware of poor instruction from test results or achievement scores of students.

After the administrator has observed student misconduct in a classroom or commons area, or received a complaint from a student, parent, or staff member, the administrator will visit the classroom and initiate some type of evaluation of the teacher's performance. The subsequent observations or evaluations of the administrator will usually identify other instructional deficiencies exhibited by the teacher during the evaluation period. The instructional deficiencies most often described by the administrator focus on the techniques used by the teacher

to plan and present content material to students.

The administrator who is the direct supervisor of the "incompetent" teacher will be given the primary responsibility for evaluating and remediating the instructional deficiencies exhibited by the teacher. Frequently, the administrator will receive help from one additional administrator in the building or from the district office in evaluating and remediating the incompetent instructor. Rarely, will the district office provide the building administrator with an outside consultant or additional administrative help in evaluating and remediating the teacher who is experiencing difficulties presenting an effective instructional program to his classes.

The teacher who becomes involved in the dismissal process will most often be a male secondary teacher with a mean age of 43 years. This teacher will have a mean of more than 14 years of educational experience. Eleven of the 14 years will have been spent in the district from which he is being dismissed. The teacher will most often be affiliated with the National Education Association.¹

At best, the teacher who is instructed to correct the instructional deficiencies identified by a building or district administrator will admit to certain deficiencies in the classroom and cooperate with the administrator in remediating the deficiencies. Often the teacher will deny the existence of the instructional deficiencies identified by the administrator. The teacher takes the position that these instructional deficiencies were the product of a biased administrator or an evaluation process which was unfair. The teacher may use the ability levels of students, problems in the school, the behaviors of other teachers, or the lack of knowledge of the standards for effective instruction as the reason for the inability to present an effective instructional program.

Usually the administrators and teachers who become involved in the dismissal

process will assume adversarial roles in the evaluation and remediation of instructional deficiencies. The adversarial nature of the dismissal process will create situations where administrator and teacher become involved in verbal and/or written confrontations. These confrontations can result in conduct by the teacher and/or administrator which is less than professional. Most often this conduct will be interpreted by the administrator as uncooperativeness and by the teacher as unfairness.

Implications

The purpose of this study was to isolate certain variables which consistently appear in Illinois Hearing Officer Reports and to make inferences about hearing officers' perceptions of incompetence and the role these variables had in determining the outcomes of teacher dismissal action. The conclusions presented in the first part of this chapter listed the most significant findings from the analysis of tables and frequency counts contained in Chapter III. Based on these conclusions a profile of a dismissal action was constructed.

The conclusions and profile presented in the first part of this chapter have revealed certain general tendencies about the reasons and types of evidence boards of education use to detect and respond to teacher incompetence. These conclusions also provided some insight into why boards of education have their dismissal actions reversed by Illinois Hearing Officers.

The final research question posed in this study was: Based upon the aggregate counts of the coded variables listed in this study, what are the implications for public school boards of education who would adopt policies and procedures for the dismissal of tenured teachers for incompetence in the State of Illinois?

An analysis of the conclusions and the profile presented at the beginning of this chapter describe a series of actions initiated against a teacher rather than a process of detecting and responding to ineffective instructional behaviors. These "actions" most often place very few people in positions of making subjective judgments about the complex process of presenting information to young people. Such an approach to the detection and remediation of incompetent teachers can be vulnerable to one or more of the reasons for reversal stated by hearing officers in Chapter III.

Edwin Bridges in his study of teacher incompetence for the Institute for Research on Educational Finance and Governance maintains that the successful management of incompetence means that boards of education and their administrative staffs cannot approach teacher incompetence as an "action" but rather as a "process."² This means that boards of education should have policies and procedures for both the detection of ineffective instructional behaviors and the remediation of these behaviors.

The significance of viewing the detection and response to ineffective instruction as a process rather than an action becomes apparent when the reasons hearing officers offer for reversing the decision of a board of education to dismiss a tenured teacher for incompetence in Illinois are analyzed. Boards of education have their decisions to dismiss a tenured teacher for incompetence reversed if a teacher can prove to a hearing officer that the board of education

committed or omitted one or more of the following acts in detecting and responding to teacher incompetence:

1. Evidence was presented which did not substantiate the specific grounds for incompetence identified by administrators or supervisors. Specifically, the board of education did not use all available sources of information to evaluate and document a prescribed standard of instructional performance which is uniformly applied to all teachers in the district.

2. Application of an evaluation process was arbitrary and capricious. For hearing officers fairness means that teachers understand what is expected of them and that supervisors clearly communicate and evaluate these standards. The supervisor is expected to implement these procedures equally and objectively.

3. A remediation process was used which did not provide a teacher with enough time or quality help to correct the instructional deficiencies listed in evaluation forms or bills of particulars.

4. Board of education failed to produce evidence that the instructional deficiencies exhibited by the teacher caused any harm to students or teachers.

