

A STUDY OF TENURED TEACHER DISMISSALS IN VIRGINIA

1987-1990

by

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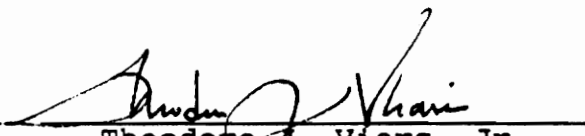
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(ABSTRACT)

The teacher dismissal process is of critical importance to educators involved in both administrative and teaching positions. The legal prerequisites, opinions, and cases have been frequently reviewed and presented in countless studies. This study was designed to examine the dismissal process from the perspective(s) of the participants involved in the procedure. The study investigated the question: Do commonalities exist surrounding the circumstances and personalities involved in teacher dismissal proceedings during the school years 1987-88, 1988-89, or 1989-90? The study consists of ten field studies randomly selected from Virginia school divisions indicating a teacher dismissal during the period school years 1987-90.

Field interviews were conducted to develop each of the ten case studies. The data were analyzed in two ways. First, like job participants were compared across case studies to identify commonalities during their involvement in the teacher dismissal process. Secondly, a profile of these commonalities was developed to show a typical pattern of circumstances and personalities involved in the teacher dismissal process.

The study revealed that eight of the ten cases were based on issues outside of classroom instructional problems. Six of the ten teachers facing dismissal were ethnic minorities. Nine of the ten superintendents and all ten of the principals in the study did not hire the teacher facing dismissal in the cases. Finally, none of the teachers facing dismissal in the case studies was an active participant in a plan for improvement or a work plan.

DEDICATION

This work is dedicated to my family with thanks for all of their love and encouragement.

To my late father; for his twenty-eight years of shift work so that I could go to school. To my mother; for confidence and support in everything that I tried. To my brother, Ronnie; for showing me that success was possible through hard work and dedication.

But, mostly, to my wife, Barbara, and daughters, Kelsey, and Audrey: with thanks for understanding all of the days and nights I couldn't be there.

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CHAPTER I

Introduction

Accountability requires us to recognize where "the buck stops." ... There is no place in Virginia's schools for ineffective teachers, principals, and superintendents... most divisions which have tried to remove poor teachers or principals will tell you that it is easier and quicker to move a cemetery.

Excellence in Education
October, 1986

Public school teachers are employed under an assumption of educational and technical competence and effectiveness. Most teachers will meet or exceed these expectations during their careers. They will be evaluated throughout their careers to measure their effectiveness and improve their competence.

Teachers are the critical component in the improvement of the instructional process delivered to children. All of the recent reform movements directed at the superintendent or the principal eventually influence administrative efforts at improving the daily classroom performance of the teacher in delivering instruction. Each year, across the Commonwealth of Virginia, teachers are observed, advised and evaluated. Building level administrators spend large amounts of their time in gathering data and observing teaching lessons as a part of this process.

This process usually begins in a formative nature,

designed to provide suggestions for improved performance for each teacher in the system. But, at some point, the process becomes summative in focus, providing principals and divisional administrators with the information needed to make retention/dismissal decisions, promotion potential and merit-pay considerations for each teacher.

These decisions are critical to improving the instructional programs in each school division and across the Commonwealth of Virginia. Yet, in many school divisions, the decision to retain a competent teacher or dismiss an incompetent one is really no decision at all. Few teachers face dismissal proceedings across the state each year. Dismissal is an usual act in the life of a public school teacher. Thus, when this phenomenon occurs, it raises certain questions regarding it's occurrence and the circumstances surrounding the event.

This study attempted to focus on those school divisions that did attempt to dismiss a teacher during the three year period which included school years 1987-88, 1988-89 and 1989-90. The study investigated the primary participants and circumstances involved in a teacher dismissal proceeding. It examined the question, Does a profile of commonalities exist surrounding the circumstances and personalities involved in teacher dismissal proceedings during the three school years 1987-88, 1988-89, 1989-90 ?

Focus and Scope of Study

This study focused on the perspectives and circumstances surrounding ten teacher dismissal scenarios. The research question was "Do commonalities exist surrounding the circumstances and personalities involved in teacher dismissal proceedings ?"

Three positions were of critical importance in this study. They were the superintendent; the principal; and the teacher. These three were important because of their direct participation in the dismissal process.

The teacher is the object of the evaluation dismissal proceeding. S/he has the perspective of the "accused" throughout the process and represents the only non-administrative position examined in the study. The principal has the primary responsibility to evaluate personnel within the building and is charged with the instructional leadership associated with the evaluation of teachers. S/he is, in most cases, the first administrator to make a summative decision about teachers in the division and would, initially, recommend the dismissal of a teacher. The superintendent is the final authority in dismissal proceedings. S/he must recommend the action to the School Board, thereby endorsing the recommendation of the principal and confirming the evaluation of the teacher as unsatisfactory.

The study was limited to dismissal proceedings in the Commonwealth of Virginia during the 1987-88, 1988-89 and 1989-90 school years. It was limited to school divisions reporting that they had initiated such proceedings during this period of time. Dismissal proceedings were identified only for teachers on "continuing contract" status and defined as "the termination of a teacher's services before the conclusion of the school contract year or the failure to extend a contract offer after the end of the existing contract."

The study began in October, 1989 and concluded in July, 1990. It focused on actions during the dismissal proceedings of the 1987-88, 1988-89 and 1989-90 school years and concluded within that same time period.

The researcher played the role of participant-observer during this study, conducting field research by visiting and interviewing each participant identified in the study, examining available documents related to teacher evaluation/dismissal, and making field notes on observations. The study includes case studies of ten randomly selected dismissal proceedings from among the cases initiated and concluded during the identified school years in the Commonwealth of Virginia.

Justification for the Study

This study focused on a critical aspect related to the improvement of the quality of instruction in public education: the examination and dismissal of teachers determined to be unsatisfactory. Research into the process of teacher evaluation and dismissal is rather limited and, in most cases, concentrates on the legal aspects of the process. Joyce Luck's field study on "The Principal and the Unsatisfactory Teacher" (1985) is an example of research in the field. That study examined the behaviors and attitudes of principals in one school division as they attempted to resolve problems surrounding the identification of unsatisfactory teachers. The study determined that the aspects of resolving problems with incompetent teachers is one of the most stressful in the field. It was hoped that this study would provide information on the contextual variables of a school division related to teacher dismissal. Specifically, that it would identify the key combinations of factors within a division that are present during a teacher dismissal. Further, it was hoped that the study would also provide information related to the circumstances and personalities involved in the teacher dismissal proceedings.

This information is useful in understanding the process of dismissals. The dismissal scenario remains a mystery for many educators and defining the respective roles of the

participants would, it was hoped, provide insights for both understanding and improving the process.

All of these questions indicate the need to examine the circumstances and understand the participants in a teacher dismissal. The results of this study could have significant implications for the preparation of teachers and administrators. The results of this study might also identify commonalities surrounding dismissals and enable beginning teachers or teachers in preparation to be aware of factors which precipitate dismissals. For teachers, this information might provide information for teacher support groups (i.e. V.E.A.) to use in developing programs for all teachers in the state. The information might also be used to better prepare teachers for the atmosphere in schools regarding dismissal and the elements in a teacher evaluation that point towards dismissal. This knowledge could help teachers recognize problems which, if unchecked, might lead to dismissal as well as interventions which might resolve these problems.

For principals, it was hoped the study would identify critical portions of the process from the administrative perspective. Few principals have the benefit of past experience in initiating teacher dismissal proceedings. For many, it is a one time situation. This study has provided ten scenarios for principal's review as they face the process. It was hoped the study might also identify critical aspects

of the process that could be taught through staff development activities to prepare principals for the possibility of teacher dismissal.

For superintendents, the study provides a picture of the role of the division's key personnel in teacher dismissal. The information should have implications for developing the administrative team in each building and aid the superintendent in determining how teacher evaluations might be conducted in different schools. The study also provides information to the superintendent which might assist in predicting the resolution of unsatisfactory teacher evaluations in their own division.

Finally, as an overview, it was hoped the study would develop a picture of teacher dismissals that would lead to further study. As the study defined commonalities, it also lead to questioning the lack of certain expected characteristics. The study noted what was present during dismissal proceedings and questioned what was missing during the process. The study determined what ingredients were present during a dismissal and possibly implied the need for their presence in future proceedings.

It was believed then, that the results would be of interest to teachers, administrators, and superintendents and that the results would both inform and instruct all three groups in the dismissal process.

Definitions

Dismissal: termination of a teacher's services before the conclusion of the school contract year or the failure to extend a contract offer at the end of the existing contract.

Continuing contract: status given to public school teachers per Section 22.1-303 of the Code of Virginia which allows current contracts to "...continue in effect for the ensuing year in conformity with local salary stipulations including increments" at the conclusion of the existing contract cycle.

Limitations

This study has limits inherent within its design that discourage the universal generalization of its findings to other settings or personnel. Care should be taken in forcing the results and conclusions onto populations and situations vastly different from those studied.

The study began with all public school divisions within the Commonwealth of Virginia as potential locations for teacher dismissals during the 1987-88, 1988-89 and 1989-90 school years. Further investigation was used to narrow the population to districts actually involved with dismissals during the identified targeted time period.

One important consideration prior to generalization of

the findings was the population of this study. The target population was defined as public school systems in the Commonwealth of Virginia. The accessible population of the study was all public school divisions in Virginia. Thus, the study was limited to public education and a single state by design. It was further limited to school divisions participating in a tenured teacher dismissal during the 1987-88, 1988-89, or 1989-90 school years. No dismissal cases from other years were considered.

Limitations also existed in the study design. The use of a true ethnographic study generally requires an extremely long period of observation, possibly years, in the truest anthropological sense. This study did not attempt to extend the period of observations beyond the period as described in the Design Section, encompassing the months from October, 1989 through July, 1990. In that sense, classification of the methodology as ethnographic could be questioned.

Instead, this study has been classified as a related case field study. Such a methodology requires a non-judgmental orientation on the part of the observer in recording data from field observations and interactions. Although attempts have been made to remain true to this orientation, the employment role of the researcher in educational administration may suggest an inherent bias in his approach to data. The data were accurately recorded from observations and field

conversations but any conclusions drawn from these notes were filtered through the biases and value systems inherent in the employment background of the interviewer. In this sense, the results cannot be truly non-judgmental.

Related-case field studies also require that no preconceived conclusions or judgements be held by the observer prior to recording observations and interviews from the field. As with the non-judgmental orientations mentioned earlier, no absolute guarantee can be provided that some notions about teacher dismissals from the researcher's own experiences as a public school teacher and administrator didn't exist prior to this study.

The subjects in the study must also be considered as, at least partially, subjective in their participation. The dismissal process can be an emotionally charged issue, with clear winners and losers that have different reasons for discussing the process, and their participation in it, with researchers. Although their motivations may differ, all participants in a dismissal case have a strong desire to tell their own story. This information must be screened through their own prejudices, memories and experiences before being provided to the researcher. Given the proper circumstances, their answers could be used to justify their own actions in the process more than to provide an accurate accounting of the events as they actually happened.

The absence of interviews with teacher participants in the ten field interviews also limits the study. The information provided is limited to the administrative perspective, even when directed at teacher actions or judgements during the dismissal process.

Finally, studying events and people within their total context was not possible for this study. Instead, a snapshot of behaviors was examined through written records and verbal interviews made available during the research phase of the study. The total context of each case could not be re-assembled to provide the proper perspective on the data received during this study. History could not be replayed for the observer to use in gathering data. Hence, any conclusions from these data were made separately from the total picture of context and assumed a replication of the actual circumstances surrounding the dismissal scenarios.

Information obtained through the study was confirmed in several ways. Interview questions were duplicated for different participants to provide a comparison of answers. Data in the study were confirmed through two participant's answers unless noted otherwise. Further, answers were validated through the examination of written records of the dismissal process. Evaluation packets, letters, and administrative policy manuals provided supporting validation for data in the study, unless stipulated differently.

Study Overview

The study is divided into five chapters. The first chapter introduces the topic and outlines the focus and scope of the study. It also provides supporting justification for conducting the study and gives definitions and limitations affecting the study. Chapter II describes the most recent research findings from the literature that effect or impact teacher dismissals and their proceedings. It also presents a review of the hearing options available for the resolution of a dismissal case within the Commonwealth of Virginia. Chapter III describes field research, identifying the primary methodology for this research as a related-case field study. Chapter IV presents the ten field case studies on dismissal proceedings in the Commonwealth of Virginia during the 1987-88, 1988-89 and 1989-90 school years and the findings from these studies. Chapter V suggests a composite model for these findings, discusses potential causation for and issues related to the findings, and outlines implications for practitioners and further research.

CHAPTER II

A prince, therefore, must not mind incurring the charge of cruelty for the purpose of keeping his subjects united and faithful; for, with a very few examples, he will be more merciful than those who, from excess of tenderness, allow disorders to arise, from whence spring bloodshed and rapine; for these as a rule injure the whole community, while the executions carried out by the prince injure only individuals.

The Prince
by Machiavelli

The literature abounds with information concerning the dismissal of teachers, concentrating mostly on the legal questions and issues that surround the event. A review of the literature also provides definitions for many commonly used terms that carry special significance in the teacher dismissal process. "Tenure" is one of these commonly used terms. "Tenure statutes provide that a teacher's contract continues without any need for express renewal. Specified procedures must be followed to terminate it."¹ Dismissal is defined as "...the removal of a teacher who has served a probationary period and has been granted tenure, continuing contract, or status of a permanent teacher."²

Dismissal of Tenured Teachers

The dismissal of a tenured teacher requires strict adherence to procedural due process. Two Supreme Court cases

served to clarify the position of the courts in this regards to dismissal. In Board of Regents v. Roth,³ the Court ruled that "The requirements of procedural due process apply only to the deprivation of interests encompassed by the Fourteenth Amendment's protection of liberty and property."⁴ This ruling required the protection of due process rights by mandating a hearing prior to the removal of liberty or property interests. Through this decision, the Court established the standard expectation of a hearing before the loss of a property right (employment). In this particular case, the Court ruled that Roth, due to the specific terms of his original employment contract, "...has not shown that he was deprived of liberty or property protected by the Fourteenth Amendment"⁵ and reversed the ruling of the Court of Appeals. Roth could not demonstrate to the Court the loss of a property right because he was hired under the clear expectation that his employment was for a limited term and might not continue beyond that term. He had no substantial reason to expect his employment to continue beyond the specified term. A tenured teacher, from the definition provided earlier, does have the right to reasonably expect continued employment and would require procedural due process prior to the loss of employment (a property right).

