

Education Matters

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WHO DESERVES TENURE?

By Chester E. Finn, Jr.

Is it time
to move
beyond this
approach of
safeguarding
public
employees?



Editor's Note: Chester Finn has written an article addressing a subject that merits discussion and debate. We've featured his article below and invite you to respond. Let's us know what you think by emailing info@aaeteachers.org.

Nobody deserves tenure, with the possible exception of federal judges. University professors don't deserve tenure; civil servants don't deserve tenure; police and fire-fighters don't deserve tenure; school teachers don't deserve tenure. With the solitary exception noted above—and you might be able to talk me out of that one, too—nobody has a right to lifetime employment unrelated either to his on-the-job performance or to his employer's continuing need for the skills and attributes of that particular person.

Tenure didn't come down from Mt. Sinai or over on the Mayflower. Although people occasionally refer to its origins in medieval universities, on these shores, at least, it's a twentieth-century creation. The American Association of University Professors (AAUP) began pushing for it around 1915, but tenuring professors didn't become the norm on U.S. campuses until after World War II (when the presumption of a seven-year decision

timeframe also gained traction), and it wasn't truly formalized until the 1970s when a couple of Supreme Court decisions made formalization unavoidable.

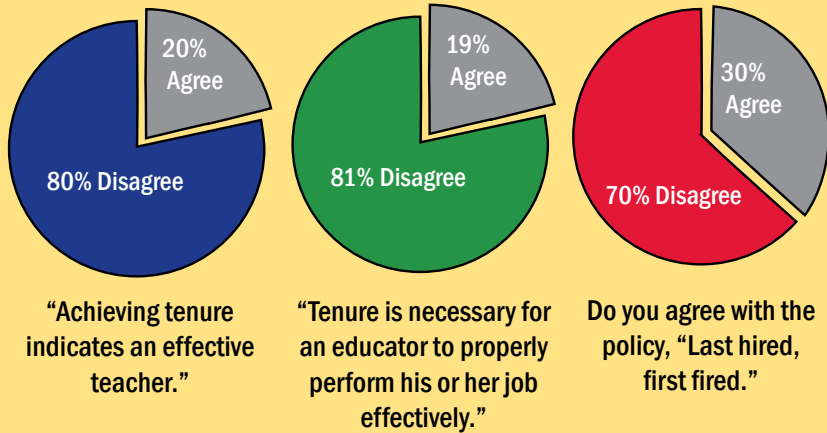
In some states, public school teachers began to gain forms of job protection that resembled tenure as early as the 1920s, but these largely went into abeyance during the Great Depression and were not formally reinstated until states—pressed hard by teachers unions—enacted “tenure laws” between World War II and about 1980.

Academic Freedom

The original rationale for tenure at the university level, articulately set forth by the AAUP, was to safeguard academic freedom by ensuring that professors wouldn't lose their jobs because they wrote or said something that somebody didn't like—including, on occasion, donors who paid for their endowed chairs. This justification gained plausibility during the post-war “Red Scare” and McCarthy era.

The corresponding rationale for school teachers was that they might lose their jobs for arbitrary and capricious reasons, such as not doing personal favors for the principals or irking some

AAE Member Survey, 2010



influential parents or board members. The civil service version of tenure had more to do with establishing a "merit" system and keeping politics and patronage at bay in government employment. As for federal judges, lifetime tenure is enshrined in Article III of the Constitution. Hamilton termed it "an excellent barrier to the despotism of the prince."

Speaking of the Constitution, however, various job protections for all manner of public employees, including most teachers and professors, can also be found in that document. Check out the clauses protecting individuals from actions by government (at first federal, then also state) that would "deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

Seat Belts and Suspenders

The "due process" concept has authentically ancient roots—a version of it appears in Magna Carta—and has developed dozens of statutory and courtroom precedents, protections, and procedures to safeguard individuals from arbitrary dismissal from their jobs.

Adding "tenure" on top of that is a bit like wearing both a belt and suspenders.

As for the alleged kinship between K-12 and higher ed tenure, two points are noteworthy. First, on college campuses, it typically takes about seven years to "win" tenure—and by no means does everyone get it then. University faculties and administrators go through elaborate procedures to determine which instructors will be "awarded" tenure. It is in no sense a right. In public education, however, it's pretty nearly automatic and usually comes after just two or three years of employment.

Second, the proportion of "tenure track" positions in higher education has been steadily declining. National Center for Education Statistics data show that, across a postsecondary teaching-faculty universe of 1.3 million individuals in 2009, fewer

than one in four were tenured and about two-thirds weren't even employed in tenure track positions.