These acts of commission or omission cannot be eliminated totally in a process characterized by the evaluation of complex behaviors on the parts of teachers and students. However, these acts can be greatly reduced if the detection and remediation of incompetence is viewed as an ongoing process. This process should contain a step-by-step approach to the detection and remediation of ineffective teaching behaviors. The components listed below describe more fully the contents of of the process for the detection and remediation of teacher incompetence. These components were developed from the analysis of the

variables in Chapter III and the conclusions listed at the beginning of Chapter IV.

Diagnostic Component- This component presents a detailed description of the instructional deficiencies which have been observed and documented. This stage assumes that the board of education has clearly defined standards of teacher performance which have been communicated to all staff members.

Prescriptive Component- This component describes the behaviors which a teacher must adopt to correct the instructional deficiencies identified in the diagnostic component.

Remediation Component- This component provides the teacher with a description of corrective actions which the school district would initiate to help the teacher correct the instructional deficiencies documented in the diagnostic component. Included in this description are the names and responsibilities of the personnel involved in the remediation process and the time periods which would be allotted for the correction of the instructional deficiencies. This component also includes a description of the responsibilities or duties with which the teacher would be expected to comply during the remediation period. These duties might include such activities as: enrolling in a district in-service program; enrolling in a prescribed graduate course; completing a programmed handbook; meeting regularly with district supervisory personnel or an outside consultant; videotaping of classes. The purpose of these activities is to provide the teacher with every possible opportunity to improve his instructional program.

Evaluation Component- This component provides the teacher with feedback on his progress through the remediation program. These evaluations describe specifically what teaching behaviors are still not adequate

and what teaching behaviors have been corrected. Every evaluation contains detailed recommendations for correcting inadequate teaching behaviors. It is assumed that the teacher has been informed of the criteria which will be used for each evaluation and of the personnel who will be responsible for the evaluations.

The evaluation component can be a termination point in the detection and remediation of incompetence. It can also serve as the beginning point for another cycle of remediation. If the decision is made to begin the cycle again, then the evaluations will determine the contents and time periods for the other components in the detection and remediation process.

Decision Component- At some point in the detection and remediation of incompetence, an individual or committee must have the final authority in making the decision of whether to prolong the process, to terminate the process, or to begin the dismissal process. This decision should be made only after the testimony from all the personnel in each component has been reviewed and their documentation studied.

The components listed above describe the substance of a process for the detection and remediation of incompetence. The other part of an effective process for the detection and remediation of incompetence is how the substance of the process is applied to the teaching staff in the district. Whatever procedures boards of education adopt to apply the components listed above, they must be sure to keep all persons involved in the process clearly informed of the contents of each component and what expectations each component asks of the teacher. Boards of education must make sure that the teacher fully understands all the parts of the detection and remediation process and how his performance fits into this process.

Each of the components listed above addresses one or more of the concerns expressed by hearing officers in their decisions to reinstate teachers who were dismissed for incompetence by a board of education. The systematic application of these policies and procedures demand, however, that a board of education view the detection and response to teacher incompetence as a process, not an action.

Two observations remain about the decisions made by hearing officers in the dismissal of a tenured teacher for incompetence. These observations are not based on any specific conclusion or finding presented in this study. Rather, they are impressions left from repeated readings of the hearing reports.

First, the process of a dismissing a tenured teacher for incompetence will contain variables which cannot be coded, counted, or analyzed. Although hearing officers like to quote case law and principles of law, they are influenced by intangibles--the sincerity of the witnesses, the tone of the documentation and testimony, the circumstances in which the teacher or administrators find themselves, the number of years the teacher has been in the classroom, the comments and ratings in past evaluations. The impact these intangibles have on hearing officer decisions is impossible to quantify using the approach adopted for this study.

But the effect these intangible variables have on the outcomes of hearing report decisions remain, and they need to be recognized by boards of education. A board can strictly adhere to the recommendations of this study or other teacher dismissal models and still have its decision reversed by an Illinois Hearing Officer. This is why boards of education need to adopt policies and procedures which eliminate as much as possible the opportunity for "intangibles" to become a factor in a teacher dismissal action. Policies and procedures which create and

apply a process for evaluating the performance of all staff members, with a separate process for the dismissal of a tenured teacher, takes the regular evaluative process a step further in a systematic and purposeful way. These policies and procedures then greatly reduce the chance that hearing officers will make their decisions based on an intangible factor rather than on the evidence.

The final observation of this study is the problem created by the concept of incompetence. Because the term is not defined in the Code, boards of education and hearing officers have constructed their own definitions or characteristics of competence and incompetence based on, at best, evaluation policies and case law, and, at worst, the crisis of the moment. These definitions or descriptions have one salient weakness---they do not clearly differentiate between teaching performances which are marginal and teaching performances which are incompetent.