A second case in this area, Perry v. Sindermann,⁶ served to establish the potential of de facto tenure through the

written and historical practices of Odessa Junior College. In this case, a teacher at the junior college had been employed for four consecutive one year contracts. Due to several disagreements with the college's Board of Regents, his contract was not renewed at the conclusion of his fourth year. The teacher brought action claiming, among other things, a violation of his procedural due process rights. The Court eventually ruled in his favor, citing his expectation of re-employment as reasonable under the circumstances and requiring a hearing prior to his dismissal, even though no formal tenure policy existed at the college. This case served to extend the protection of procedural due process to tenured and "implied" tenured teachers prior to loss of property interests (employment).

Dismissal in Virginia

In Virginia, teachers may be dismissed for a variety of reasons, specifically "...incompetency, immorality, noncompliance with school laws and regulations, disability as shown by competent medical evidence, conviction of a felony or a crime of moral turpitude or other good and just cause."⁷ These reasons will serve as the framework for a review of the pertinent literature and court proceedings in the area of teacher dismissals.

Incompetency

Although incompetency has been a major cause cited for teacher dismissals, the courts have defined and interpreted the term in a variety of ways. In Horosko v. School District of Mount Pleasant,⁸ the Court broadened the meaning of incompetency by extending it beyond the daily instructional duties required by classroom teachers and into the reputation and standing of the teacher with the community. The Court stated, "If the fact be that she [the teacher] now commands neither the respect nor the good will of the community and if the record shows that effect to be the result of her conduct within the clause quoted, it will be conclusive evidence of incompetency."⁹

In Jergensen v. Board of Trustees,¹⁰ incompetency was defined through a teacher's supervision (or lack thereof) of a student produced newspaper that, apparently, offended school board members.¹¹ In another case, Blunt v. Marion County School Board,¹² the courts upheld the dismissal of a veteran teacher of twenty-five years on the grounds of incompetency due to a long list of classroom deficiencies documented by administrators during the school year. In this case, the fact that numerous administrators had attempted to identify the areas of incompetency to the teacher, without effect, led the court to comment "...the only question facing the school board was who to believe: the administrators or Mrs. Blunt."¹³

Among this conglomerate of incompetency rulings, nationally, five broad categories of incompetence have been examined through the courts: inadequate preparation to teach, teaching methods, effect on pupils, personal attitudes and disability.¹⁴ Within these categories, eleven specific definitions of incompetency were upheld during the Warren Court Era (1958-69). They were: (1) failure to answer questions of an administrative superior, (2) lack of knowledge of subject matter, (3) inadequate planning and coordinating of instruction, (4) teaching inappropriate subject matter, (5) lack of discipline, (6) mental disability, (7) physical disability, (8) lack of proper certification, (9) willful neglect of duty, (10) poor relations with other staff members, and (11) unprofessional conduct.¹⁵ Two additional definitions were added during the Burger Court Era (1969-82) of the Supreme Court. They were: unreasonable discipline and harmful psychological impact on students.¹⁶

In Virginia, recent incompetency cases have been more narrowly focused on "...deficiencies in teaching methods, disciplinary problems, and physical abuse in connection with classroom discipline."¹⁷

Immorality

Immorality is the second reason identified in the Code of Virginia as cause for the dismissal of teachers. This

term, like incompetency, has acquired a rather liberal definition from court proceedings. Although the case itself is somewhat dated, a California court adequately described judicial thoughts on immorality when it stated, "...the teacher is intrusted with the custody of children and their high preparation for useful life. His habits, his speech, his good name, his cleanliness, the wisdom and propriety of his unofficial utterances, his associations, all are involved ... How can all of these things be provided for and offenses against them be particularly specified in a single statute?"¹⁸ Several court proceedings document the affirmation of that court's beliefs. In Gaylord v. Tacoma School District No. 10,¹⁹ a teacher's homosexuality was affirmed as grounds for dismissal as immorality. The court ruled that "...an admission of homosexuality connotes illegal as well as immoral acts..."²⁰ In another case involving homosexuality, a teacher, dismissed for an alleged homosexual solicitation in a public restroom, brought suit.²¹ The California Supreme Court found that "No charges had been filed against him; his conduct did not come to public attention; he was not a threat to students or colleagues; therefore, his conduct did not demonstrate an unfitness to teach."²² A third case, also from California, helps to clarify the courts' rulings in the area of immorality. In this case, a teacher, Marc Morrison, was involved in a brief homosexual relationship with another

teacher. When the board of education attempted to revoke Morrison's teaching certificate, he brought suit. The California Supreme Court "...rejected the notion that teachers can be automatically dismissed for immoral behavior" and found for Morrison.²³ Using this ruling as a "benchmark," in most cases, the court's rulings have indicated the need for "...showing a reasonable relationship between alleged misconduct and the individual's fitness to teach or between this conduct and material disruption of the educational program."²⁴ This connection was apparent in the case of Wishart v. McDonald²⁵ when the dismissal of a tenured sixth grade teacher, D. Franklin Wishart, was upheld on the grounds of immoral conduct based on the "charges that Mr. Wishart had dressed, undressed, and caressed a mannequin in a lewd and suggestive manner in public view on his property located in the town where he taught."²⁶ Although it was later shown that the "mannequin" was actually a "...camera tripod wrapped with a pillow and covered with a dress,"²⁷ the court ruled that these charges "...would damage his effectiveness as a teacher in the school system and his working relationships within the educational process ... It would destroy his ability to serve as a role model for young children."²⁸ The requirement of connection between "immoral acts" and teaching effectiveness is considerably weakened when the acts involve teacher/student interactions. When a California junior college teacher,

Joseph Stubblefield, was dismissed for immoral conduct after having sexual relations with a female student in a parked car, he brought suit.²⁹ A California appeals court supported his dismissal, noting "The integrity of the educational system under which teachers wield considerable power in the grading of students and the granting or withholding of certificates and diplomas is clearly threatened when teachers become involved in relationships with students..."³⁰

Non-Compliance

The non-compliance portion of the Virginia Code refers to "...a teacher's refusal or failure to comply with the rules and regulations of the local or state governing board or to fulfill a request or direction given by a superior."³¹ The term "insubordination" is sometimes used to designate this offense. In Ray v. Minneapolis Board of Education,³² the court defined insubordination as "...constant or continuing intentional refusal to obey a direct or implied order, reasonable in nature, and given by and with the proper authority."³³ In this case, a teacher, Glenn Ray, had refused, on several occasions, to complete a survey form, despite instructions to do so, from his direct superiors. The court upheld his dismissal on the grounds of insubordination. Another case in this area, Satterfield v. Edenton-Chowan Board of Education,³⁴ supported the dismissal of a North Carolina

teacher for his "...disregard for the rules of his school in observing ... administrative procedures ... and in his conduct toward pupils."³⁵ Courts, in general, have required school divisions to prove two points in support of an insubordination charge. First, "...school officials have to show that the teacher has violated a valid school rule and ... that the teacher was acting deliberately and/or defiantly."³⁶

Disability

Disability of a teacher can refer to mental or physical conditions that prevent the completion of contracted duties. The courts have ruled on a broad spectrum of cases in this area. In Singleton v. Iberville Parish School Board,³⁷ for example, the courts stated "...she [the teacher] allowed herself to become so overweight (in excess of three hundred pounds) as to seriously impede her functions as a teacher."³⁸ Mental disability can also be a reason for dismissal. In Lombardo v. Board of Education of School Dist. No. 27,³⁹ a tenured teacher was dismissed due to a series of emotional outbursts in and out of the classroom. This dismissal was upheld on the basis of testimony from teachers, students, and the superintendent in reference to a lack of mental stability on the part of the teacher.

Conviction of a Felony or Crime of Moral Turpitude

Conviction of a felony or a crime of moral turpitude is the fifth area for dismissal identified in the Code of Virginia. Rulings have indicated the willingness of the courts to examine the impact of such convictions on the ability of an employee to continue contractual services instead of accepting the convictions themselves as prima facie reasons for dismissal. In Board of Trustees v. Judge,⁴⁰ the dismissal of a California teacher for the growing of a single marijuana plant was overturned. In this case, the courts ruled that the school division had failed to make the connection between the conviction and the teacher's employment status; further, the act itself (of growing a single marijuana plant) did not constitute an act of moral turpitude. In other cases, courts have upheld convictions as grounds for dismissal. In Comings v. State Board of Education,⁴¹ the dismissal of a teacher convicted of possession of marijuana was upheld as "...his return to school would adversely affect its faculty, students, and parents."⁴² Similarly, the dismissal of a Kansas teacher for conviction of shoplifting charges was upheld by the Kansas Supreme Court.⁴³ In this area, the "publicness" of the offense and its impact on the school and community weigh heavily in the court's decisions.

Other Good and Just Cause

Other good and just cause is the final reason for dismissal listed in the Code of Virginia. This generic reason supports a wide range of actions by school boards in the dismissal of teachers. As a Massachusetts court explained, "...good cause includes any ground which is put forward by the [school] committee in good faith and which is not arbitrary, irrational, unreasonable, or irrelevant to the committee's task of building and maintaining an efficient school system."⁴⁴ The Attorney General of Virginia defines good and just cause as "...any ground put forth in good faith which is not unlawful, arbitrary, unreasonable or capricious."⁴⁵ This "cause" is slightly restricted in that it must have some impact on the performance of a teacher's contracted duties.⁴⁶ An example of this is the court's ruling in Beebee v. Haslett Public Schools⁴⁷ when the court overturned the dismissal of a teacher because the school board disagreed with her teaching philosophy.⁴⁸ In Gary Teacher's Union, Local No. 4, American Federation of Teachers v. School City of Gary,⁴⁹ the dismissal of a teacher charged with a misdemeanor as a result of his conduct outside the school environment was upheld by the court.

Summary

The review of the literature indicates a broad scope of legal opinion and precedent in dealing with teacher dismissal, but little else in the study of the process. In most cases, the examination of dismissals concentrates entirely on legalistic issues and the personalities involved in the process are virtually ignored. It is this gap in literature that this study attempts to confront.

Hearing Options in Virginia

The Code of Virginia stipulates several options for the resolution of a dismissal proceeding. Section 22.1-309 notes that the teacher has the option for selecting the type of hearing to resolve the dismissal question, although the School Board maintains the final decision-making power. Section 22.1-311 outlines the procedures for a School Board Hearing, noting that such proceedings will be private unless the teacher requests public sessions. Section 22.1-312 of the Code describes the Fact-Finding Hearing, listing a three person panel as arbitrators for the process. It notes that the teacher and superintendent each select one member of the Panel from among the employees of the school division. The third member, who chairs the Panel, is selected by agreement of the first two Panel members, or by the chief judge of the circuit court if agreement cannot be reached. This section

requires a written report of the Panel to be submitted to the School Board, superintendent, and teacher following the conclusion of the hearing. Time line and other specific requirements for the process are also noted within this section of the Code. Finally, Section 22.1-313 of the Code of Virginia certifies the authority of the School Board in making the final decision in dismissal proceedings, regardless of the type of hearing selected.

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38. Patricia Shackelford, "An Analysis of Legal Grounds...", p. 20.
39. Lombardo v. Board of Education of School District No. 27, 241 N.E.2d 495 (1968).
40. Board of Trustees v. Judge, 50 Cal. App. 3d 920, 123 Cal. Rptr. 830.
41. Comings v. State Board of Education, 100 Cal. Rptr. 73 (1972).
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43. Gillett v. Unified School District No. 276 Jewell County, 605 P.2d 105 (1980).
44. Louis Fischer, Teacher and the Law, p. 24.
45. Opinions of the Attorney General of Virginia, April, 1973.
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47. Beebee v. Haslett Public Schools, 239 N.W.2d 724 Mich. App. (1976).
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CHAPTER III

Methodology

This chapter deals with a descriptive analysis of the qualitative approach used in this study. It describes the design and procedures used in gathering data that yielded the conclusions presented later in the study.

Population

A survey instrument for identifying a pool of potential field studies was developed cooperatively through discussion with members of the research committee. Each question was reviewed by committee members for accuracy and precision. This questionnaire was validated through distribution and collection from selected central office administrators and supervisors in the Montgomery County Public School System and approved by the research committee following this procedure.

The target population of the study was all one hundred thirty-nine public school divisions in the Commonwealth of Virginia. A questionnaire was mailed to each of these divisions, in February of 1990, requesting information in regards to their participation in dismissal proceedings against any continuing contract teacher in the school division during the 1987-88, 1988-89 and 1989-90 school years. Divisions not returning questionnaires by the due date of

March 5, 1990, were given a follow-up phone call reminder and, if necessary, a second mailing. A one hundred percent (100%) return rate was achieved through this process. A second survey was mailed to those divisions who indicated they had participated in a tenured teacher dismissal during the years 1987-88, 1988-89 and 1989-90. Any divisions not responding to the second survey by the due date of April 16, 1990, were given a follow up phone call and a second mailing, if needed. This process also resulted in a one hundred percent (100%) return rate.

The accessible population of the study was identified through the responses to these questionnaires. School divisions indicating participation in a teacher dismissal proceeding during the designated school years were included in the sampling frame of the study. On the initial survey, forty-four (44) school divisions indicated their participation in a dismissal proceeding during the three year period. Each division responding positively to the first survey received a second survey requesting more specific information on the case and its outcomes. All divisions returned the second questionnaire. As a result of this second survey, five divisions corrected their original responses to indicate Reduction-In-Force removals of teachers, and were dropped from the sampling frame for this study. The remaining thirty-nine divisions represented fifty-four (54) potential dismissal

cases for further study. From this group, ten divisions were selected by a randomly stratified sampling for further, more intensive study. The random sampling of the group was accomplished by placing all potential dismissal cases, on equal sized pieces of paper, into a covered box and drawing pieces out one at a time. Cases were divided into Fact-Finding cases and School Board Hearing cases based on responses to the second mailed survey. This division was made in order to guarantee representations of both potential hearing types for the resolution of a dismissal within the confines of this research. Five cases involving a Fact-Finding Panel were drawn first. These were, in order of selection, Charlotte County, Prince William County, Floyd County, Charles City, and Wythe County. As one of these selections included a failed dismissal attempt, no alterations or substitutions were required to provide a representative case in a failed attempt. Then, five School Board Hearing cases were selected in a similar fashion. These cases, in order of selection, were Norfolk City, Arlington County, Petersburg City, Amherst County, and Accomack County. None of these cases had resulted in a failed dismissal attempt so the final selection, Accomack County, was deleted and an additional selection from the group of failed School Board hearing cases was made, producing Staunton City as a replacement case. This replacement was made in order to

provide a failed attempt in both hearing types for comparison with successful hearing conclusions during the study. The research committee designed the selection process to insure both hearing possibilities and failed attempts within both groupings for comparison in the study.