In public education, on the other hand, essentially everyone with a teaching certificate is automatically a candidate for tenure as soon as he or she is hired by a school system. (Only if these instructors are really dreadful in the classroom or change their minds as to their career do they—maybe—not make it to the second- or third-consecutive contract that typically yields tenure.)

Federal judges aside, public school teachers now appear to be the most heavily tenured segment of the U.S. work force.

Which gives rise to all manner of problems, of which the most conspicuous and offensive, although maybe not the gravest, is the difficulty of dismissing that relatively tiny fraction of classroom instructors who are truly incompetent—and the cost, in both dollars and pupil achievement, of keeping them on the payroll. (If they're in class, the kids suffer. If they're in "rubber rooms" or other nonteaching duties, the taxpayers suffer, along with the reputation of the teaching profession.)

Tenure didn't come down from Mt. Sinai or over on the Mayflower....it's a twentieth-century creation.

Other Troubles

Tenure brings other troubles, too. Because it is nested within a set of HR practices and protections that include seniority-based job placements and reductions in force, tenure contributes to principals' inability to determine who teaches in

their schools and superintendents' inability to let the least qualified or least needed (or most expensive) teachers go during a time of cutbacks. Because tenure—job security in general—is a valuable employment benefit that substitutes in part for salary, it tends to hold down teacher pay, which, in turn, affects who does and doesn't seek to enter this line of work and who does and doesn't stay there. Because tenure pretty much guarantees one a job regardless of performance, it reduces teachers incentive to see that their pupils really learn—and their incentive to cooperate in sundry reforms that might be good for their schools and their students.

No wonder a bunch of folks, including the new crop of GOP governors, want to eliminate or radically overhaul teacher tenure.

And so they should. To repeat, it didn't come down from Mount Sinai—and there are plenty of other ways to safeguard public employees from wrongful dismissal besides guaranteeing them lifetime jobs. ■



Chester E. Finn, Jr. is president of the Thomas B. Fordham Institute, and senior editor of Education Next. His primary focus is the reform of primary and secondary schooling.

Why I Oppose National Standards

CA provides a case in point

By Lisa Snell

Last month, along with a broad coalition of over 100 educational leaders, I signed onto a manifesto opposing ongoing federal government efforts to create a national curriculum and testing system.

The manifesto is entitled “Closing the Door on Innovation.” It argues that current U.S. Department of Education efforts to nationalize curriculum will stifle innovation and freeze into place an unacceptable status quo; end local and state control of schooling; lack a legitimate legal basis; and impose a one-size-fits-all model on America’s students.

The U.S. Department of Education has been quietly funding efforts by two assessment groups to develop a national K-12 curriculum, along with a national testing system that tests every public school student multiple times each year. This federal initiative will create a national system of academic content standards, tests, and curriculum.

While I oppose national standards for a variety of reasons, I am certain that setting a nationwide ceiling for academic standards is a bad idea and will pointlessly limit academic potential and achievement.

CA and Algebra

While California has many shortcomings in how we educate children, the one bright spot has been the state’s high academic standards. On the one hand, California provides a case in point on the folly of relying on strong standards and a solid curriculum as the primary path to higher quality education. It is simply not enough. California has some of the strongest standards, curriculum, and tests in the nation, and yet the state is still plagued by poor student performance.

On the other hand, California’s strong standards have provided many children with opportunities that they would not have under the consensus-based common core standards being proposed for the nation. More specifically, the common

core standards do not have the strong preparation for algebra that is currently the norm in California.

In a *San Francisco Chronicle* opinion piece, “National standards would harm math curriculum,” Ze’ev Wurman and Bill Evers explain the real gains California students have made because of the state’s tougher math standards.

They report that over the past decade and a half, California’s Latino student population has almost doubled from 30 percent to over 50 percent, many of them facing special learning challenges. Yet the number of students taking algebra by eighth grade has jumped from 16 percent to 60 percent, while the success rate has jumped from 39 percent to 48 percent since 2002. In 2002, only a third of high school students took Algebra 2 by grade 11; now more than half take it, and with increasing success rates.

Between 2003 and 2009, the number of African-American students successfully taking Algebra 1 by grade 8 more than tripled from 1,700 to 5,400; the jump

among Hispanic students was from 10,000 to 45,000; and for students from low-income households, from 12,000 to 49,000. Algebra 2 in high school shows similar results. Finally, since 1997, California State University freshman enrollment has doubled from 25,000 to 50,000, while remediation rates in mathematics have dropped from 54 percent to 37 percent.