The impression left by reading hearing reports is that in many instances the teacher who is being dismissed for incompetence has not demonstrated a total breakdown in performance. Instead the board of education has identified a marginal performer who, for want of ability or motivation, is not very effective in the classroom. When this fact becomes apparent to the hearing officer, he is placed in the difficult position of terminating the career of a tenured teacher who exhibits below average ability or performance. Hearing officers have a tendency in such cases to sidestep the problem by instructing the district to provide more remediation or a different classroom setting.

Boards of education, on the other hand, take the position that they have the right to replace marginal performers with more capable people. One can understand the frustration of a board of education that is told by the hearing officer that it must spend more money and time attempting to correct a marginal

performer. This decision becomes even more frustrating when, at the end of the process, the teacher has improved but is still a marginal performer. In effect the board of education is employing a teacher who is not bad enough to fire, but not good enough to be effective. The implications of this dilemma are far-reaching in a decade when schools will be asked to be more accountable for their instructional programs.

Summary

This chapter presented the conclusions and implications from the analysis of certain variables which consistently appear in the content of Illinois Hearing Officer Reports. The conclusions and implications in this chapter have described general tendencies about the reasons and types of evidence boards of education use to detect and respond to teacher incompetence. These conclusions also provided some insight into why boards of education have their decisions to dismiss a tenured teacher for incompetence reversed by Illinois Hearing Officers.

The conclusions of this study were limited by the variables selected for analysis and the methodological approach used to answer the research questions posed at the beginning of this study.

Among the findings listed in Chapter III and the conclusions listed in this chapter there are two results which deserve special attention. First, since 1975 boards of education rarely have had their decisions to dismiss a tenured teacher for incompetence reversed on procedural grounds. Second, boards of education in Illinois ususally have their decisions to dismiss a tenured teacher for incompetence reversed because they failed to substantiate the charge of teacher incompetence. These findings are significant because the literature on teacher

dismissal stress the procedural aspects of teacher dismissal while paying little or no attention to substantiating the instructional deficiencies identified as incompetence.³ Based on the findings of this study it would appear that boards of education are having more problems with proving incompetence rather than providing teachers with the proper procedural guarantees.

Recent articles in the literature on teacher dismissal have begun to recognize that boards of education who decide to purposefully address the problem of teacher incompetence must develop policies and procedures which establish a standard for instructional effectiveness and trained supervisory personnel to evaluate, document, and remediate teachers who fail to meet the prescribed standard.⁴

The foundation of these policies and procedures must be a description of what behaviors constitute effective teaching. The answer to this question must come from studies of what students and teachers do in a classroom each day of the school year.⁵ If educators fail to study which behaviors constitute effective teaching, then the courts and the hearing officers will continue to determine what is or is not effective instruction.

Recommendations for Further Research

This study analyzed selected variables which appear consistently in Illinois Hearing Officer Reports and drew inferences about hearing officer perceptions of incompetence and the role certain variables had in deciding outcomes of teacher dismissal actions. The findings and conclusions of this study were limited by the research questions posed in this study and the methodological approach used to answer these questions. Based on the findings of this study the following

recommendations for further research should be undertaken:

I. Research should be initiated to address questions concerning the following parties involved in a dismissal action with regard to:

A. What happens to teachers who have been dismissed for incompetence by a board of education and reinstated by an Illinois Hearing Officer?

1. Do teachers who are reinstated by Illinois Hearing Officers remain in the same school and/or teaching position?

2. How many years do teachers remain in their teaching positions after being reinstated by an Illinois Hearing Officer?

B. What policies and procedures in the evaluation, documentation, and remediation of incompetence do boards of education implement when dismissing a tenured teacher for incompetence?

1. What policies and procedures did boards of education have in effect for the evaluation, documentation, and remediation of teacher incompetence in cases where the decision to dismiss a tenured teacher for incompetence was affirmed by an Illinois Hearing Officer?

2. What policies and procedures did boards of education have in effect for the evaluation, documentation, and remediation of teacher incompetence in cases where the decision to dismiss a tenured teacher for incompetence was reversed by an Illinois Hearing Officer?

C. What training did administrators and/or supervisors involved in the dismissal of a tenured teacher for incompetence receive?

1. What types of training do administrators and/or supervisors receive in the detection and response to teacher incompetence (e.g. in-service training, professional preparation) in cases where the decision to

dismiss a tenured teacher for incompetence was affirmed by an Illinois Hearing Officer?

2. What types of training do administrators and/or supervisors receive in the detection and response to teacher incompetence in cases where the decision to dismiss a tenured teacher for incompetence was reversed by an Illinois Hearing Officer?

II. Research should be initiated to address the following questions concerning the use and presentation of evidence in a dismissal action where a teacher was dismissed for incompetence.

A. What types of evaluation instruments did boards of education use in the detection and evaluation of teachers who were dismissed for incompetence?