Later, Norfolk City declined to participate in the study and a final drawing from all remaining School Board hearing cases was made, supplying Suffolk City as the final participant in the case studies.

Process

This study began with the distribution, collection and tabulation of a state-wide survey requesting acknowledgement of a division's participation in a tenured teacher dismissal during the 1987-88, 1988-89, and 1989-90 school years from all 139 public school divisions. The initial survey can be found in Appendix A with the results following in Appendix B. This survey was developed cooperatively in consultation with the research committee and validated as described in the Population section.

The survey was sent to all public school divisions in the Commonwealth of Virginia on February 15, 1990. A follow-up survey was mailed to divisions failing to respond by March 5, 1990. It was developed and validated identically to the first survey. All surveys were returned by March 15, 1990.

Once surveys were returned, they were compiled to develop a pool of school divisions having dismissed, or attempted to dismiss, teachers during the 1987-88, 1988-89, or 1989-90 school years.

Each school division responding positively to having attempted a teacher dismissal during the defined period received a second survey, mailed on March 15, 1990. This survey can be found in Appendix C, with the table of results following in Appendix D. This second survey requested information on the process that ended the dismissal proceeding, either at the fact-finding or hearing level. It also requested information on the success or failure of each dismissal proceeding. This information was compiled into two separate pools of data, categorized as Fact-finding Panels or School Board hearings, to meet the research requirements of including both types of hearings in the study.

Using these pools, a random sampling technique was used to identify ten cases for field study that represented samples from each pool of potential closures to a dismissal process.

Individual field studies for each selected case followed and included site visitations and/or phone call interviews, personal reviews of initial information, an analysis of available written instruments, documents, and files, follow up questions for additional information and written and verbal

attempts to involve teacher participants in the study. Information gathered during this related case field type study was compiled to identify the commonalities surrounding the teacher dismissal process.

Analysis of Data

The framework for the analysis of data involved the clustering of commonalities surrounding the teacher dismissal process into six thematic categories. These categories were developed through the original design of the researcher after a review of the literature and in consultation with the research committee for the study. This task was accomplished by reviewing respondents quotes, determining like patterns in words from the interviews, and subjectively comparing these responses to other participants within the thematic grouping(s). The six thematic categories were; personal demographics, building/division demographics, history, evaluation procedures/process, fact-finding/hearing events, and final results/consequences. The focus of analysis was on the comparison(s) of data within these categories among different respondents in the teacher dismissal process.

One scheme analyzed the type(s) and frequencies of common responses across participants and case studies within each grouping. This approach identified similarities in responses between like participants in the teacher dismissal process.

A second approach developed a model of commonalities within each cluster which were present in most of the case studies identified. This model would indicate a particular pattern of commonalities that appeared typical of teacher dismissal cases studied.

CHAPTER IV

CASE NUMBER ONE

Background:

This dismissal case took place in a small, rural school division in the central portion of the state during the 1988-89 school year. The teacher was a white, male vocational teacher who had been transferred into the mathematics classroom due to changes in the division's vocational program. The teacher was certified to teach mathematics.

Interviews were conducted with the Superintendent, Assistant Superintendent, and former principal, now serving as the Director of Instruction for Business and Finance.

The teacher had a history of poor/mediocre evaluations, even while in the drafting assignment. The division had begun the process of documenting a poor instructional performance when a single incident allowed a dismissal hearing on other causes.

The teacher was observed, by several members of the community, entering a local store and purchasing beer. Upon returning to his pick-up truck, he was further observed providing beer to two female minor students accompanying him as he left the parking lot. The school division pursued a dismissal case based on this incident charging the teacher

with immorality.

School Division:

The division had a student enrollment of two thousand, one hundred fourteen (2,114) students in 1988-89. It was almost evenly split along racial lines with forty-nine percent (49%) of the student body identified as white and fifty-one percent (51%) of the student body identified as black. The staff of the school division was far different than the student mix. Ninety percent (90%) of the staff was identified as white and ten percent (10%) was identified as black in this survey. The division operated four elementary schools and two secondary schools. This dismissal took place at the high school in the division.

Approximately one hundred forty-five (145) certified staff members are employed in the division. Approximately one hundred fifteen (115) of them are on "continuing contract."

Superintendent:

The Superintendent was a white male, age forty-one at the time of the dismissal hearing. He had a total of twenty years in education, serving for three years as a superintendent. All three of those years as superintendent had been spent in this school division. His highest degree

obtained was a Master's Degree plus thirty.

The Superintendent did not hire the teacher in this case and described the employee's teaching skills as "poorly organized," at best.

The Superintendent was aware that past evaluation ratings of this teacher had been, at best, mediocre. He described them as "below average." The Assistant Superintendent had worked with the State Department of Virginia in evaluating the performance of the teacher while on vocational assignment and had provided a work plan/plan of improvement based upon their review of his performance.

No Central Office personnel provided direct observations of the teacher during the dismissal year. No additional assistance was provided during the dismissal year beyond the work plan developed with the help of the State Department.

Along with the existing Teacher Evaluation package, a variety of documentation was used in developing the dismissal case. Letters from the State Supervisor had been prepared during the initial instructional deficiency case preparation along with the local evaluation documents. After the incident involving alcohol, the documentation package utilized summaries of testimony from parents, students and other teachers. These summaries were provided to the teacher and placed in his personnel folder. The teacher was informed of the division's intent to seek dismissal by the Superintendent

and Assistant Superintendent in conference at the School Board office.

The divisional staff development program allowed for individual buildings to work with in-service activities for their own staff members.

Building:

The high school closely paralleled the racial make-up of the school division along both student and faculty lines. Students were identified as forty-nine percent (49%) white and fifty-one percent (51%) black. The staff was identified as seventy percent (70%) white and thirty percent (30%) black. The school housed grades nine through twelve and employed approximately forty-seven certified staff members. Of that number, approximately thirty-five were on continuing contract. Six hundred thirty-five (635) students attended the school during the 1988-89 school year.

Principal:

The principal of the high school was a white male, age thirty-seven (37) during the year of the dismissal. He had thirteen (13) years in education and had been a principal for ten of those years. The last three years of his principalship were spent in the high school, with the 1988-89 school year being his last in that position. He had obtained a Master's

Degree as his highest level of education.

The principal rated the teacher's past performance as "fair" and was aware of several work plans developed to improve the teacher's instructional performance. Besides the State plan previously discussed, the building administration had developed a series of instructional goals for the teacher during prior evaluation cycles.

The principal did not hire this teacher in the building and described the employee's teaching skills as "rigid...no creativity, with evidence of poor planning and a poor questioning technique." The principal elaborated that the teacher closely followed the textbook in class and used it as his sole source for lesson plans, moving in sequential order from page to page throughout the year.

The building staff development program included work with the Madeline Hunter Instructional Model, a program on enhancing student motivation and a specific program for math teachers on including critical thinking and problem solving in the classroom.

The principal observed the teacher three times during the 1988-89 school year and held a post-observation conference each time to review the observation.

Teacher:

The teacher did not consent to participation in the study and provided no information for the interview.

Hearing:

The administration prepared for a School Board hearing to recommend dismissal of the teacher. The case was reviewed with the Commonwealth's Attorney due to its specific legal ramifications. Shortly before the hearing, the teacher elected to resign his position, and the hearing was canceled.

Results:

Both the principal and Superintendent viewed the results as "positive" for the school division. They felt that the public was acutely aware of the circumstances of the case and were, to quote the Assistant Superintendent, "demanding action." No teachers testified in support of the teacher being dismissed but were called on to provide information on the alleged alcohol incident during the preparation portions of the case. None of the administrative staff interviewed had knowledge of an adverse reaction by the students or faculty of the high school. All administrators involved indicated that they would be willing to initiate dismissal proceedings again in the future under similar circumstances. None had any regrets or changes in this particular case but were pleased

that it was successful.

CASE NUMBER TWO

Background:

This dismissal case took place in a large, metropolitan county school system in Northern Virginia during the 1987-88 school year. The teacher was a white, male, Technology Education teacher.

Interviews were conducted with the Superintendent, now an Assistant Superintendent in a neighboring school division, and the Principal.

The teacher had a history of "...verbal abuse of children" according to the former Superintendent. Although the evaluation ratings of the teacher had been average/satisfactory, the Principal had a set of "working papers" on his actions that were provided to the teacher by the principal. The principal rated the teacher as "average" at best. The teacher was charged with incompetency and immorality in the dismissal recommendation.

School Division:

The division had a student enrollment of approximately thirty-four thousand, five hundred (34,500) students during the dismissal year. The student population was growing

rapidly during the past few years. About ninety-three percent (93%) of the students were white and seven percent (7%) of the student population was black. The staff of the division mirrored the student break down exactly. The division operated twenty-three elementary schools, eight secondary buildings and one vocational-technical school. This case was initiated at the middle school of one of the eight secondary schools.

Approximately three thousand, nine hundred forty (3,940) certified staff members were employed by the division, of which about thirty-two hundred (3,200) were on "continuing contract."

Superintendent:

The former Superintendent was a white male, age forty-seven at the time of the dismissal. He had a total of twenty-seven years of experience with six as a Superintendent, all in this school division. He was serving as an Assistant Superintendent for Maintenance and Transportation at the time of this interview in a nearby school division. He had obtained a Master's Degree plus thirty hours.

The Superintendent had hired this teacher during his tenure and noted that instructional skills were "...not an issue in this dismissal." He had described the teacher's skills as "average" in instruction.

No Central Office representatives participated in the observation of this teacher for classroom documentation. Along with the standard evaluation package used by the division, the division used letters of summary, letters to file, student testimony, parental testimony and conference summaries as documentation in the case.

The division's staff development program for administrators was centered on "how to fire somebody," according to the Superintendent. He explained that he had given explicit instructions to principals on documentation using lawyers, consultants, written examples and lectures to detail the process.

Building:

The racial make-up of the student population was seventy-eight percent (78%) white and twenty-two percent (22%) black. The staff followed the same comparison. The school was a "true" middle school, housing grades six through eight. One hundred three (103) certified staff members were employed at the school with eighty on continuing contract. About twelve hundred students were enrolled in the building.

Principal:

The Principal was a white male, age thirty-seven at the time of the dismissal. He had fifteen years in education, with five as a Principal, all at this school (although the

name had been transferred to a newly constructed building). He had completed a Master's Degree.

The principal rated the teacher's instructional skills as average and "satisfactory." No work plans had been developed for the teacher prior to the dismissal year. The Principal did not hire this teacher for the building.

The staff development program for the school included instructional process training, classroom management training and effective skills training over the past few years.

The Principal observed the teacher three times during the 1987-88 school year in accordance with the standard divisional evaluation program. A post-observation conference was held after each observation.

The teacher was verbally informed of the dismissal intent by the Principal, followed by a letter from the Superintendent.

Teacher:

After no contact with the teacher during the interview process, the teacher did not return a survey guide and no information from the teacher's perspective was included in the study.

Hearing:

The hearing was held before a fact-finding panel and was

closed. The Superintendent noted that "sympathy" was the main reason teachers wanted public hearings. Panel selection was "hard" according to the Superintendent because the "... teachers knew we meant business." The third member of the panel was selected by the court system in accordance with Grievance procedures. The Principal noted that he had little participation in this portion of the process.

Legal advice was provided by several attorneys; one for the School Board, in anticipation of appeals to the case, and a separate attorney to represent the staff and present the administration's case. The School Board attorney worked with the Superintendent and the Principal in preparing the case for presentation.

The hearing lasted over two days. Teachers testified during the hearing on behalf of the teacher, as character witnesses and for teaching skill certification.

Results:

The Panel voted two to one to support the recommendation for dismissal and the teacher was dismissed. Court proceedings did follow.

Reaction to the case was "little" according to the Superintendent, but the Principal felt that public reaction "after the fact" was due to the court proceedings. The Principal also noted an "undercurrent" of faculty concern that

said "...am I subject to the same thing?" and hurt morale. The Superintendent perceived that faculty reaction across the division was "inconsequential." Student reaction was limited to those directly involved in providing testimony.

Both the Superintendent and the Principal indicated a willingness to initiate dismissal proceedings again under similar circumstances. The Principal felt that, having the chance to do the case again, he would make sure that all of the facts should be made public early in the process. He felt that the teacher had more opportunities to present his version; that he "...had a bigger voice" than the administration.

The Superintendent felt very strongly about the dismissal process in general. He emphasized the need for "line administrators" to "...know the law and grievance procedures ... have the guts to look someone in the eye, tell them they're not meeting expectations, and then follow it up in writing." He noted that there are two levels to dismissals: the overt ones, like the case in this study, and the "mediocre" teacher who hangs on and abuses kids in other ways but never loses their job. He felt that these teachers "...strike terror into the hearts of Superintendents by forcing the building administrator to attack the poor defenseless creature" in initiating dismissal.

The Principal felt that "political ramifications" were

important in this case, especially during the hearing portion. He noted that "outside" associations and relationships between the School Board, attorneys, and other participants impacted on the case. As he said, "...the characters became more important than the facts of the case."

CASE NUMBER THREE

Background:

This dismissal case took place in a small, rural school division in southwest Virginia during the 1988-89 school year. The teacher was a white, female elementary school teacher with over thirty years of teaching experience.

Interviews were conducted with the Superintendent and the Principal.

The teacher had a history of physically punishing students during school time. She had been "suspended" for one year as a result of similar incidents involving the physical punishment of students three years prior to this case. During that year (1984-85) a work plan was developed to improve the teacher's classroom management techniques. Her instructional evaluations had been average/satisfactory during her career.

This dismissal case was based on a continued pattern of physical abuse towards children and followed one particular

incident at the school. The teacher was charged with "non-compliance with division procedures" (insubordination) based on prior warnings and written policies/procedures against the physical punishment of children.

School Division:

The division had a student population of about one thousand, eight hundred seventy-eight students (1,878) in 1988-89. The student population of the division has been declining over the past few years. Ninety-eight percent (98%) of the students are white and two percent (2%) are black. The certified staff of the division mirrors that split with ninety-six percent (96%) white and four percent (4%) black. The division operates four elementary buildings and one secondary school. This dismissal was initiated at one of the elementary schools.

Approximately one hundred thirty-three (133) certified staff members are employed by the division, with about one hundred twenty-one (121) on a "continuing contract" basis.

Superintendent:

The Superintendent is a white male, age fifty-seven during the dismissal year. He has a total of thirty-one years in education, serving two of those as a Superintendent, both of them in this school division. He has completed his

doctorate degree.

The Superintendent did not hire this teacher and described her teaching skills as "traditional." He viewed her as having "tunnel vision" in regards to her approach to the classroom and discipline.

The Superintendent was aware of past evaluation ratings, including prior disciplinary actions against the teacher for her inappropriate use of physical force in managing student behavior.