While there are many reasons to be skeptical of the claims made for the advantages of a national curriculum, California students have made real progress in math because of California’s tougher standards. It seems unconscionable to subvert this progress because of a lower federal standard. ■



Lisa Snell is the director of education and child welfare at Reason Foundation, a nonprofit think tank advancing free minds and free markets. (www.reason.org)

AAE Joins Opposition to National Curriculum

In May, AAE joined a coalition of other influential groups and individuals from across the political and education spectrums in opposition to a nationalized curriculum. In conjunction with opposing a national curriculum, AAE also opposes the ongoing effort by the U.S. Department of Education to have two federally funded testing consortia develop national curriculum guidelines and tests.

Such an approach threatens to close the door on educational innovation, freezing in place an unacceptable status quo and hindering efforts to develop academically rigorous curricula, assessments, and standards that meet the challenges of a new global economy. AAE and this coalition are deeply committed to improving this country’s schools and as such, cannot support this effort that has the potential to undermine local and state control of public school curriculum in favor of an inside-the-Beltway bureaucracy.

Furthermore, transferring this kind of power to the federal government will only further subject our students to political whims. We should not let our children’s education be swayed by the inevitable political pressure that undoubtedly all presidential administrations will experience. Centralized control in the U.S. Department of Education would upset the system of checks and balances between different levels of government, creating greater opportunities for special interests to use their national political leverage to distort critical education policy.

AAE’s positions on national standards reflect those of our members. Only 31 percent of our surveyed membership believes that the federal government should mandate curriculum standards, while 64 percent supported the states making the final determination about the standards. Teachers in the field recognize that students, in addition to being held to a high academic standard, ought to be given the opportunity to learn from state-based curriculums designed with the goals of their state in mind.

It is our hope that in signing on in opposition to a nationalized curriculum the voices of our members will be heard. American children deserve a robust curriculum that prepares them for a demanding world that is free from centralized special interests.

For more information, visit www.k12innovation.com/manifesto.

HELPING YOUR STUDENTS

Do THE Right Thing

Encouraging a Moral Conscience in Students

By Eric Buehrer



In 1787, at the age of 81, Benjamin Franklin made this astute observation about freedom and moral character: “Only a virtuous people are capable of freedom. As nations become corrupt and vicious, they have more need of masters.”

Franklin recognized that political freedom is directly tied to a people’s ability to govern their moral behavior. The less well behaved, the greater the need for rule-makers and rule-enforcers. Personal morality leads to social morality. Without personal virtue, all the laws in the world can only dictate punishment; they cannot empower a person to right conduct.

Every educator wants students to act virtuously. Virtuous behavior goes beyond merely proper behavior. A student can conform to rules of conduct out of fear of punishment rather than from a sense of right and wrong. Acting virtuously arises from a moral conscience that prompts the actions. Certainly, conduct and character formation are intertwined, and expecting good behavior contributes to the formation of character. But without virtuous character, students merely submit to rules until they are not being watched. Thus, as Franklin would say, “they have more need of masters” to oversee their conduct.

However, the topic of forming a moral conscience in public school students is troublesome for some educators because it sits so close to religious beliefs—public school teachers cannot tell students to act virtuously because God requires it. But is there a way to encourage students to live by the moral dictates of their faith? I believe there is and, if we are going to teach the whole child, we must.

Your Students Value Religion

The majority of students today consider religion to be an important part of their lives, reports the Josephson Institute of Ethics. In 2010, it surveyed over 20,000 middle school and high school students regarding their ethics. In answer to the question, “How important to you is your religion?” nearly 80 percent of public school students indicated that their religion is important to them. More than half (56.8 percent) indicated religion to be “essential” or “very important” to them. An additional 22.5 percent said it was “moderately important.” Only 20.7 percent indicated religion was “unimportant” to their personal lives.

In answer to the question of how important it is to “live up to the standards of my religion,” only 25.2 percent indicated that it was not important while nearly half (47.8 percent) indicated it was “very important” or “essential.”

According to Columbia University’s National Center on Addiction and Substance Abuse, 57 percent of teens attend religious services at least two times a month and 44 percent do so weekly. From its research it concluded in 2010:

“Teens who never attend religious services in a typical month have substance abuse risk scores that are almost double those of teens who attend weekly religious services.”