B. What policies or procedures did boards of education who dismissed a tenured teacher for incompetence have for testing student learning?

C. What ratings did teachers who were dismissed for incompetence receive on evaluations issued before the teacher was identified as incompetent, and is there a relationship to hearing officer decisions?

III. Research should be initiated to address the following questions concerning the other grounds for termination and the relationship to incompetence:

A. What types of evidence do boards of education use in dismissal actions where a teacher has been charged with personal misconduct, physical abuse, insubordination, and other?

B. What reasons for reversal do boards of education use in dismissal actions where a teacher has been charged with personal misconduct, physical abuse, insubordination, and other?

END NOTES

156. ¹Spalding, "Data Related to Illinois Tenured Teacher Dismissal, 1975-81,"

²Bridges, Management of Teacher Incompetence, 10.

³The literature on teacher dismissal has been dominated by questions concerning the meaning and implications of tenure and the due process rights of teachers. The following monographs emphasize the procedural aspects of dismissal actions: Joseph Beckham and Perry A. Zirkel, ed., Legal Issues in Public School Employment (Bloomington: Phi Delta Kappa, 1983), Floyd G. Delon, Legal Issues in the Dismissal of Teachers for Personal Conduct (Topeka, Kansas: A Nolpe Publication, 1982), Robert E. Phay, Legal Issues in Public School Administrative Hearings (Topeka, Kansas: A Nolpe Publication, 1982), Floyd G. Delon, Legal Controls on Teacher Conduct (Topeka, Kansas: A Nolpe Publication, 1977), Joseph C. Beckham, Legal Aspect of Teacher Evaluation (Topeka, Kansas: A Nolpe Publication, 1981).

⁴ Among the many articles on teacher dismissal there are three reports which provide research findings and recommendations on staff dismissal. Shirley Boes Neill and Jerry Custis, AASA Critical Issues Report: Staff Dismissal-Problems and Solutions (California: American Association of School Administrators, 1977), specifically address the problem of defining teacher incompetence. Neill and Custis' report recommends that boards of education determine what is acceptable performance and then develop policies and procedures to effectively evaluate this standard.

The most comprehensive look at teacher incompetence is contained in two reports by Edwin M. Bridges for the Institute for Research on Educational Finance and Governance. The first report presents a process for the management of teacher incompetence. The second report presents the results of a study of certain variables in court cases where teachers were dismissed for incompetence. Both reports contain research questions which address the problems of defining teacher incompetence and the most effective process for the detection and remediation of teacher incompetence.

⁵ In the last five years there have been a several monographs which have summarized the research on effective teaching. These monographs confirm the observation made by Gage in the book, The Study of Teaching, by Michael J. Dunkin and Bruce J. Biddle, that earlier studies of teaching "...treated the classroom as a 'blackbox' into which were fed teachers, pupils, hardware, and software, and out of which came various results--and more or less pupil learning. The crucial events within the classroom, the point at which teachers, pupils, and equipment come together and at which results must be determined, was ignored." These earlier studies of teaching have been eclipsed by a new school of researchers who believe, in the words of Dunkin and Biddle, "that the activities of a teacher are reasonable, natural, rational events that have

discoverable causes and effects." N.L. Gage in his article, "The Yield of Research on Teaching," Phi Delta Kappan, 60 (November, 1978), provides a critique of the methodological shortcomings of the older research on teaching and suggests the methodological approach which the new "process-product" research should adopt in analyzing the behaviors of teachers and students in actual classroom situations.

Recent research on effective teaching concentrates on certain "alterable variables" in the teaching process which show a high correlation with increased student achievement. Benjamin Bloom in his book, Human Characteristics and School Learning (New York: McGraw Hill, 1982), provides a brief summary of these "alterable variables" and the relationships which the research has established between these variables and the achievement of students.

The results of this new research on effective teaching provide the foundation for a number of teaching models which school districts are asking their staffs to implement. Foremost among these models is the "tri-dimensional model for a diagnostic-prescriptive" approach to teaching developed by Madeline Hunter. The tri-dimensional approach to teaching posits, in the words of Dr. Hunter, that "we have enough knowledge to increase the probability of desirable outcomes in learning and to minimize or eliminate the undesirable outcomes."

The relationship of this new research to the problem of teacher incompetence becomes apparent after reading the hearing reports analyzed for this study. Effective models for dismissing incompetent teachers cannot be constructed until boards of education decide what types of instructional behaviors they want their teaching staffs to implement in their classrooms on a daily basis. These decisions need to be based on research which systematically analyzes the interactions which take place between teachers and students in classrooms on a daily basis.

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Dismissal Hearing RE: LaVine, March 14, 1978.

Dismissal Hearing RE: Lawyer, June 21, 1982.

Dismissal Hearing RE: Lombardi, September 8, 1981.

Dismissal Hearing RE: Maclin, August 22, 1980.