Due to the nature of the case involving classroom management skills, no Central Office staff members participated in observing the classroom instruction of the teacher. Documents used beyond the teacher evaluation package in preparing the case included parental complaints in writing, letters to the teacher's file and summaries of conferences held with the teacher by the administrative staff.

The division's staff development program included a variety of topics. Disciplinary alternatives, Madeline Hunter's Instructional Model and general Mastery Learning techniques were included.

Building:

The elementary school housed a racial mix similar to the division's with ninety-nine percent (99%) of the children white and one percent (1%) black. The staff was one hundred

percent (100%) white. The school housed grades Kindergarten through seventh and employed approximately twenty certified staff members. Of that number, about seventeen were on a "continuing contract" basis. Approximately three hundred eighteen (318) students were enrolled at the school.

Principal:

The principal was a white male, age forty-five during the dismissal year. He had twenty-six years of experience in education, with eighteen of those as a principal and two of those in this building. He had a Master's Degree plus sixty hours.

The principal rated the teacher's past evaluations as average. He described her skills as "satisfactory ... traditional." He indicated that she had been taken to court prior to this dismissal case for allegedly mishandling and abusing children.

The principal did not hire this teacher. She had been teaching in the building long before his arrival as principal.

The staff development program in the building indicated participation in the division's Mastery Learning and Madeline Hunter programs. No school-specific programs were initiated.

The principal observed the teacher four times during the dismissal year and followed each observation with a conference. This pattern followed the division's teacher

evaluation system. The principal verbally informed the teacher of dismissal followed by a letter from the superintendent.

Teacher:

The school division refused to grant permission for the teacher to discuss the case as an employee of the division. Although this refusal could have been challenged, it would have, most likely, caused the elimination of administrative participation in the study. With this possibility in mind, the refusal was obeyed and the teacher was not contacted.

Hearing:

The hearing was held before a public fact-finding panel. Panel selection was negotiated and, "...took a long time," according to the Superintendent. The panel was made up of one teacher from the elementary school involved, one School Board Office employee and an English teacher from the high school in the division. The hearing itself lasted about two days, spread over several work days.

The division utilized the legal services of the School Board attorney in preparing the case. The principal noted that he had "little knowledge or involvement" in this portion of the case, although he was aware that an attorney was available to him should one be needed.

Several teachers did testify during the hearing, all on

behalf of the teacher charged. Included in this group was the "Teacher-in-charge" of the building while the Principal was out and responsible for the operation of the school on the day of the specific incident leading to the dismissal attempt. She had, in earlier conversations with the Principal, charged the teacher with improper use of physical force in restraining students, but testified on behalf of the charged teacher during the hearings.

Results:

The panel ruled against the school division and the teacher retained her job and stayed at the same school.

The Superintendent felt that the community was supportive of their efforts and "appreciated their effort to dismiss..." The Principal felt no response from the community at all. Faculty reaction was mixed, with the Superintendent noting a "cold reaction" to the Principal, but the Principal feeling "no animosity, even from the teacher charged." No student reaction was noted by participants.

The Superintendent felt that the division's "...case was weak all along but wanted to make a stand..." on this issue and believed that the teacher had been "...put on notice ... the division had made a stand..." regarding the problem. The Principal felt very differently about the proceedings, believing that the hearing provided the opportunity to

"...determine guilt or innocence on this issue..." outside the school setting. He was removed from the proceedings and felt no "loss" at the failed dismissal attempt.

Both the Superintendent and the Principal indicated a willingness to initiate dismissal proceedings again under similar circumstances. The Superintendent regretted the earlier suspension of the teacher (1984-85) as he felt they had to "start all over" in building a case for dismissal. The Principal felt that proceedings were a "...way to protect reputation ... an unbiased panel for judgement."

The Principal continued to work with the teacher after these proceedings, even accepting the offer of a ride to one staff function with the teacher involved in the dismissal case.

CASE NUMBER FOUR

Background:

This dismissal case took place in a small, rural school district in the central/eastern portion of Virginia during the 1987-88 school year. The teacher was a male of Asian/Indian descent certified in secondary science.

Interviews were conducted with the Superintendent and Principal, who now serves as the Coordinator of Federal Programs for the school division in the Central Office.

The teacher's past evaluation ratings were described as "average" by the Principal and "poor" by the Superintendent. The dismissal case was based on instructional deficiencies. The teacher was charged with incompetency.

School Division:

The division had a student enrollment of one thousand fifty (1,050) students. This population was split along racial lines with approximately ten percent (10%) white, eighty percent (80%) black and ten percent (10%) "other" minorities. The staff of the school division was approximately ten percent (10%) white, eighty-eight percent (88%) black and two percent (2%) "other" minorities. The division operated three elementary schools and one secondary building. This dismissal case originated at the secondary building in the division.

Approximately eighty certified staff members are employed by the school division. Of this number, about sixty-five are on "continuing contract" status.

Superintendent:

The Superintendent is a black male, age forty-four at the time of the original dismissal hearing. He had a total of twenty-two years in education, serving as a Superintendent for five of them, all in this school division. His highest

degree indicated by interview was a doctorate, but records indicate no degree beyond the C.A.G.S. diploma.

The Superintendent did not hire this teacher. He described the teacher's instructional skills as "...poor ... used lecture approach ... students could not understand due to the fact that he was foreign."

The Superintendent was aware of past evaluation ratings as "poor" but was not involved in any preparations for plans of improvement or work plans.

Three direct observations of the teacher were completed by Central Office representatives during the dismissal year and four conferences were conducted by the Superintendent.

In addition to the standard teacher evaluation system in place in the division, letters of documented conferences and discussions were used in preparing the case. The principal initiated these letters.

The division's staff development program emphasized the topics of learning styles, effective schools research, classroom management techniques, and developmental teaching techniques.

Building:

The high school was made up of a racial mix of students reflecting twenty percent (20%) white, seventy percent (70%) black, and ten percent (10%) "other" minorities. The staff

was similar, with twenty-two percent (22%) being white, seventy-six percent (76%) black and two percent (2%) being "other" minorities (represented totally by the teacher dismissed). The school housed grades eight through twelve and employed approximately thirty-six certified staff members. Of that number, approximately twenty-six were continuing contract employees. Three hundred seventy-three (373) students were enrolled in the building.

Principal:

The principal of the high school was a black male, age forty-three during the dismissal year. He had a total of twenty-four years in education, with fifteen as a principal and three of those fifteen at the high school. He had obtained a Master's Degree.

The Principal had rated the teacher's performance as "average" in prior years. He did not hire this teacher at the high school.

Building staff development programs were described as "excellent" and included Effective Schools Programs and TESA instruction.

The principal observed the teacher four times during the dismissal year and completed a post-observation conference after each observation. Assistance was provided via the written work plan by local university representatives and

divisional peer coaches. The principal verbally informed the teacher of the dismissal decision, followed by a letter from the superintendent.

Teacher:

The teacher could not be located for participation in the study.

Hearing:

The hearing took place before a fact-finding panel and was closed at the request of the teacher involved. It lasted about one full day. The panel selection process followed grievance procedure guidelines with the teacher selecting one representative, the administration selecting a second panel member, and the two panel members agreeing on a third. No significant difficulties with panel selection were noted, although the principal was under the impression that the teacher had selected two members and the administration one.

Fellow teachers did testify during the hearing on behalf of the teacher.

The division utilized the services of the Virginia School Boards Association for legal advice during the case.

Results:

The fact-finding panel supported the dismissal

recommendation but a negotiated settlement allowed the development of a work plan for the teacher prior to completion of the dismissal proceeding before the School Board. The teacher worked on a plan for improvement during the 1988-89 school year, but was dismissed after that year.

Neither the Superintendent nor the Principal noted any reaction to the case by students, teachers, or the community. Both indicated that they would be willing to initiate dismissal proceedings again and had no regrets or changes for this case.

CASE NUMBER FIVE

Background:

This dismissal took place in a mid-sized, rural school division in southwest Virginia during the 1988-89 school year. The teacher was a white, female elementary education teacher with over twenty-seven years of experience. Interviews were conducted with the Superintendent and the Principal.

The teacher had a history of "physical abuse" against students in discipline situations. Examples included kicking a student to demonstrate the pain caused by kicking, banging students' elbows on the desks, and putting gum on a student's nose. Her past evaluations were rated as "average" by the Superintendent, "excellent" from previous Principals and

"good" by the involved Principal in regards to classroom instruction.

Social Services agencies became involved in the case and conducted their own investigation as a result of community complaints. This investigation was kept separate from any school division action against the teacher. The teacher was charged with insubordination for refusing to adhere to administrative directives forbidding the use of physical punishments against students.

School Division:

The division had a student enrollment of forty-four hundred during the 1988-89 school year. It was split along racial lines of ninety-six percent (96%) white and four percent (4%) black. The staff mirrored those percentages. The division operated seven elementary schools, three secondary schools, and one vocational/technical building. The dismissal took place at one of the elementary settings.

Approximately three hundred twenty (320) certified staff members are employed in the division with about two hundred ninety-three (293) on "continuing contract."

Superintendent:

The Superintendent is a white male, age fifty-three during the dismissal year. He has a total of thirty-two years

in education with nineteen as a Superintendent. Six of those years as Superintendent have been in this school division. He has completed his Master's Degree plus sixty hours.

The Superintendent did not hire this teacher and described her teaching skills as "adequate ... very traditional." He was very aware of the past history of abuse charges against the teacher.

The Central Office was not involved in the direct classroom observation of the teacher as dismissal was based on disciplinary techniques and not instructional problems. No previous work plans had been written.

The dismissal case utilized the standard evaluation packet within the division and added summary letters of conferences, incident memorandums and letters to the teacher.

The division's staff development program was an emphasis of the Superintendent. The program was tied to individual teacher contracts and required a minimum accumulation of "points," similar to the state re-certification system.

Building:

The elementary school was physically attached to a secondary school and shared some common facilities (i.e. cafeteria). The student population was ninety-nine percent (99%) white and one percent (1%) black. The staff reflected a similar racial orientation. The elementary school housed

grades Kindergarten through seven and employed thirty-four certified staff members. Of that number, approximately thirty-one were on "continuing contract." Four hundred fifty-five (455) students were enrolled during the 88-89 school year.

Principal:

The principal was a white male, age forty during the dismissal year. He had fourteen years of experience and has been a principal for three years, all in this building. He has completed a Master's Degree plus thirty hours.

The principal rated the teacher's past performance as excellent in his first year, but declining thereafter. He noted that the evaluation packet had no "gray areas": items either met or did not meet expectations and that, in his first year, he had hoped that giving the benefit of the doubt with verbal suggestions would be adequate. It had not been so and the following year's evaluations noted areas "needing improvement for not meeting expectations."

The principal did not hire this teacher and noted that the previous principal had also had problems with the teacher's discipline, including stuffing a student's mouth full of paper and taping it closed.

The building staff development program emphasized "choice" hours in keeping with the language of the teacher

contract. The principal reviewed packages selected by the teacher and listed Self-Study participation, computer skills, and success in science and math areas as those selections made by the teacher. The principal verbally informed the teacher of the dismissal decision, followed by a letter from the superintendent.

Teacher:

The teacher declined the opportunity to participate in the study.

Hearing:

The hearing was held before a fact-finding panel and was closed at the request of the teacher. Panel selection followed state Grievance guidelines, although the teacher's initial selection was from outside the division and was refused. According to the principal, several fellow teachers from within the building refused to serve as her representative. The hearing lasted approximately one full day, from nine a.m. to five p.m. The division utilized the legal advice of the School Board attorney. Both the principal and superintendent were pleased with the legal advice and preparation received by the administration. The teacher also employed legal counsel.

Two teachers did testify on behalf of the charged teacher

during the hearing. They were used primarily as character witnesses.

The fact-finding panel voted three to zero to support dismissal.

Results:

Although the panel supported the administration's recommendation for dismissal, a "deal" was negotiated prior to School Board action to allow the teacher one year's leave (1989-90) with a letter of resignation effective at the close of the year. This action was taken to allow the teacher to seek disability retirement from the VSRS system in Virginia. Both the Superintendent and the Principal stressed attempts at "being humane" in dealing with the teacher.

Public reaction was subdued, but the principal noted that he, "...did not know but the public was very aware and positive for the action." The Superintendent noted that involvement by Social Services in the case added to the public's perception of the case.

Faculty reactions were mixed. Many were aware that the teacher's request for transfer had been refused and the principal noted some resentment on the staff, especially at the attached high school. He noted that "...many teachers believed that students had gotten the teacher fired" and that it was an unsettling situation. Many of his own staff members

had asked for additional information but were refused.

Students were "elated" at the dismissal and the Principal noted that many "might" have bragged about getting the teacher fired.

Both the superintendent and principal expressed a willingness to initiate dismissal proceedings again, although the superintendent added that, "...it was hell but it was worth it." He also noted that the manner in which personnel are handled is important, pointing out the "deal" struck to allow the teacher an application for disability.

The principal noted that Social Services had considered charging him as a result of failing to report all of the incidents involving physical punishment of children. He felt that his attempts at "being humane" had almost gotten him arrested. He still felt that it was important that he had "...put his arm around the teacher and said you can't bang their elbows on the desk like that" any number of times. It was apparent to both administrators that the teacher never perceived that her actions were a real problem, despite several warnings by administrators. In fact, the superintendent noted that during the dismissal year, the teacher had "three strikes": she was warned formally by the principal; she was informed of an earlier dismissal consideration in writing that was overruled by the assistant superintendent; and her final action brought a recommendation

for dismissal from the superintendent.

CASE NUMBER SIX

Background:

This dismissal case took place in a medium sized, metropolitan school district in Northern Virginia during the 1987-88 school year. The teacher was a black, female, elementary education teacher who had been transferred into this elementary school when several neighborhoods were "re-districted" and attendance patterns changed.

Interviews were conducted with the Superintendent and Principal, now serving as the Principal of a middle school in the same district.

The teacher had a history of good/satisfactory evaluations prior to her transfer to the elementary school that initiated dismissal proceedings. Her evaluation ratings deteriorated with each successive year in that elementary school. The teacher had been reprimanded previously for "inappropriate coaching" of students during standardized testing. The dismissal case was based on a pattern of poor instructional techniques. The teacher was charged with incompetency for the dismissal proceeding.

School Division:

The division had a student enrollment of approximately

fourteen thousand, three hundred (14,300) in 1987-88. It was split along racial lines of fifty percent (50%) white, fifteen percent (15%) black and thirty-five percent (35%) "other" minorities with a large portion of this group of hispanic origin. The staff of the school division did not match the student racial mix. Seventy percent (70%) were white; fifteen percent (15%) were black and fifteen percent (15%) were other minorities. The school division operated twenty-eight (28) schools in the division. Eighteen (18) were elementary, seven (7) were secondary, two (2) were vocational and one was a special education facility. This dismissal took place in one of the elementary schools in the division.