In 2005, Dartmouth Medical School, along with YMCA USA and the American Values Institute, convened a distinguished panel of researchers and examined the importance of religion in the lives of students. In their report, *Hardwired to Connect*, they concluded:

Denying or ignoring the spiritual need of adolescents may end up creating a void in their lives that either devolves into depression or is filled by other forms of questing and challenge such as drinking, unbridled consumerism, petty crime, sexual precocity, or flirtations with violence.

We recommend that youth-serving organizations purposefully seek to promote the moral and spiritual development of children, recognizing that children's moral and spiritual needs are as genuine, and as integral to their personhood, as their physical and intellectual needs.

For organizations that include children from diverse religious backgrounds or no religious background, this task admittedly will be difficult. But it need not be impossible and should not be neglected.

With this in mind, there is a way for public schools to help students form a moral conscience directly from their religious faith, and at the same time not violate any First Amendment prohibitions concerning church-state relations. Public schools can encourage students to act on their already existing moral conscience derived from their religious faith. A school need not endorse a religion in order to encourage students to act on the religious principles many of them, at least, say they desire to practice.

How, then, can a school encourage the fostering of a moral conscience formed by religion without actually endorsing or establishing that religion? A school can inform students of their religious liberties on campus and encourage them to live out their faith at school. For the school then, the issue is one of civil rights, not religion. It is a civics lesson with a moral benefit.

Don't Ask, Don't Tell

Too many school administrators prefer a "don't-ask-don't-tell" approach to the subject of religious rights on campus. The attitude is, "don't ask me about your rights, and I won't tell you what they are." However, this reluctance to be pro-active about explaining students' religious rights is unnecessary, especially in light of the U.S. Department of Education's document on religious expression in public schools.

Published in June 1998, the document is prefaced by a statement from President Clinton:

...Schools do more than train children's minds. They also help to nurture their souls by reinforcing the values they learn at home and in their communities. I believe that one of the best ways we can help our schools do this is by supporting students' rights to voluntarily practice their religious beliefs, including prayer in schools...

Secretary Richard Riley then introduces the guidelines with a letter to American educators. He did not intend the guidelines to simply sit on a school administrator's shelf, only to be used when needed. Instead, he urged school officials to take the initiative to inform students of their rights on campus. He wrote:

In issuing these revised guidelines, I encourage every school district to make sure that principals, teachers, students, and parents are familiar with their content... I encourage schools to actively take steps to inform parents and students about religious expression in school using these guidelines.

In 2003, Secretary of Education Rod Paige updated the guidelines and reissued them to every school superintendent in the country with a similar request to have them disseminated in school districts.

I travel the country widely working with educators on how to appropriately address religion in a public school setting. Yet, in all my travels, I have only found one school district in which an administrator had distributed the guidelines from the Department of Education. (Did you get a copy from your superintendent?)

Doing the Right Thing at Your School

With such resounding support, a school principal can confidently have teachers explain to students their religious rights at the beginning of the school year (or any time). This may, at first, sound like a radical idea. After all, that would involve actually explaining to students things like their right to pray, to talk about their faith with classmates, to express their faith in class assignments, to wear clothing with religious symbols, and to read their religious scriptures at school. Just the thought of having every teacher in a school do this is enough to cause some administrators to reach for the antacid.

But just imagine the impact this could have on the moral climate of the school. As we have already seen, the majority of students at every grade level consider their faith to be important. If the school makes a point of, in essence, saying, "We welcome you to live your faith on campus," the climate will be more inclusive for students of faith. Such action will remind all students that a person's development is more than just education of the brain, it is also the nurturing of the heart.

Developing a moral conscience in children and young people is a multifaceted and lengthy process. It involves many inputs in a student's life, and schools cannot be expected to be the only molder of character. Neither do schools need to be silent regarding one of the most powerful molders of character—religion. Moral conscience will be better supported when the adults, the authority figures, in schools say to students of all grades that religion is a welcome aspect of people's lives, and that it is welcome to be lived out on campus. ■



Eric Buehrer is president of Gateways to Better Education and presents a professional development seminar for public school educators entitled Faith, Freedom & Public Schools: How to Address the Judeo-Christian Tradition. For information on bringing the seminar to your community, contact Eric: ebuehrer@gbte.org.

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For a list of recommended Character Education programs, visit www.aeteachers.org.



News from Washington, D.C.