Dismissal Hearing RE: Mann, July 18, 1981.

Dismissal Hearing RE: Maroney, July 31, 1981.

Dismissal Hearing RE: Martin, March 14, 1979.

Dismissal Hearing RE: Massoud, October 25, 1979.

Dismissal Hearing RE: McCabe, May 20, 1980.

Dismissal Hearing RE: McCoy, February, 14, 1980.

Dismissal Hearing RE: McGoldrick, June 6, 1983.

Dismissal Hearing RE: Metskas, February 16, 1979.

Dismissal Hearing RE: Miller, June 18, 1976.

Dismissal Hearing RE: Mills, January 6, 1983.

Dismissal Hearing RE: Moore, April 14, 1982.

Dismissal Hearing RE: Moutray, August 25, 1976.

Dismissal Hearing RE: Mudd, November 6, 1981.

Dismissal Hearing RE: Muhammed, May 19, 1980.

Dismissal Hearing RE: Murray, September 16, 1977.

Dismissal Hearing RE: Norris, January 24, 1976.

Dismissal Hearing RE: Oldham, August 24, 1981.

Dismissal Hearing RE: Owens, July 30, 1979.

Dismissal Hearing RE: Payne, A., September 14, 1979.

Dismissal Hearing RE: Payne, R., April 20, 1979.

Dismissal Hearing RE: Peterson, January 17, 1980.

Dismissal Hearing RE: Proffer, July 31, 1980.

Dismissal Hearing RE: Rae, May 12, 1982.

Dismissal Hearing RE: Rathjen, June 15, 1977.

Dismissal Hearing RE: Reis, February 20, 1979.

Dismissal Hearing RE: Richard, February 2, 1978.

Dismissal Hearing RE: Rittgers, June 16, 1978.

Dismissal Hearing RE: Roberson, July 22, 1982.

Dismissal Hearing RE: Rogers, July 17, 1981.

Dismissal Hearing RE: Russell, April 22, 1981.

Dismissal Hearing RE: Schaffner, August 28, 1982.

Dismissal Hearing RE: Shannon, M., October 6, 1978.

Dismissal Hearing RE: Shannon, R., October 6, 1977.

Dismissal Hearing RE: Shelby, July 21, 1982.

Dismissal Hearing RE: Shuey, November 10, 1981.

Dismissal Hearing RE: Shown, August 1, 1980.

Dismissal Hearing RE: Sickley, June 30, 1983.

Dismissal Hearing RE: Slavin, October 21, 1980.

Dismissal Hearing RE: Smith, January 17, 1978.

Dismissal Hearing RE: Southern, November 8, 1982.

Dismissal Hearing RE: Stamper, December, 1983.

Dismissal Hearing RE: Stolarz, September 30, 1977.

Dismissal Hearing RE: Stone, March 16, 1977.

Dismissal Hearing RE: Szabo, June 23, 1981.

Dismissal Hearing RE: Szkirpan, July 28, 1983.

Dismissal Hearing RE: Thurston, April 14, 1984.

Dismissal Hearing RE: Wagstaff, January 8, 1982.

Dismissal Hearing RE: Warren, September 18, 1981.

Dismissal Hearing RE: Washington, July 29, 1979.

Dismissal Hearing RE: Wells, January 13, 1983.

Dismissal Hearing RE: White, August 21, 1980.

Dismissal Hearing RE: Wilson, C.; March 31, 1982.

Dismissal Hearing RE: Wilson, Y., October 25, 1982.

Dismissal Hearing RE: Woodrome, June 17, 1980.

Dismissal Hearing RE: Woodson, October 19, 1979.

Dismissal Hearing RE: Zimmerman, August 31, 1982.

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APPENDIX A

- Table A-1 REASONS FOR TERMINATION**
Table A-2 GROUNDS FOR INCOMPETENCY
Table A-3 TYPES OF EVIDENCE
Table A-4 GROUNDS FOR REVERSAL

Table A-1

REASONS FOR TERMINATION

Case*	Personal Misconduct	Physical Abuse	Incompetence	Insubordination	Other	Affirmed	Reinstated
Agnos, August 6, 1976			x				x
Allotta, October 17, 1982					x	x	
Anderson, et.al. October 29, 1979	x					x	
Angelotti, November 9, 1976			x				x
Banks, November 2, 1978			x				x
Banks, April 5, 1982			x		x**	x	
Bauer, April 23, 1980			x			x	
Bergmann, February 27, 1978				x		x	
Bowes, December 21, 1982			x				x
Butler, April 25, 1983		x				x	