Approximately twelve hundred (1,200) certified staff members are employed in the division. Of this number, about one thousand eighty (1,080) are on continuing contracts.

Superintendent:

The Superintendent is a white male, age fifty-one (51) at the time of the dismissal. He had a total of thirty-one years in education, serving for five years as a superintendent. All five of those years have been with this school division. He had obtained a doctorate degree.

The superintendent did not hire this teacher and described her teaching skills as "...poor: lack of planning ... poor student performance on standardized tests when

compared with similar student groupings ... poor organizational skills."

The superintendent was very aware of the past evaluation ratings of the teacher. He "reviewed documentation at several steps of protocol and approved measures taken by administration." The Superintendent noted that the teacher felt the plans for improvement were more a "burden than a chance to improve." He felt that her attitude was not to make the efforts to improve but to determine "...how I [can] fend you guys off."

Several other Central Office representatives provided direct observations during the dismissal year. A team approach of instructional supervisors assisted the principal in providing observed deficiencies and identified remedies as suggestions. Of twenty-four classroom observations completed during the 1987-88 school year, almost two-thirds were done by staff members other than the building administrators.

Along with the standard teacher evaluation packet information, several supporting documents were used in preparing the dismissal case. These included reported scores on standardized tests, visitation reports from additional supervisors, and correspondence between the administration and teacher.

The division's staff development program emphasized an "...eclectic approach to staff development." It was a multi-

dimensional program that supported instructional programs by Central Office Supervisors for delivery of instruction and additional topics in minority achievement and gifted and talented students. The teacher was verbally informed of the dismissal by the principal and representatives of the Personnel Department, followed by a letter from the superintendent.

Building:

The elementary school showed a different student racial mix than the general school division, having one-third white, one-third black and one-third "other" minorities. The staff was approximately sixty-seven percent (67%) white and thirty-three percent (33%) minority. The school housed grades pre-K through six and employed approximately ninety certified staff members. Of this number, almost seventy-eight (78) were on continuing contract. Seven hundred (700) students attended the school during the 1987-88 school year.

Principal:

The principal of the elementary school was a white female, age forty-one during the dismissal year. She had twenty-one years in education, eleven as a principal. Eight of those years were spent in this elementary school. She had completed all course work needed for the Doctorate degree but

had not completed her dissertation.

The Principal rated the teacher's past performance as "satisfactory" prior to transferring into this building and declining each year thereafter. Several work plans had been developed in previous years to confront deficiencies identified through the teacher evaluation package. The teacher rejected participation in preparing these plans and refused to cooperate with Central Office staff members in implementing suggestions.

The principal did not hire this teacher, but "inherited" her from the pool of teachers transferred during re-districting of students. The principal had been allowed to select several staff members from the "sending school" but made it clear that this was not one of her selections. The principal described the teacher's skills as "...skill & drill ... learning packets of purple paper with no active teaching and little student interaction."

The building staff development program operated through weekly morning sessions on instructional topics. These included sessions on reading beyond the basal text, student discipline, and individual instructional topics.

The principal observed the teacher eight times during the dismissal year. The teacher refused to participate in post-observation discussions after each observation. The teacher also declined to participate in suggested sessions

with the Employee Assistance Program of support available at the Central Office as a counseling portion of the work plan.

Teacher:

The teacher declined the opportunity to participate in the study or provide additional information on the topic.

Hearing:

The hearing took place before the school board and was closed at the request of the teacher. It lasted approximately eleven hours over two nights. The division utilized a combination of legal representatives for the case. The superintendent noted that "...any superintendent is a damned fool that doesn't get legal advice..." The first disciplinary action against any teacher, no matter how minor, is reviewed by an attorney for legal basis and clarity. In this case, the county attorney, who serves the school board, became involved in the case from the first work plan and letter of documentation. As the case moved towards dismissal the School Board, chaired by an attorney, wanted representation for procedural advice during the hearing. The superintendent then hired an outside firm to present the administration's case during the hearing to allow a staff member from the county office to represent the School Board. No teachers testified at the hearing, but two parents did testify on behalf of the

teacher.

Results:

The teacher was dismissed, with the School Board voting unanimously to support the recommendation. The superintendent noted little reaction from the public or school division. The principal felt "quiet support" from the community and active support from the faculty. She noted that several teachers in the building had volunteered to support the administration's case, including some teachers on the same grade level as the teacher involved in the hearing.

Neither the superintendent or principal had changes they would make in the case and both indicated not only a willingness to recommend dismissal again, but a record of having done so.

The only reaction of note by either participant came in a conversation between the superintendent and a black administrator almost one year after the case. This administrator noted that this teacher might have been saved. She noted that the teacher "...was hired during segregated schools with no demands then but is now asked to perform ... it's almost o.k. to hire incompetence for black kids but not now..." Although the Superintendent took no offense at the remark, according to his interview, it did cause him to consider the possibility that different standards had impacted

on this case.

CASE NUMBER SEVEN

Background:

This dismissal case took place in a small urban school district in the southeastern portion of Virginia during the 1988-89 school year. The teacher was a black, female elementary teacher working in the areas of math, science, and social studies.

Interviews were conducted with the Superintendent and the Principal, who has just switched assignments and has a new school in the same district.

The teacher had a history of poor to mediocre evaluations prior to the dismissal year. The Superintendent had been on the job for about four months when the dismissal case began. The teacher was charged with incompetency for the dismissal proceeding.

School Division:

The school division had an enrollment of about nine thousand students during the 1988-89 school year. The student body was divided sixty percent (60%) black and forty percent (40%) white. The teaching staff was about fifty-five percent (55%) white and forty-five percent (45%) black. The division

operated nine elementary schools, seven secondary buildings and one alternative setting school. The dismissal case originated in one of the elementary settings.

Approximately seven hundred certified staff members are employed in the division with about five hundred eighty on "continuing contract."

Superintendent:

The Superintendent was a white male age forty-two at the time of the dismissal case. He had been in education for sixteen years and served as a superintendent for five of those years, two in this division. He had completed all course work for his Doctorate but had not written the dissertation.

The Superintendent did not hire this teacher and described her skills as "...none ... horrible ... no skills evident." He was aware of past evaluations in the poor to mediocre range.

Documentation for the case consisted of numerous observations using the divisional evaluation system, letters of conference summary, and the teacher's record-keeping systems for students and grades. Central Office staff members conducted classroom observations and conferences approximately twice per month during the dismissal year and the year preceding that one.

The division's staff development emphasis allowed

teachers to be given professional leave to attend in-service activities. The Madeline Hunter Model was one of the techniques stressed by the division. It was known as the "TOPS" program (Teaching to the Optimal Performance of Students).

The superintendent verbally informed the teacher of the dismissal, followed by written confirmation.

Building:

The elementary school originating the dismissal was about sixty-nine percent (69%) black and thirty-one percent (31%) white. The certified staff was fifty-one percent (51%) white and forty-nine percent (49%) black. The school contained grades Kindergarten through five. About forty-three certified staff members were employed in the school with almost thirty of them on "continuing contract" status. Approximately eight hundred students were enrolled during the 1988-89 school year.

Principal:

The principal was a black female, age fifty-one during the dismissal year. She has twenty-five years experience in public education with eleven of those years as a principal at her former school. She has completed all course work for her Advanced Certificate Degree.

The principal rated the teacher's past performance as

"fair to mediocre" during their eleven year relationship. She noted that the teacher was "poor" in some areas each year. The principal did not hire the teacher but moved into the building from the same school at the same time. The principal described the teacher's skills as "...disorganized ... poor ... weak ... confused ... had problems following a schedule, record keeping and presenting new material." Assistance in lesson-planning and a mentor teacher were provided as support assistance to the teacher.

Building staff development activities included participation in the division's Madeline Hunter Model, workshops on discipline, and workshops on effective parent conference skills.

The principal observed the teacher more than three times per month during the dismissal year, with a conference following each observation. Central Office staff members also observed the teacher during that year.

Teacher:

The school division declined permission to contact the teacher or provide information concerning their potential participation in the study.

Hearing:

The hearing took place in closed session before the

school Board. The Superintendent noted that the teacher wanted a fact-finding panel but "...could not find a teacher who would serve as her representative." The Superintendent chose to close the session on behalf of the teacher who did not respond to his attempts at answering the question. The principal did not participate in the selection of the hearing designation. No teachers testified at the hearing.

The School Board heard the case in about two hours. The administration's case was presented by an outside attorney because the city attorney was relatively new to the job and the Superintendent wanted to be sure that their representation was solid. The principal traveled with the superintendent to Richmond to review the case with the attorney and both administrators felt good about the advice they received. The teacher was not represented by an attorney even though, according to the Superintendent, her husband was an attorney and attended the Closed School Board hearing.

The School Board voted unanimously for dismissal.

Results:

Shortly after the School Board's ruling, the teacher suffered a stroke and the division held the "paperwork" on dismissal to allow her to apply for early retirement disability. This retirement was granted and the teacher was allowed to avoid the absolute conclusion of the dismissal.

decision and receive retirement benefits.

Neither the superintendent or the principal noted reactions to the case, although the principal was given a "...guilt trip" by a fellow teacher due to the deteriorating health of the teacher dismissed. Another teacher "provided support by saying you have to do what you have to do in this job."

Both administrators felt they would seek dismissal again under similar circumstances. The principal advised others in the same situation to "...not wait til the problem is too severe. I didn't bite the bullet til there was nothing else to do and look at all of the children who missed something. Get on the problems early and save the children."

CASE NUMBER EIGHT

Background:

This dismissal case took place in a mid-sized city school division in central Virginia during the 1988-89 school year. The teacher was a black male certified in health and physical education.

Interviews were conducted with the Superintendent and the Principal, now a Principal of a high school in a neighboring city school system. The Superintendent had little prior knowledge of the case, assuming the post just weeks

prior to the hearing.

The case involved allegations of inappropriate physical contact between the teacher and students over a period of time. No previous record of such incidents had been made, although allegations had been investigated prior to this incident. The case was well publicized and known throughout the community. The teacher was charged with immorality as a recommendation for dismissal.

School Division:

The division had a student enrollment of about five thousand, seven hundred (5,700) students in 1988-89. Almost ninety percent (90%) of these students were black and ten percent (10%) were white. The student population has been declining over the past few years. The staff of the school division was sixty-five percent (65%) black and thirty-five percent (35%) white. The school division operated six elementary schools and two secondary schools. This case was initiated at the high school of the two secondary schools.

Approximately four hundred twenty-six (426) certified employees work in the division with about two hundred sixteen (216) on "continuing contract" status.

Superintendent:

The Superintendent was a black male age forty-seven at

the time of the dismissal. He has a total of twenty-seven years in education, nine as superintendent and one in this school division. He has completed his Doctorate degree.

The Superintendent noted that he had little knowledge of the previous evaluations of this teacher due to his appointment in the Spring of the dismissal year. He was able to review the documentation pertinent to the incidents in the case and elected to proceed with the dismissal based on that documentation.

The administration stepped outside the evaluation packet in making its case for dismissal. They utilized letters of summary, conference memoranda and testimony from students and community people.

Staff development programs were, under the previous Superintendent, originated at the building level. No major programs had been initiated by this Superintendent at the time of the case. The superintendent informed the teacher verbally and in writing of the dismissal.

Building:

The high school initiating the dismissal case had a racial mix similar to the division's. Ninety-two percent (92%) of the students were black and eight percent (8%) were white. The staff of the school was fifty-five percent (55%) black and forty-five percent (45%) white. The school housed grades nine through twelve and employed about one hundred

eighteen (118) certified employees. Approximately eighty-eight (88) of those certified employees were on "continuing contract." Sixteen hundred sixty-eight (1,668) students were enrolled during the 1988-89 school year.

Principal:

The principal of the high school was a black male age forty-three at the time of the dismissal. He has a total of twenty-one years in education, four as a principal and three in that particular school. He has completed his C.A.G.S. degree requirements.

The principal rated the teacher's past performance as "average," noting that he was a good teacher in the classroom but had "other problems." No work plans had been in place to the knowledge of the principal.

The principal did not hire this teacher. Building staff development programs included direct teaching methods and peer coaching strategies.

Four classroom observations were conducted by the principal with a post-observation conference following each. This process was in keeping with the division's evaluation procedure manual.

Teacher:

The teacher did not submit any information in this study.

Hearing:

The hearing took place before the School Board and was closed at the teacher's request. The principal had little participation in this process. The division utilized the legal advice of the School Board attorney in preparing and delivering the case. Both administrators felt the preparation was well done. Although the proceedings stretched over two months, the actual case took just a few hours to be heard.

Several teachers did testify during the proceedings in support of the teacher. Most spoke to competence in the classroom or served as character witnesses. Students were also called to testify concerning specific instances of physical contact.

The School Board voted unanimously to support the recommendation for dismissal.

Results:

The teacher was dismissed after the Board hearing. Public reaction was difficult to determine due to the advanced publicity in the case. The action had been anticipated long before the hearing took place as the teacher had been suspended immediately at the beginning of the investigation.

Faculty reaction was mild. Some student reaction was noted, especially among friends of the teacher's sister, who attended the high school. Other students felt "...it was

about time" according to the principal.

Both the superintendent and principal indicated willingness to initiate dismissal proceedings again (the superintendent has done so) and suggested few regrets or changes in the procedure for this case. The principal did feel that everything was done to protect the teacher's rights and that the superintendent had been extremely helpful even though he had just arrived in the division.

CASE NUMBER NINE

Background:

This dismissal case took place in a mid-sized rural school district in the central portion of Virginia during the 1988-89 school year. The teacher was a black, male band director who had been moved from the high school program into a middle school itinerant position.

Interviews were conducted with the Superintendent and the Principal of one of the middle school assignments, who is now a high school Principal in a different district.

The teacher had a history of good/excellent evaluations prior to the dismissal year. During that year, the teacher refused to "work with parents" in the Band Boosters group for religious reasons. Despite repeated meetings with the superintendent and promises to work closely with the Band

Boosters group, the teacher never completed these duties. The superintendent further provided a plan to accomplish the cooperative tasks required of the Boosters organization and the director, but it was never followed by the teacher. Dismissal proceedings began due to this refusal over the period of one year. The teacher was charged with insubordination.

School Division:

The school division had an enrollment of about four thousand five hundred students during the 1988-89 school year. The student body was split racially seventy-five percent (75%) white and twenty-five percent (25%) black. The staff racial mix was similar with eighty-three percent (83%) white and seventeen percent (17%) black employees. The division operated eight elementary schools and three secondary schools. The dismissal case was generated from one of the middle schools in the division.