Reports from AAE's Office in the Nation's Capital

Reform on a Budget

Congressman Duncan Hunter Introduces First Federal Education Reform Bill

By Alexandra Schroeck

In May, Representative Duncan Hunter (R-CA), chairman of the Subcommittee on Early Childhood, Elementary, and Secondary Education, introduced the first in a series of federal education reform bills planned by the House Education and the Workforce Committee. Congressman Hunter's legislation, the Setting New Priorities in Education Spending Act (HR 1891), would initiate the process of weeding out more than forty-three K-12 education programs that congressional Republicans call "inefficient and unnecessary."

With education reform legislation gaining steam in states across the country, Republican congressional leaders have been under pressure to deliver on campaign promises of reduced government spending relating to education. Congressman Hunter's plan would eliminate 43 K-12 education programs, ranging from diversity grants to grants aimed at bringing children to Washington, D.C. for fellowships.

Under current law, the Department of Education operates more than 80 programs tied to K-12 classrooms, mostly through federal grants. The programs currently on the chopping block range in cost from as low as one million dollars to hundreds of millions.

Interestingly, some of the programs that would be eliminated under HR 1891 have either not been funded for some time or were never funded under the federal budget. Included in the never-funded list are grants intended for school districts in aiding in the education of teachers, staff, and



**"It's time to trim the fat."
— Congressman Duncan Hunter**

students on domestic violence issues and teacher mobility.

In his floor statement, Representative Hunter said, "It's time to trim the fat. Today I will introduce legislation that will eliminate—not consolidate, not defund—but eliminate forty-three wasteful K-12 education programs. At a time when approximately one-third of American fourth graders can't read, we must concentrate on education initiatives that have a track record of putting the needs of students first."

Committee Chairman John Kline (R-MN) expressed strong support for the legislation. "Federal education spending has more than quadrupled since 1980, but student achievement levels remain stagnant," Chairman Kline said. "Clearly, the problem isn't how much money we spend on education, but how we're spending

it, and right now, far too many taxpayer dollars are dedicated to ineffective, redundant K-12 programs. Representative Hunter's legislation will reduce the federal role in education and help set the stage for increased flexibility on the state and local levels."

Clearly in these difficult financial times Congressional leadership and education advocates are trying to strike a balance between meaningful education reform and fiscal sanity. ■



Alexandra Schroeck is AAE's Manager of Communications and Legislative Affairs. She has served in a communications capacity for a Washington, D.C.-based trade association and on Capitol Hill for the then ranking member

of the House Congressional Committee on Education and the Workforce.

AAE Needs You

Get involved with your teacher association! If you are passionate about education in your state and beyond, let AAE know. There are plenty of year-round opportunities available for our members to get involved and get to know fellow members interested in the same issues.

Recruiting

Let your colleagues know about AAE. We are experiencing tremendous growth due to the recent headlines involving education and labor reform. The time is now to let your fellow teachers know about the nonunion option. You will not only be helping your colleagues receive the protection and resources they need and deserve, but also working toward a free AAE membership! Email AAE's National Membership Director Paula Jackson-Eaglin, Paula@aaeteachers.org, for more information and recruiting ideas.

Advocacy and Media Relations

Have you been glued to the news this spring and want to speak out? The majority of the country is experiencing education and labor reform legislation that will affect you in the classroom.

We would love to hear from you. If you are interested in sending us your thoughts and concerns, you can email AAE and work with our staff to get involved. We can work with you on any level you feel most comfortable—anonously or otherwise. Email Alix Schroeck at Alexandra@aaeteachers.org for more information.

Professional Development

Did you know that the AAEF provides scholarships and grants to teachers across the country twice a year? These are great opportunities for teachers to obtain the funding they need to offset the costs of conferences and classroom materials. While AAE members are given first preference, you don't need to be a member to apply and win. Email AAE Director of Professional Development Jill Newell, Jill@aaeteachers.org, for more information or literature for your colleagues. ■



NEA to Double Member Dues Contribution to Political War Chest

Amid substantial membership losses and a \$14 million shortfall in its general operating budget, the National Education Association plans to double each active member's annual contribution to the

national union's political and media funds.

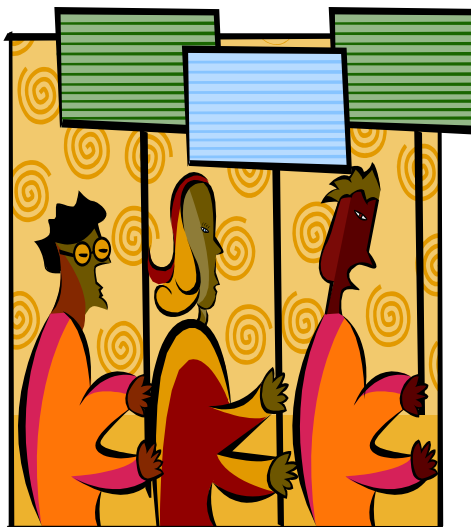
Currently, \$10 of each active member's NEA dues is allocated to these special accounts. The more than \$20 million collected each year is disbursed to state affiliates and political issue campaigns. A portion of the money also pays for state and national media buys to support the union's agenda.