Table A-1—Continued

Case	Personal Misconduct	Physical Abuse	Incompetence	Insubordination	Other	Affirmed	Reinstated
Button, August 16, 1981	x		x	x		x	
Carey, January 16, 1984			x	x ^{**}		x	
Carter, L., August 25, 1980	x					x	
Carter, W., April 17, 1979			x			x	
Case, April 22, 1981 (Case Settled Before Decision Rendered)							
Chapas, October 14, 1978			x		x		x
Christopherson, January 6, 1979				x		x	
Clune, December 15, 1981	x						x
Collins, July 18, 1980		x	x	x ^{**}		x	
Combs, July 25, 1984			x	x ^{**}		x	
Davis, February, 6, 1978				x		x	

Table A-1—Continued

Case	Personal Misconduct	Physical Abuse	Incompetence	Insubordination	Other	Affirmed	Reinstated
Dearborn, March 13, 1981	x					x	
Divilia, March 22, 1977			x	x		x	
Dorethy, August 23, 1976	x						x
Dropp, March 23, 1979					x	x	
Drum, July 19, 1976				x			x
Dunne, October 23, 1979				x		x	
Durr, December 13, 1983		x	x	x ^{**}		x	
Eberbach, October 9, 1981			x				x
Eberhardt, July 25, 1980	x						x
Eckmann, August 31, 1982	x		x	x			x
Erway, December 14, 1976	x						x

Table A-1--Continued

Case	Personal Misconduct	Physical Abuse	Incompetence	Insubordination	Other	Affirmed	Reinstated
Hart, January 9, 1979			x				x
Hawkins, September, 1980					x	x	
Hayes, August 15, 1983				x	x		x
Higgins, June 27, 1979				x		x	
Hindman, June 18, 1976			x	x ^{**}	x	x	
Holmes, July 26, 1976				x			x
Holdych, June 28, 1977				x		x	
Hooks, February 25, 1981	x					x	
Horan, February, 16, 1982		x					x
Hughes, October 12, 1978			x				x
Hunt, June 6, 1984	x						x

Table A-1--Continued

Case	Personal Misconduct	Physical Abuse	Incompetence	Insubordination	Other	Affirmed	Reinstated
Ingels, December 5, 1977			x				x
Isaac, August 13, 1979		x	x				x
Jeske, September 24, 1980			x	x	x		x
Johnsen, June 29, 1979				x		x	
Johnson, July 8, 1982	x	x	x	x			x
Jones, October 14, 1977			x	x ^{**}		x	
Kadow, July 5, 1979 (Not Enough Information To Determine Reason)							x
Kimbrough, May 6, 1983	x					x	
Klinghoffer, November 1982			x				x
Kroll, April 15, 1980	x						x
Kroll, June 29, 1983 (Remand of Decision 4-15-80)							x

Table A-1—Continued

Case	Personal Misconduct	Physical Abuse	Incompetence	Insubordination	Other	Affirmed	Reinstated
Kronenberger, October 23, 1981			x			x	
Lakin, August 25, 1976			x				x
LaVine, March 14, 1978				x	x		x
Lawyer, June 21, 1982 (Not Enough Information To Determine Reason)						x	
Lombardi, September 9, 1981					x		x
Maclin, August 22, 1980			x	x	x		x
Mann, July 18, 1981		x					x
Maroney, July 31, 1981	x					x	
Martin, March 14, 1979					x		x
Massoud, October 25, 1979		x				x	
McCabe, May 20, 1980	x		x	x	x	x	

Table A-1--Continued

Case	Personal Misconduct	Physical Abuse	Incompetence	Insubordination	Other	Affirmed	Reinstated
McCoy, February 14, 1980	x		x	x	x		x
McGoldrick, June 6, 1983			x				x
Metskias, February 16, 1979				x			x
Miller, June 18, 1976				x			x
Mills, January 6, 1983	x					x	
Moore, January 6, 1983				x		x	
Moutray, August 25, 1976			x			x	
Mudd, November 6, 1981	x					x	
Muhammed, May 19, 1980			x			x	
Murray, September 16, 1977			x				x
Norris, January 24, 1976	x						x

Table A-1—Continued

Case	Personal Misconduct	Physical Abuse	Incompetence	Insubordination	Other	Affirmed	Reinstated
Oldham, August 24, 1981	x	x				x	
Owens, July 30, 1979	x	x	x	x ^{**}		x	
Payne, A., September 14, 1979	x						x
Payne, R., April 20, 1979 (Case Settled Before Decision Rendered)							
Peterson, January 17, 1980 (Case Settled Before Decision Rendered)							
Proffer, July 31, 1980		x				x	
Rae, May 12, 1982				x		x	
Rathjen, June 15, 1977			x			x	
Reis, February 20, 1979					x		x
Richard, February 2, 1978		x					x
Rittgers, June 16, 1978	x						x