Approximately three hundred thirty (330) certified staff members work in the division with about two hundred eighty-eight (288) on "continuing contracts."

Superintendent:

The Superintendent was a white male, age forty-six at the time of the dismissal. He has twenty-six years in

education, serving as a superintendent for thirteen and one-half years, all in this school division. He had completed his Doctorate degree.

The Superintendent did not hire this teacher but emphasized that he would have based on previous experiences. He was aware of the excellent rapport the teacher had with middle school students and noted a decline in this rapport with high school students. The teacher was returned to a middle school position prior to being dismissed.

No Central Office representatives were involved in classroom observations during the dismissal year. Additional documentation was used to substantiate the administration's case for dismissal based on fourteen summary letters for conferences between the Superintendent and the teacher. Letters of summarized testimony were also included in the administration's case.

The division's staff development program concentrated on site based decisions regarding in-service needs. General themes included Teaching Divergently (TD) programs and Attitude, Skills and Knowledge (ASK) activities. The superintendent informed the teacher of the dismissal verbally and in writing.

Building:

The middle school student body was about seventy-eight

percent (78%) white and twenty-two percent (22%) black. The certified staff was about eighty-three percent (83%) white and seventeen percent (17%) black. The school housed grades six through nine. About one hundred twelve certified staff members worked at the building with almost seventy-four on "continuing contract" status. Almost one thousand students were enrolled during the 1988-89 school year.

Principal:

The Principal of the middle school was a black male, age forty-six at the time of the dismissal. He had twenty-three years of experience in education with six being a principal and five of those in this building. He had completed his Doctorate degree.

The principal rated the teacher's past evaluations and skills as average to fair. He noted that a work plan had been in place prior to the dismissal year and echoed the Superintendent's thoughts that the teacher had been more effective with middle school students than high school aged children. The principal did not hire this teacher.

Staff development programs in the building included tips on parental conferences, student discipline techniques, and public relations with the press seminars.

The principal observed the teacher's classroom activities a minimum of five times during the dismissal year, with a

post-observation conference following each observation.

Teacher:

The teacher declined participation in the study.

Hearing:

The hearing took place before the School Board during Executive Session. The teacher did not respond to communications concerning the dismissal process and did not even attend the hearing. The Superintendent elected to present in closed session.

The School Board heard the case in about fifteen minutes. The principal was not involved in developing or presenting the case to the School Board.

The School Board attorney helped prepare the case for presentation and was available during the Executive Session, although not called upon for advice. The principal knew that an attorney was available but did not consult with him prior the hearing.

Results:

The School Board unanimously supported the recommendation for dismissal and the teacher was dismissed. Neither the Superintendent or the Principal felt any reaction from the public concerning the case. As the principal noted

"...anytime you have to do something ... get it together ... show the public and the teacher that you have documentation and you have tried to help ... document each time in writing and you won't have any reactions."

Both administrators agreed that they would seek dismissal again under similar circumstances. The principal felt that you must carefully document the case in writing and, eventually, the person will resign rather than face dismissal. The Superintendent felt that the key to any dismissal case was his "being involved early" in the proceedings. He noted that it was his philosophy to take an active role in the process.

The superintendent felt that the religious feelings of the teacher had conflicted with his responsibilities as a teacher to work with parents and, despite agreeing to work with the Booster group earlier in the year, the division had made every effort to improve the teacher's skills prior to the dismissal hearing. The Superintendent noted that showing the desire to "work with people" was a critical aspect of proving the need for dismissal.

CASE NUMBER TEN

Background:

This dismissal case took place in a small city school division in the western part of Virginia during the 1988-89

school year. The teacher was a black, male, physical education teacher in an elementary setting.

Interviews were conducted with the Superintendent and the Principal, both of whom are in the same positions as during the dismissal year.

The main focus during the dismissal proceedings was a paddling incident involving an elementary student and not instructional problems. The teacher had paddled students for disciplinary reasons prior to this incident. The teacher was charged with insubordination for disobeying earlier administrative edicts to avoid the physical paddling of students.

School Division:

The school division had a student enrollment of approximately three thousand five (3,005) students during the dismissal year. Eighty-eight percent (88%) of the student body was white and twelve percent (12%) was black. The professional staff was split along similar lines with ninety-six percent (96%) white and four percent (4%) black. The school division operated four elementary buildings and two secondary schools. The dismissal was initiated at one of the elementary schools.

About two hundred twenty (222) professional staff members are employed by the division, with one hundred eighty-five

(185) serving with continuing contracts.

Superintendent:

The Superintendent was a white male, age fifty during the dismissal year. He has a total of twenty-nine years in education, twelve as Superintendent and all in this same district. He has completed the course work for his Certificate of Advanced Graduate Study.

The Superintendent did not hire the teacher and described the teachers prior evaluations as poor to average. He noted that he had "inherited" the teacher during the period of school integration and would not have employed this person. He described the teacher's skills as "mediocre." He felt that the teacher was extremely passive and did not actively engage students in learning. The teacher had not completed any work plans or plans for improvement prior to the dismissal proceedings.

The documentation for the case was built upon the standard division's evaluation packet, memorandums to the teacher, parental and student testimony and conference summary letters to the teacher's file.

The division's staff development program did not center upon specific global themes, but allowed each building to provide a variety of in-service activities based upon the needs and wants of the staff and administration at the site

level. The teacher was informed of the dismissal decision by the superintendent verbally and in writing.

Building:

The elementary school contained a higher minority student population than the divisional profile with seventy-two percent (72%) white and twenty-eight percent (28%) black. The staff at the school was more closely aligned with the division's racial split with ninety percent (90%) white and ten percent (10%) black.

The school housed grades Kindergarten through six and employed about twenty certified staff members. Of that twenty, about seventeen were on "continuing contract" status. Three hundred eighty-seven students attended the school during the 1988-89 school year.

Principal:

The principal was a white male, age fifty-one during the dismissal proceedings. He has twenty-eight years of experience, twenty-one as a principal and all in this school division. He had completed his Master's Degree.

The principal also rated the teacher's past performance as "poor to average" but noted that work plans had been developed and put in place when the teacher was employed at the "other building."

The principal did not hire the teacher for this building and described his teaching skills as "...not well planned; repetitious. The teacher over-explained things and used poor judgement." Visitations to other schools and alternative disciplinary techniques were suggested to the teacher, but neither was used.

The building staff development program emphasized cooperative teaching methods and ways to work with learning disabled and "slow learning" students during the 1988-89 school year.

The principal made approximately fifteen classroom observations of the teacher during the dismissal year and conducted seven to eight post-observation conferences.

Teacher:

The dismissal case against the teacher failed and the superintendent refused permission to interview the teacher, who is still employed in the division. Although certain bits of public information could have led to the teacher privately, the researcher chose to honor a commitment to omit the teacher interview portions in exchange for the cooperation of the division's administrative staff.

Hearing:

The superintendent noted that the hearing was a closed school board hearing, but the principal thought that it was

open. The principal also noted that he had "little involvement" with the preparation or conduct of the case once dismissal proceedings began.

The superintendent noted that the teacher requested that the hearing be closed.

The hearing lasted about two hours during the School Board's Executive Session portion of the meeting. The school division utilized the services of the School Board attorney to present the case. The superintendent felt that the attorney did a good job of presenting the case, but, due to his position as the "prosecuting attorney" was unable to provide legal counsel to the School Board on procedures and options. The superintendent noted that this conflict "frustrated" the Board and hurt the administration's case. The principal did not consult with the attorney prior to the hearing.

Several fellow teachers did testify on behalf of this teacher as "character" references or in support of him as an educator.

Results:

The School Board did not support the recommendation for dismissal and the teacher remained in his teaching position. One condition for this decision was that the teacher would retire after completing thirty years of service in education,

which was agreed to by the teacher.

The superintendent felt little reaction from the division or faculty, although he felt that the local education association was "surprised" by the reversal because "...they knew he was weak."

The principal had few comments about the reaction because he felt that "both sides" had kept the proceedings quiet.

The superintendent indicated that he would seek dismissal again under similar circumstances but would "educate" the School Board on the process prior to another hearing. He pointed out that this in-service was conducted with the School Board shortly after these proceedings were completed.

The principal was more hesitant to commit to another dismissal hearing again, noting "...I had a difficult time with this one ... I wasn't pushing." If he was involved in another dismissal case, he would talk to the lawyer ahead of time in order to review the case and the facts prior to the hearing.

Findings

Case studies provide the opportunity to learn from the experience of others. In this study, ten field investigations have produced information on the teacher dismissal process and the commonalities of the divisions and participants in those cases.

The ten case studies completed during this study exhibited several areas of commonality in their participation in a dismissal case. Each of these commonalities are presented and discussed in this chapter following a brief overview of the original survey results and a description of the pool of divisions identified for the study.

Two survey instruments were utilized by the researcher in March and April of 1990 to develop a list of potential case studies for this research. These surveys were mailed to all one hundred thirty-nine public school divisions in the Virginia Educational Directory for the Commonwealth of Virginia. One hundred percent of the school divisions responded to the mailed survey or a follow up telephone call. Forty-four of these school divisions responded affirmatively to this survey indicating participation in a tenured teacher dismissal case during the school years between 1987-90.

A second survey was mailed to these forty-four divisions to gather additional information. Again, one hundred percent of these divisions provided responses to the survey. This second distribution eliminated five divisions from the pool due to a misinterpretation of the questions. On prior surveys, Reduction in Force dismissals or teacher resignations prior to any dismissal action had been included. These corrections left a total of thirty-nine school divisions participating in fifty-four dismissal cases during the

designated time period as the pool of potential case studies.

Of the thirty-nine divisions involved, twenty-seven (69%) were county school divisions and twelve (31%) were city school divisions. At the beginning of this study, Virginia listed ninety-eight county school divisions (70%) and thirty-eight city divisions (30%) plus two towns and one combined county-city. Thus, the percentages for divisions indicating participation in a dismissal proceeding were not different from those in existence throughout the state. Teachers in a county style system were no more likely to face a dismissal proceeding than their counterparts in a city or combined style school division.

The majority of the dismissal cases were closed personnel matters, meaning not public hearings. Only nine of the fifty-four cases (17%) were identified as having public hearing conclusions. The remaining forty-five cases were either closed school board hearings or closed fact-finding panels.

The results of each type of hearing were very similar. Of the nine public hearings, one (11%) resulted in a failed attempt on the part of the administration to dismiss a teacher. Of the forty-three closed hearings, two (05%) ended in failure for the administration. These findings are indicative of no differences in the types of hearings selected when examined in light of their outcomes.

The study identified a slight, although not significant,

leaning towards Fact-Finding Panels in comparison to School Board hearings as final arbitrators for the dismissal cases. Twenty-nine (53%) of the fifty-four cases were heard by Fact Finding Panels while twenty-five (47%) of the cases were heard directly by the local School Board.

Administrators were extremely successful in completing their dismissal attempts in this study with forty-four (81%) of the fifty-four cases ending in a vote for dismissal. Within this category, significant differences were noted when comparing the conclusions of cases as compared to the type of hearing. Twenty-four of the twenty-five cases (96%) heard directly by a local School Board resulted in a positive dismissal vote as compared to twenty-two of twenty-nine cases (75%) heard by a Fact-Finding Panel. Administrators experienced an increase in success of over twenty percent when presenting cases directly before their own School Board instead of a selected Fact-Finding Panel.

Following the completion of the two original surveys, the field study of ten selected cases provided additional areas of commonality of significance. These commonalities were distributed among the demographic descriptors of superintendents and principals, the descriptions of the school divisions and buildings involved, the history of the evaluations of the teacher, the hearing descriptors, and the results and conclusions of the cases.

Demographically, the superintendents were an extremely comparable group. All ten were male. All were over forty, ranging in age from a low of forty-one to a high of fifty-seven. Eight of the ten (80%) were white. Eight of the ten (80%) also indicated service in their division of six years or less at the time of the dismissal case. This lack of extended service is important and will be examined later in this study. Six of the ten (60%) had not completed a Doctorate degree. Nine of the ten superintendents (90%) remained in the same positions and school divisions as during the dismissal case studied. This fact is noteworthy when compared to the higher rates of employment mobility noted later in the study for principals involved in the case studies.

Superintendents also expressed clear feelings of victory or defeat in the face of dismissals. Their interviews reflected their belief that, once the dismissal process started, someone would emerge victorious and the other party would be defeated. One urban superintendent commented, "We have an attorney involved from day one ... we don't want to lose one on a technicality." Another superintendent from the study, involved in a failed dismissal attempt, noted that the School Board "...now regrets their decision not to back the administration's recommendation. They would support us if faced with the decision again." Both superintendents involved

in failed dismissals refused to participate in the study if the teacher in their division was contacted for fear of "stirring all of that up again." None of the superintendents involved in successful dismissals denied permission to contact teachers. In fact, in those eight cases, the administration was helpful in providing an initial contact for invitation to the teacher to participate, although none chose to do so. Administrators in failed attempts in the study also felt that the community appreciated their attempts to dismiss the teacher and felt that, although the division lost the case, the administration had been correct in attempting the dismissal.

The ten principals were also similar in their demographic characteristics. Eight of the ten (80%) were males. Six of the ten (60%) were white. None was younger than thirty-five years of age, ranging from a low of thirty-seven to a high of fifty-one. Seven of the ten (70%) had less than five years of service in their building at the initiation of the dismissal. All ten had completed a Master's Degree, but only one of the ten (10%) had earned a Doctorate. Notably, six of the ten principals (60%) were in different job assignments than their positions during the dismissal case. This higher rate of job mobility for principals as compared to superintendents will be discussed in Chapter V of the study.

Commonalities among the teachers involved in the

dismissal cases were also evident. Six of the ten teachers (60%) were male. A high number of minority teachers were involved in the ten case studies with six of the ten (60%) representing ethnic minorities (five blacks and one Pakistani). Few "basic academic subject" (considered English, math, science or social studies) certifications were involved in the study. Four of the ten (40%) were elementary, two (20%) were Physical Education, two (20%) were vocational teachers, one was a Band Instructor, and one was a science teacher. The fact that higher rates of dismissal for teachers certified in subjects considered as non-academic is of meaningful note in the study.

Also of importance, only two of the ten cases (20%) involved instructional problems. The remaining eight cases (80%) presented problems outside of the instructional program, including the purchase of alcohol for minors, physical abuse against students, and contributing to the delinquency of minors. Although only two of the cases involved instructional difficulties, the majority of the teachers (90%) involved were identified as "average to below" by administrators in their division. This commonality confronts the notion that poor teachers are being removed from the classrooms as a result of their lack of instructional expertise. Conversely, poor to below average teachers in this study were removed from their classrooms when they committed an act outside the bounds of

acceptable behavior for any adult, usually unrelated to the performance of their classroom responsibilities. The absence of higher rates of instructionally related dismissals is discussed later in the study.