However, the most recent numbers show NEA lost more than 54,000 active K-12 members since this time last year. Coupled with less-than-expected increases in the average teacher salary—upon which NEA dues are based—the union will find itself with \$14 million less revenue than it had planned. This includes about \$500,000 less in the political and media funds.

Faced with unfriendly legislatures and governors seeking to roll back the union's influence, the NEA Executive Committee decided to double down—literally. It proposed raising each active member's assessment to \$20, effective September 2011. The union's board ratified the decision, and it will go before the NEA Representative Assembly for a vote this July in Chicago. If passed, NEA's national dues for teachers will total \$178.

NEA is already the top political campaign spender in the nation. This increase will give the union an additional \$40 million per election cycle. The increase alone is larger than all but two other groups spent during the entire 2007-08 cycle. ■

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Virtual School

But every bit a real teacher

by Karen Faucett

Is there such a thing as a “typical” day in the life of a Florida Virtual School (FLVS) teacher? Each day brings new opportunities, challenges, and last-minute schedule changes.

Not that it’s easy. If I had a dime for every time someone said, “Oh



that must be a piece-of-cake job,” or “I would love to sit at home all day,” I would be a wealthy teacher.

However, for this full-time virtual teacher and mother of three, it works. My day begins at 6AM, a quiet time in my house. I spend the early hours working on grade books. I teach 6th- and 7th-grade math to ninety students. Parents and students go online to the grade book to view the student’s progress.

My goal is to give each one of them the productive, positive, and personalized feedback that will enable the student to

turn mistakes into learning opportunities.

FLVS provides the curriculum, so I don’t have to plan lessons or develop tests and can easily individualize instruction. I can personalize my classroom via the announcement page, which works like a virtual bulletin board.

By 8AM, grading is done and overnight emails are answered. I view my calendar, noting any scheduled meetings and appointments. I sit down for breakfast with my youngest son, nine-year-old Camron, to prepare him for his day. Camron is enrolled in the FLVS full-time virtual instruction option for elementary school students and follows an accelerated curriculum for gifted students. I make sure he has his assignments organized before he traipses off to his own virtual world. Being able to oversee his schooling is a major benefit of working as a virtual teacher.

Personal Connections

I jump back to the computer and my morning call list. My students vary in how much one-on-one instruction they need. Some students I speak to weekly, others less often but at least once a month. Whenever students do not understand a concept, they can pick up the phone and call me for help. If their questions require that they be able to see what I am talking about, we have two options:

- We can use the “whiteboard,” where they can see what I am doing and talk to me on the phone at the same time. Students can write on the whiteboard and go step-by-step through a problem so that I can see where they are making mistakes.
- We can use the web-based program *Elluminate* to work through problems together using a microphone instead of the telephone.

Navigating through FLVS courses is

easy for students. Tabs enable them to move around the site at the click of a button. The lessons tab is where they learn the content, see examples, and work on practice problems. The assessment tab is where they submit their assignments for grading. If they want to, students can go to the grade book to reset an assessment and do the assignment again for a new grade. They can interact with each other in the discussion board area.

Before I know it, it is time for lunch, and I can step away from my computer to enjoy some quality time with my son: eat a sandwich, go for a walk, or play a video game. Pretty soon, it’s time to get back to work.

This afternoon, I’ll be taking my job on the road. Camron plays travel baseball for Gatorball Academy in Gainesville, an hour’s drive away. I make a call list: Who needs a welcome call? Monthly call? Do any of my students want to go over an assignment? I pack up my computer, grab my list and cell phone, and out the door we go. For the next few hours, I make good use of my cell phone, calling my students, answering their cries for help, letting parents know how wonderfully well their child is doing.

Once we’re home, I make a few notes for tomorrow. The day is done.

Is this a typical virtual teacher’s day? Will tomorrow be the same? There is no telling. What I can say, and what my students know, is that together we have the tools and the flexibility to meet whatever challenges the day brings. ■



Karen Faucett taught middle-school math in a traditional school setting for thirteen years before moving to virtual education.