Table A-1—Continued

Case	Personal Misconduct	Physical Abuse	Incompetence	Insubordination	Other	Affirmed	Reinstated
Roberson, July 22, 1982			x	x ^{**}		x	
Rogers, July 17, 1981 (Case Not Available For Review)							
Russell, April 22, 1981			x	x			x
Schaffner, August 28, 1982					x	x	
Shannon, M., October 6, 1978	x		x	x			x
Shannon, R., October 6, 1977		x					x
Shelby, July 21, 1982	x					x	
Shuey, November 10, 1981	x					x	
Shown, August 1, 1980			x		x		x
Sickley, June 30, 1983	x						x
Slavin, October 21, 1980		x					x

Table A-1—Continued

Case	Personal Misconduct	Physical Abuse	Incompetence	Insubordination	Other	Affirmed	Reinstated
Smith, January 17, 1978				x		x	
Southern, November 8, 1982			x			x	
Stamper, December, 1983			x			x	
Stolarz, September 30, 1977				x		x	
Stone, March 16, 1977		x	x	x ^{**}		x	
Szabo, June 23, 1981	x					x	
Szkirpan, July 28, 1983			x	x ^{**}		x	
Thurston, April 14, 1984			x	x		x	
Wagstaff, January 8, 1982		x	x		x	x	
Warren, September 18, 1981	x	x				x	
Washington, July 29, 1979			x				x

Table A-1—Continued

Case	Personal Misconduct	Physical Abuse	Incompetence	Insubordination	Other	Affirmed	Reinstated
Wells, January, 13, 1983			x	x	x	x	
White, August 21, 1980					x		x
Wilson, C. March 31, 1982		x				x	
Wilson, Y. October 25, 1982			x	x ^{**}		x	
Woodrome, June 17, 1980					x		x
Woodson, October 19, 1979	x	x	x	x ^{**}		x	
Zimmerman, August 31, 1982				x		x	

x^{*} Citations for all hearing reports coded for this study maybe found in the Bibliography.

x^{**} Designates cases where the teacher charged with incompetence evidenced insubordinate conduct or a non-cooperative attitude during the remediation process.

Table A-2

GROUNDS FOR INCOMPETENCY

Case	Knowledge	Planning	Class Climate	Class Management	Process of Instruction	Instructional Outcomes	Attitudinal	Affirmed	Reinstated
Agnos			x	x	x	x	x		x
Angelotti	x		x	x	x				x
Banks		x		x	x	x	x		x
Banks	x	x	x	x	x	x	x	x	
Bauer			x	x	x			x	
Bowes		x	x	x	x	x	x		x
Button		x		x			x	x	
Carey		x	x	x	x		x	x	
Carter		x		x	x		x	x	
Chapas				x					x

Table A-2—Continued

Case	Knowledge	Planning	Class Climate	Class Management	Process of Instruction	Instructional Outcomes	Attitudinal	Affirmed	Reinstated
Collins				x	x			x	
Combs			x	x			x	x	
Divilia	x	x	x	x	x		x	x	
Durr				x		x		x	
Eberbach			x	x	x		x		x
Eckmann			x	x			x		x
File	x		x	x	x	x	x		x
Gomez	x	x	x	x	x	x	x		x
Graham	x		x	x	x				x
Grant		x		x	x	x	x		x
Hairston		x		x			x	x	

Table A-2—Continued

Case	Knowledge	Planning	Class Climate	Class Management	Process of Instruction	Instructional Outcomes	Attitudinal	Affirmed	Reinstated
Hart					x		x		x
Hindman							x	x	
Hughes				x	x	x	x		x
Ingels		x		x					x
Isaac		x	x	x	x	x	x		x
Jeske (Not Enough Information Provided To Determine Grounds For Incompetence)									
Johnson		x		x	x		x		x
Jones							x	x	
Klinghoffer		x	x	x	x		x		x
Kronenberger		x	x	x	x			x	
Lakin		x		x	x				x

Table A-2—Continued

Case	Knowledge	Planning	Class Climate	Class Management	Process of Instruction	Instructional Outcomes	Attitudinal	Affirmed	Reinstated
Maclin			x	x	x	x	x		x
McCabe			x	x	x		x	x	
McCoy		x	x	x			x		x
McGoldrick	x			x	x		x		x
Muhammed		x		x	x		x	x	
Murray		x	x	x	x				x
Moutray	x	x		x	x			x	
Owens				x		x	x	x	
Rathjen				x				x	
Roberson		x	x	x	x	x	x	x	
Russell				x			x		x

Table A-2—Continued

Case	Knowledge	Planning	Class Climate	Class Management	Process of Instruction	Instructional Outcomes	Attitudinal	Affirmed	Reinstated
Shannon			x	x					x
Shown		x		x			x		x
Southern		x	x	x	x	x	x	x	
Stamper				x	x		x	x	
Stone			x	x			x	x	
Szkirpan		x		x	x	x		x	
Thurston		x		x	x	x	x	x	
Wagstaff			x	x	x	x	x	x	
Washington (Not Enough Information To Determine Grounds For Incompetence)									
Wells					x	x	x	x	
Wilson, Y.				x	x			x	