Most of the administrators involved in the cases were white. Two of the cases involved an all white administration (superintendent and principal) attempting to dismiss a minority teacher. Both of these cases resulted in a successful dismissal and took place in school divisions with predominantly white student bodies and staffs. No cases involved the dismissal of a white teacher by a black administrator.

Two cases involved an all minority cast with black administrators attempting to dismiss a minority teacher. These cases took place in school divisions of predominantly black student bodies and faculties. Three cases involved an all white cast in similar fashion. None of the commonalities discovered in this study were found exclusively in a single racial format of dismissals. Instead, although the racial configuration of dismissal cases was noteworthy, it was insignificant as a factor in assessing the cases for other commonalities.

The demographic data for school divisions yielded the following findings. Although six of the ten (60%) school divisions represented predominantly white student bodies,

eight of the ten (80%) had predominantly white staffs. White staff members were predominant in predominantly black student bodied school divisions involved in the study.

Student body size showed no commonalities as dismissals were found in small divisions (a low of 1050 pupils) and large divisions (a high of 34,500 pupils). Teachers in smaller divisions were not facing dismissal proceedings at a higher rate than those in larger divisions in this study. Similarly, the number of schools in a division or the numbers of "continuing contract" employees displayed no common findings for dismissals.

Individual school demographics followed the racial pattern established by the divisions with five of the ten (50%) having predominantly white student bodies but eight of the ten (80%) employing predominantly white faculties.

More elementary grade schools than secondary grade schools (70% to 30%) were involved in dismissal cases in this study. As found in divisional data, numbers of students provided no significant commonalities, ranging from a low of three hundred eighteen (318) to a high of sixteen hundred eighty-eight (1688). Similarly, the total number of staff members or continuing contract teachers yielded no commonalities. These factors did not contribute to differences in teacher dismissals in the study in any discernible way.

Superintendents indicated no above average teacher ratings for teachers involved in a dismissal case. In fact, five of the ten teachers (50%) were labeled as below average. Principals identified one teacher as excellent and the others as average to below in the case studies.

The majority of the teachers facing dismissal (70%) had been on a work plan/plan of improvement prior to the initiation of dismissal proceedings. Six of the ten (60%) were working under a plan of improvement during their dismissal year. Despite having been on some type of plan for improvement prior to facing dismissal, most teachers in the ten cases refused or resisted assistance from the administrative teams in their divisions. None of the ten teachers in these case studies requested additional assistance from outside sources during their years under a plan for improvement. In fact, all of the teachers that had been provided a plan of improvement or work plan prior to dismissal were resistant to addressing the concerns listed by the administration. None of the teachers involved worked in a collaborative fashion with the administration to build a work plan. Instead, they were given one from their direct supervisor as a way to improve deficiencies. Few administrators felt that the teachers accepted the plan or even agreed with the administrator's assessment of their needs for improvement. One superintendent summed up the general

attitude of teachers in this situation by saying, "The teacher [facing a work plan in his division] felt that the plans for improvement were more of a burden than a chance to improve ... The attitude was how can I fend you guys off? instead of how can I get better?"

Of serious note was the fact that teachers were not dismissed by the administrative teams that hired them originally. Instead, most were facing dismissal at the hands of a completely different team of administrators than those which participated in their original hiring. Most of the teachers facing dismissal (90%) had not been hired by the superintendent involved in the case. None of the principals had hired a teacher facing dismissal.

The use of in-service activities as a focus for dismissal action was not supported by this study. In fact, staff development programs indicated no commonalities for dismissals, with most divisions listing a variety of programs for teachers and administrators in several instructional topics. Use of the Madeline Hunter Practice Model was the most popular program of instructional note throughout the study. Few programs for administrative personnel were listed as significant efforts by the division as a staff development initiative. The one exception in the arena of administrative training was found in a large, rural school division in the northern sector of the state. This was the only one of the

ten (10%) that indicated a staff development effort emphasizing the procedural or documentation aspects of a dismissal proceeding for administrators. In this division, administrators worked with trained consultants and legal personnel on the practice of providing oral and written feedback on the unsatisfactory performance of a teacher with the intent of preparing for a dismissal hearing. This program was well known throughout the division and well publicized. Perhaps of meaningful note here is the fact that this the only school division of the ten case studies facing litigation outside the dismissal procedure of the division at the conclusion of the hearing. This division was sued by the teacher and, ultimately, lost the case and paid damages.

Most of the dismissal cases (80%) involved the standard evaluation packet for observations used by the respective divisions in the state of Virginia. This packet involved a minimum number of classroom observations by the administrative team in the building, usually three, during the main focus review year for a teacher when most administrative observations are mandated. The packet covered several evaluations over a cycle of three to four years. During the off years of the cycle, teachers would be observed once during the school year. Only three of the ten (30%) cases involved principals conducting more than four classroom observations of teachers facing dismissal. Two of these cases included the

dismissals for instructional problems related to poor classroom performance.

Central Office representatives were not actively involved in most dismissal cases in conducting direct observations of teachers. Only three of the ten (30%) involved any central observations at all, but two of these cases involved more than four observations by the central office team. Almost all classroom observations were followed by a conference with the teacher.

The documentation procedures used by administrators displayed profound commonalities in dismissal cases. All ten divisions utilized documentation instruments and letters beyond the standard evaluation package adopted for their school division in building their dismissal case. The most popular documentation examples included letters of summary conferences or parental and student testimony summaries included in the teacher's personnel file. These letters and summaries usually outlined evidence against the teacher for transgressions outside their classroom instructional performance. Only one case involved the use of standardized test score data in their documentation. This case compared the test score performance of students assigned to the teacher facing dismissal to the test performances by students of similar ability levels assigned to different teachers in the building to highlight deficiencies in performance. The case

was one of the few examples of confronting an instructional deficiency through the use of a dismissal proceeding. One other case involved the teacher's grading system for students, utilizing her gradebook and a general lack of student marks to support report card grades as a part of the documentation of the case. This case was the other instructional dismissal in the study.

School divisions split in their methodology for informing teachers of the dismissal, with five using principals and five using superintendents. All ten divisions were identical in following the verbal information with a letter from the superintendent.

The selection process utilized for case studies was a stratified random sample that guaranteed representation from several types of dismissals. From that process, eight of the ten (80%) were closed hearings. Half were Fact-Finding and half were School Board Hearings. Eight of the ten cases (80%) identified the teacher as the selector of the type of hearing utilized. Teachers did not participate in the remaining two hearings and the superintendent elected to use a closed School Board format. In this study, if an administrator selected the type of hearing to conclude a dismissal proceedings, it was before the School Board and not a Fact-Finding Panel. This selection is in keeping with the higher rates of administrative success before the School Board as compared to

the Fact-Finding Panel.

Importantly, all principals in the study were assigned secondary roles as the dismissal process moved towards the hearing phase. No principals indicated having active roles or involvement in the case development after the teacher was informed of the dismissal decision. Instead, superintendents accepted the leadership role. Although contributing information to the case itself, principals faded into background roles, allowing Central Office personnel, usually the superintendent, to work with panel selection and case preparation. Although not actively involved in the hearing, most principals (60%) conferred with an attorney prior to the hearing and all principals were aware of the availability of legal representation as provided by the school division. Usually, these sessions allowed the principal to review the documentation prepared at the building level and submit testimony supporting the dismissal recommendation. Superintendents reviewed the preparation sessions and worked with the attorneys in determining the case direction and organization exclusive of the principals involved. In this manner, dismissal cases were generally initiated at the building level with little Central Office participation, but concluded at the Central Office level, with little building participation.

Four of the ten divisions (40%) utilized legal advice

beyond their own School Board attorney. These divisions hired attorneys in addition to the employment of a School Board attorney for the hearing. Three of the four additions were utilized as administrative representatives so that the School Board attorney could advise the School Board during the proceedings of a hearing. The one exception was the case involving a fairly new School Board attorney preparing for a dismissal. In this case, the superintendent elected to hire outside legal support to present the case on behalf of the administration.

Teacher testimony at hearings was a significant commonality with six of the ten cases (60%) involving teacher testimonies and all on behalf of the teacher facing dismissal. In no case did a fellow teacher testify against the teacher facing dismissal. This scenario held true even in the case involving a "Head Teacher" on duty in place of the principal at the time of an incident resulting in the dismissal decision. In this case, the "Head Teacher" had initially informed the principal of the inappropriate actions committed by the teacher facing dismissal. After informing the principal of these actions, the "Head Teacher" later testified on behalf of the teacher facing dismissal. This study clearly identifies teachers as unwilling to provide testimony of a damaging nature against their fellow teachers.

Eight of the ten (80%) cases resulted in a positive vote

for dismissal. This figure is roughly equal to the original survey finding of an eighty-one percent success rate by administrators in dismissal cases, but was not an outcome of random sampling. Case studies were selected by stratified randomization in order to provide equal representations of fact-finding and school board hearing types and to insure the inclusion of one failed dismissal case in each hearing type. This selection order provided five school board hearings, with one a failed attempt, and five fact-finding hearings, including one failed attempt. The original selection of ten case studies included only one failed attempt, in a fact-finding hearing and the selection process was modified to include an additional failed school board hearing.

A successful dismissal recommendation by the administration does not always end in a true dismissal of the teacher. Although eight cases in the study resulted in a positive vote for dismissal, only five teachers were actually dismissed. The other three cases allowed agreements to be manufactured supporting resignations or retirements by the teachers at the conclusion of the hearings. Two teachers successfully defended their positions and defeated the administration's attempt to dismiss them. One teacher won damages through civil litigation following his dismissal by a School Board.

Reactions to the dismissals were limited in all areas.

Little public reaction was noted by superintendents or principals, but, significantly, all superintendents indicated quietly positive support for their attempts by the community. Faculty reactions were minimal in all cases, but generally viewed as cold to the principals in five of the ten cases. Superintendents indicated little faculty reaction outside the buildings involved in the dismissal.

Student reaction was extremely limited, with only two cases mentioning any at all. Of those two, one involved a great deal of student testimony and the other involved the sister of the teacher facing dismissal as a member of the student body. Reactions to the dismissal process by administrators involved in the case studies was, generally, positive. All twenty of the administrators indicated their willingness to initiate a dismissal proceeding again, under similar circumstances. Eight of the ten (80%) would not change their preparation or presentation of the dismissal case. Interestingly, this figure included the two failed attempts in the study.

CHAPTER V

This study has investigated the commonalities surrounding the dismissal of tenured teachers in the Commonwealth of Virginia. It has examined the superintendent, the principal, and, to a lesser extent, the teachers involved in dismissal proceedings during the designated 1987-88, 1988-89, and 1989-90 school years. This study represents one of the few research endeavors examining aspects of a dismissal outside the legal issues of the case.

The study was completed through the administration of two mailed surveys and ten field case investigations selected in a stratified random fashion. Each field study was completed using personal interview techniques and an examination of documents and evaluations pertinent to the case. The results of these ten field studies were then compared for commonalities in the dismissal process.

The previous chapter provided a review of the findings of this study. The findings are organized around commonalities which occurred in most of the cases studied. In this chapter, the commonalities are folded into one typical scenario that provides a synthesis of these findings by generating a pattern of circumstances in a teacher dismissal. This pattern is then explored as to its causation in the

conclusion portions of the chapter, followed by a discussion of some of the issues related to the study. The final portion of the chapter provides recommendations for practitioners and further research.

Profile

If a teacher is facing dismissal in the state of Virginia, the case will probably be heard in a closed hearing, either before the School Board or a Fact-Finding Panel. Chances are that the superintendent involved will be a white male having served the school division less than six years in that capacity. He will be in his late forties and probably will not have a Doctorate degree. It is unlikely that the teacher was hired during the Superintendent's tenure in the division. Chances are that he will remain in the position of Superintendent after the dismissal case has been completed.

The principal involved in the dismissal case will also probably be a white male, in his early forties. He has probably served less than five years as principal in that building and most likely did not hire the teacher facing dismissal. Chances are that his highest degree is a Master's Degree and that he will change job assignments within two years after the dismissal proceeding has been completed.

The teacher facing the dismissal is most likely a male of minority ethnic origin. His certification area is probably

not in a secondary academic area such as in math, English, science or social studies, but rather in an elementary level or an elective area in secondary schools.

The teacher will most likely be from a division with a predominantly white student body and teaching staff. To further illustrate this profile, a chart of demographic information is provided in Appendix H. Chances are the dismissal will probably involve charges not related to instructional performance, although the teacher will most likely have a history of poor to mediocre evaluation ratings. The teacher has probably had one plan of improvement in the past and will likely have been under a work plan during the year of dismissal. The teacher will not have been an active participant in the development of these plans and has probably resisted the efforts of administrators to confront areas of weakness or admit needs for improvement. Under normal conditions, the teacher would not have sought assistance beyond the demands required by the work plans.

Staff development programs attended by the teacher and administrators will have little relationship to the dismissal case. Most of the classroom observations will have been conducted by the building principal and all will be followed by a conference with the teacher. Most principals will conduct the number of observations required by the division's evaluation packet without additions. Central Office

representatives have probably not observed the teacher directly, although the Superintendent is probably aware of the documentation file existing on the teacher. This documentation will most likely consist of the teacher evaluation packet in use in the school division, plus letters added to the teacher's file, student & parent testimony, and conference summaries between the teacher and principal.

The teacher will receive a verbal confirmation of the beginnings of the dismissal process from the principal or the superintendent. The teacher will also receive written confirmation of the intent to recommend dismissal from the superintendent. This information will also be presented to an attorney representing the administration in beginning the preparations for presenting the dismissal case.

In most cases, the teacher will be the determining factor as to the type of hearing utilized in the case, but if the teacher is not an active participant in the decision, the superintendent will select a closed School Board hearing. The principal's participation in the dismissal case will decrease during the hearing phase and the Superintendent will represent the administration in decision-making and presentations for the case. Legal representatives will be utilized by the division and most likely will be the regular School Board attorney. It is possible that two attorneys could be employed by the school division as representatives of the

administration and advisors to the School Board. This situation is much more likely in a School Board hearing than a Fact-Finding session. The principal and superintendent will have had access to these attorneys prior to the hearing.

The hearing will last about two days and will most likely result in a successful dismissal case against the teacher. Teachers testifying at the hearing will speak on behalf of the teacher involved and will not support the administration's case against the teacher. These testimonies will probably be as a character reference and not specific to the teaching/instructional skills of the teacher involved in the case. Although the chances are good that the hearing will result in a vote for dismissal, the teacher is just as likely to retire or resign following the hearing as to actually be dismissed. In most cases, legal action will not follow the conclusion of the hearing.