Table A-2—Continued

Case	Knowledge	Planning	Class Climate	Class Management	Process of Instruction	Instructional Outcomes	Attitudinal	Affirmed	Reinstated
Woodson		x	x	x	x		x	x	

Table A-3

TYPES OF EVIDENCE

Cases	Supervisory Single	Ratings Multiple	Expert Ratings	Peer Ratings	Student Ratings	Student Test Results	Complaints Students	Parents	Peers	Affirmed	Reinstated
Agnos	x						x	x	x		x
Angelotti		x				x	x	x			x
Banks	x		x								x
Banks		x	x			x				x	
Bauer	x			x						x	
Bowes	x		x				x	x	x		x
Button		x	x	x				x		x	
Carey		x								x	
Carter	x						x	x		x	
Chapas	x										x

Table A-3--Continued

Cases	Supervisory Single	Ratings Multiple	Expert Ratings	Peer Ratings	Student Ratings	Student Test Results	Complaints Students	Parents	Peers	Affirmed	Reinstated
Collins	x						x			x	
Combs	x		x					x		x	
Divilia		x					x			x	
Durr		x		x			x	x		x	
Eberbach		x					x		x		x
Eckmann									x		x
File		x		x					x		x
Gomez		x				x		x			x
Graham	x										x
Grant		x									x
Hairston		x								x	

Table A-3--Continued

Cases	Supervisory Ratings Single	Ratings Multiple	Expert Ratings	Peer Ratings	Student Ratings	Student Test Results	Complaints Students	Parents	Peers	Affirmed	Reinstated
Hart (Not Enough Information Provided To Determine Type Of Evidence)											
Hindman	x									x	
Hughes	x										x
Ingels		x									x
Isaac	x							x			x
Jeske	x										x
Johnson	x										x
Jones (Not Enough Information Provided To Determine Type Of Evidence)											
Klinghoffer		x									x
Kronenberger	x						x	x	x	x	
Lakin	x										x

Table A-3—Continued

Cases	Supervisory Ratings Single	Ratings Multiple	Expert Ratings	Peer Ratings	Student Ratings	Student Test Results	Complaints Students	Parents	Peers	Affirmed	Reinstated
Maclin (Not Enough Information To Determine Type of Evidence)											
McCabe							x			x	
McCoy	x							x	x		x
McGoldrick		x	x								x
Moutray	x									x	
Muhammed	x							x	x	x	
Murray		x									x
Owens		x				x		x		x	
Rathjen	x				x				x	x	
Roberson	x									x	
Russell (Not Enough Information To Determine Type of Evidence)											

Table A-3—Continued

Cases	Supervisory Ratings		Expert Ratings	Peer Ratings	Student Ratings	Student Test Results	Complaints		Affirmed Peers	Reinstated
	Single	Multiple					Students	Parents		
Shannon	x							x		x
Shown					x			x		x
Southern		x		x						x
Stamper		x		x						x
Stone							x	x		x
Szkirpan		x						x		x
Thurston	x		x	x				x		x
Wagstaff		x	x	x						x
Washington (Not Enough Information To Determine Type Of Evidence)										
Wells		x								x
Wilson, Y.			x							x

Table A-3—Continued

Cases	Supervisory Ratings		Expert Ratings	Peer Ratings	Student Ratings	Student Test Results	Complaints			Affirmed	Reinstated
	Single	Multiple					Students	Parents	Peers		
Woodson				x			x	x	x	x	

Table A-4

GROUNDS FOR REVERSAL

Case	Not Supported By Evidence	Different Methods	Defective System	Evaluation	No Damage to Students/Faculty	Defective Remediation	Administrative Error	Procedural Error
Agnos	x	x						
Angelotti	x		x					
Banks					x			
Bowes	x		x					
Chapas								x
Eberbach							x	
Eckmann	x				x	x		
File			x			x		
Gomez	x		x		x			
Graham	x					x	x	

Table A-4—Continued

Case	Not Supported By Evidence	Different Methods	Defective Evaluation System	No Damage to Students/Faculty	Defective Remediation	Administrative Error	Procedural Error
Grant	x						
Hart	x				x		
Hughes	x				x		x
Ingels	x		x				
Isaac	x		x	x			
Jeske	x		x	x	x		
Johnson							x
Klinghoffer	x				x		
Lakin	x				x		
Maclin	x						

Table A-4—Continued

Case	Not Supported By Evidence	Different Methods	Defective Evaluation System	No Damage to Students/Faculty	Defective Remediation	Administrative Error	Procedural Error
McCoy	x						
McGoldrick	x	x	x	x			
Murray	x	x	x	x			
Russell	x				x		x
Shannon	x		x				
Shown	x			x			x
Washington							x

APPROVAL SHEET

The dissertation submitted by Alan Charles Jones has been read and approved by the following committee:

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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 Education.

April 16, 1985
Date

Max Bailey
Director's Signature