Reaction to the dismissal case will be extremely limited, although the faculties at the school involved will be the group most affected by the case. In many cases, the principal will note a cool reaction from other teachers during the year following the dismissal case. The superintendent will note little reaction from the teachers throughout the division.

The superintendent will believe that the community was supportive of the dismissal case and will feel a victory or loss depending on the results of the hearing. The principal

will feel supported by the community in the action, but not feel as though they had won or lost regardless of the results.

This scenario would describe a typical dismissal proceeding based upon the information from the case studies examined in this research. In reviewing this scenario, it is important to determine the factors that have influenced dismissal cases in such a way as to cause or contribute to the commonalities noted by this study. It is also beneficial to explore those factors that might contribute to, without actually causing, the scenario described. The paragraphs that follow investigate some of these factors.

Important Findings

1) Closed hearings were used because, in most circumstances, the reason for dismissal involves circumstances beyond the classroom instructional program of the teacher. These circumstances were often of a personal nature that neither teachers nor administrators want discussed in public session. The general feeling of the administrators involved in the cases was that public sessions tend to rally sympathy for the teacher and prove more difficult to prevail for dismissal than in a closed hearing. If the teacher really intends to fight the dismissal, a Public Fact-Finding Panel might be the best alternative in building support and having a truly impartial audience for the proceedings. The study

indicated that closed School Board hearings favor the administration's case for dismissal.

2) The demographic information concerning superintendents in this study is more a function of the general demographic descriptions of all superintendents in Virginia than of those involved in dismissal cases in the Commonwealth. In other words, since most superintendents in the state are white males, this fact is of little utility in examining dismissal scenarios in the state. It is, however, important to note that the superintendent in the scenario has less than six years of service to the division. This factor could be a result of a more aggressive stance on teacher evaluations by the new superintendent or, simply, a function of the brief tenure average in one division for superintendents in Virginia. As superintendents move more frequently, the chances of one staying in a school division beyond six years may diminish, although most of the superintendents in this study remained in the division after the dismissal case.

3) The fact that the superintendent did not hire the teacher supports the notion of newness or lack of prior experience with the teacher as a dismissal concern. If a superintendent hires a teacher and is not satisfied, the result is more probably a non-renewal rather than a dismissal. The superintendent has the luxury of reviewing teachers recently hired without the status of continuing contract to

cloud the release of that employee when service is unacceptable.

4) The demographic factors of the principal are, like the superintendent's, more a function of the entire group of principals in the state than only those involved in dismissal cases. As many throughout the state are white males, that factor should not be of importance in assessing dismissal scenarios. The lack of building experience (less than five years) is meaningful and mirrors the scenario found with superintendents.

5) Of considerable importance is the factor that most principals move to different positions within two years after the dismissal case. This could be simple upward mobility in seeking promotions after a period of service as principal or a result of their experiences in the building initiating the dismissal. Without data on the average rates of promotion or movement by building principals across the Commonwealth, generalized conclusions in this study would be premature. The case studies do indicate a promotion rate higher than originally anticipated by the researcher.

6) The demographic information available on teachers is startling in view of the strong minority representation of teachers facing dismissal. The number of minority teachers involved in case studies of dismissals in this study was higher than their representation throughout the population of

teachers across the Commonwealth. Conversely, the representation of minority administrators involved in the same cases more closely paralleled their status in the state of Virginia. This fact would indicate that minority teachers are viewed as less satisfactory than their non-minority peers in teaching, especially in the predominantly white school divisions that dominate the state.

7) Of equal relevance are the endorsement areas of teachers in the case studies. Elementary teachers were prevalent in the study, which might be an indicator of the time and emphasis elementary administrators place on the instructional program in the school or their duties in supervising teachers in general. It could also be a direct function of the higher standards for teacher interactions in making physical contact with elementary age students in attempting to use punishments or retribution. The high incidence of dismissals at elementary grades could reflect a more protective attitude in dealing with teacher punishment and interactions with younger children. Secondary teachers in the case studies were almost always outside the four basic academic subjects: English, science, social studies and mathematics. Instead, their endorsement areas were in vocational and fine arts or health and physical education.

8) It is important to note that most dismissal cases did not involve instructional issues. Although the teachers

involved may not have had above average evaluations of their instructional performances, it took an outside event, such as the commission of a crime, to begin the dismissal process. In the two dismissal cases involving instruction, administrators conducted multiple observations and spent great quantities of time in preparing the documentation needed for dismissal. Perhaps other administrators cannot or will not commit the amount of time required and prefer to wait for the less than adequate teacher to make another mistake that makes the documentation easier to collect and the case harder to beat. Or, perhaps the administrators are not effective enough to face teachers that are not obviously incompetent. It may be that the semi-competent teacher receives poor to below average evaluations each year but is never dismissed until they commit an act outside of their classrooms that is unacceptable because administrators lack confidence in their own abilities to make the case against the teacher. One superintendent involved in the study noted that the cases being discussed would get only the overt cases of incompetence. He also noted that the mediocre teacher would "hang on, day by day, abusing kids in other ways and striking terror in the hearts of superintendents and ... building administrators who dare to attack the poor, defenseless creatures!" Administrators may need outside support in improving their own skills in diagnosing teacher performance

and designing improvement strategies. This need for outside support requires Central Office personnel to actively involve themselves in working with teacher performance prior to the initiation of dismissal proceedings and not after the decision has already been made.

9) Of equal note in these cases was the lack of involvement by teachers in developing work plans/plans for improvement. The lack of collaboration between teachers and administrators signaled little belief in and support of teachers for improvement through these processes. Quite the opposite, the plans seemed to be an example of a necessary evil for administrators in preparing their dismissal cases and an obstacle to the teachers who didn't believe they had deficiencies in the first place. From either point of view, work plans were a waste of time and effort and produced few positive results for improved instruction other than the case preparation for dismissal of an incompetent teacher. Obviously, the success stories of plans for improvement would not be involved in a case study of dismissals, so the explanation may be that only the teachers who don't improve or cooperate in developing these plans for improvement are dismissed.

10) It is interesting to note that staff development programs had little relation to dismissal cases. Administrators were not particularly trained in the process

of documentation or dismissal and little help was addressed to the deficiencies of identified teachers through a staff development emphasis. Instead, programs tended to be school division or building centered and addressed group concerns or goals of the administration. Although choices were allowed in some cases, these choices represented narrow fields of topics and were all selected for presentation by the administration.

11) The fact that observations played little part in the dismissal case studies is a result of the lack of instructional reasons for dismissal noted in the study. Again, only two of the ten case studies involved instructional difficulties. In these two cases, numerous observations were completed and involved many different evaluators and observers, in formative and summative stages. These cases emphasized the need for documentation and identification of classroom problems through direct observation and conferences with the teacher. It is invigorating to note that conferences with the teacher were considered important to all administrators involved in the case studies and were completed unless the teacher refused to participate. It is also apparent that administrators have learned the importance of documentation in preparing the cases and utilize almost identical types of evidence in building the case. From this perspective, administrators appear to be well schooled in the

dismissal process and probably have a great advantage over the teacher in understanding its importance. Teachers do not have the benefits of course work on the legal and procedural aspects of dismissal that are a portion of most training and certification programs for administrators. Training for teachers in the dismissal process could result in a lower administrative success rate for dismissals and higher teacher awareness of their rights and the responsibilities of administrators in the proceedings.

12) The consistency in process among administrators was also reflected in the manner that teachers were informed of the initiation of dismissal proceedings. Although the case studies split evenly between the principal and/or superintendent providing verbal confirmation of the process, in all cases superintendents followed the verbal method with a written document to confirm the dismissal decision. It is apparent from this practice that, in these case studies, superintendents understand and practice correct procedural aspects for dismissal in informing teachers of the decisions already made.

13) As the dismissal proceeding moves from the documentation process into the hearing phase, the role of the principal begins to diminish sharply. The superintendent begins to assume responsibility for the case and directs the efforts to win dismissal. This may be due to the

responsibilities of the superintendent in providing consistency for all staff members across the division. It could also be attributed to the superintendent's relationship with the School Board. If a superintendent has a good working relationship with the School Board, the Board might be more likely to rule for the administration on simple faith in the superintendent alone. Also contributing to the desire of the superintendent to take control at this point is his own employment status relative to the dismissal process. Once the dismissal has been recommended to the superintendent, it is he that makes the final decision to present to the School Board. Hence, it is, at least officially, the superintendent's decision to recommend dismissal to the Board. Comments from the field interviews revealed that the superintendent would prefer to present the documentation in support of the dismissal recommendation as evidence of a good decision in recommending dismissal. If the principal presented the case for the administration and did a poor job, the dismissal recommendation made by the superintendent to the School Board could be viewed as inadequate and the superintendent's job status might suffer.

14) The finding that the teacher controls the type of hearing in most cases seems logical, as they have the most to lose in the case. It is clear that the type of hearing can impact the type of decisions reached at the conclusion of the

dismissal process. A Fact-Finding Panel is composed of one representative selected by the teacher and one by the administration with a neutral third party agreed on by the first two representatives. This arrangement gives the teacher the best chance at receiving a truly impartial hearing in reviewing the facts of the dismissal case. Assuming that each representative votes for the side selecting them, the neutral third party casts the deciding vote. This puts the teacher in the situation of only having to create enough doubt in the case for that neutral judge to lean away from the administration and towards the teacher.

15) The use of legal advice by all administrators involved in these case studies is hardly a surprise. In keeping with their training in dismissal responsibilities, administrators seemed to understand that an attorney is a requirement for the procedure. The split among using School Board attorneys and outside legal authorities seems to be more a function of the thinking of the School Board than the superintendent. If Boards are concerned about the proper procedures in conducting the hearing, they would request separate counsel from the administration, to provide such advice. This step would be in keeping with their attempts to be an impartial judging body instead of an extension of the administration's recommendation. By separating the legal advice, the Board is noting the different responsibilities

during the hearing and preparing for differing legal advisors to assist them in carrying out these responsibilities. If there was any surprise concerning legal representation, it was the attitude of several teachers in the case studies. Two did not even appear for the hearing, both administrative victories, and one appeared on her own with no legal representation to confront the administration's case, resulting in another loss by a teacher. Their lack of legal representation could stem from their inexperience and ignorance of the dismissal process, while administrators are well trained and schooled on the subject.

16) The consistency in the lengths of hearings was of no particular note except to highlight the extended time line required for administrators to accomplish a dismissal. It was important, however, that teachers testified only for the teacher facing dismissal. Their support might be indicative of a fortress mentality among teachers in fighting administrators as a unified force before they are picked off one by one. Unfortunately, as no teachers participated in the study, these can only be second hand observations and require additional study for complete substantiation. Despite this caveat, many of the comments from administrators reflected these feelings from teachers following a dismissal; things like "am I next?", or "Do they feel the same way about me?"

17) Many superintendents spoke of their humanitarian

responsibilities in dismissing a teacher. Several noted their success at moving personnel without a dismissal hearing scenario as an example of good personnel action. As a result of these concerns, many teachers actually dismissed by a hearing panel may not be dismissed. Ultimately, health concerns, continued negotiations, and retirement plans are frequently vehicles to conclude a dismissal proceeding without a dismissal. Most superintendents wanted to win the hearing but not destroy the teacher's career or life. The exceptions to this rule were cases involving improper teacher actions with a minor student involving illegal activities. In these cases, superintendents unanimously wanted to insure that the teacher was never allowed to contact students in a classroom setting again, and no deals were struck. Other than that, superintendents, as a group, generally worked with teachers to provide as easy a transition as possible out of education and into another phase of life. Teachers facing dismissal near retirement age were frequently allowed to submit the documentation for retirement benefits while the paperwork for the dismissal was held.

18) The general lack of reactions by faculty, students and the public was surprising in this study. Many administrators express fear that the initiation of dismissal proceedings may result in adverse publicity problems. This was not the case in these studies. Superintendents in this

study felt that the communities were clearly behind them in most cases. This attitude is essential prior to a superintendent's attempting a dismissal and is evidence of the superintendent's belief that they represent the best wishes of their constituencies. By initiating a dismissal, superintendents believe they are acting as the community would to provide the best education possible for the students of that community. As one superintendent noted, "I believe that if you could demonstrate you are keeping only average to above average teachers, the taxpayers would agree [with numerous teacher dismissals]." Schools deal with two things dear to citizen's hearts; their money and their children. Most administrators believe that action taken under the pretense of improving the product that utilizes these two resources will be supported by most citizens.

19) The lack of reaction by teachers in the study is probably more a function of the lack of teacher input into this study than other considerations. No information was provided by teachers facing dismissals or their fellow teachers. All information was screened through the personal filters of administrators providing it and appeared to present them in as positive a light as possible. Even in the case of the dismissal of a teacher that many teachers felt was clearly incompetent, one fellow educator commented to the superintendent, "I think we could have saved her." In other

words, she was bad, but dismissal wasn't needed to fix her. Teacher participants would probably have viewed reactions to dismissal attempts in a different vein than the administrators in this study. This point is a reminder of the work plan analysis elsewhere in this chapter. Teachers facing dismissal were resistant to the improvement opportunities involved in developing a plan for improvement. Perhaps these teachers could have been saved had the work plan been developed collaboratively instead of individually by the administration.

Discussion

Many findings have been supported through the examination of commonalities found in the case studies. Many other issues and considerations have been omitted from that section as speculative and unsupported by the data in the study. Many of these thoughts are provided in this section.

1) In investigating the factor that teachers facing dismissal were not hired by the administration recommending dismissal, an additional consideration is the subjectivity factor of evaluating a person hired by the superintendent. If the evaluation shows the teacher is flawed, is not the superintendent's skill in interviewing and evaluating candidates for employment also flawed by implication? If so, then principals may be more hesitant to critically evaluate teachers endorsed by the current superintendent than those

inherited from other administrations. Many administrators involved in the study reinforced this attitude through comments like "...if the people before me had done a better job of screening applicants..." or, in response to the question about hiring the candidate, "I would never have hired that teacher. I had no choice but to inherit her." These comments reflect the belief that candidates hired by reigning administrators were superior to those left over by previous administrations and are less likely to be judged as deficient.

2) In noting the fact that principals recommending dismissal had less than five years of experience in the building, new principals seem to be more likely to evaluate teaching personnel using higher performance standards in an attempt to make a reputation. This evaluation is more likely to lead to plans for improvement and the beginnings of a case for dismissal against a teacher. The fact that the principal did not hire the teacher increases the detached evaluator possibility and increases the likelihood of an unfavorable evaluation. Principals that have hired teachers and are dissatisfied will use the non-renewal process, if the teacher is probationary. These same administrators may not be as objective in evaluating the weaknesses of the teacher they hired as it reflects on their hiring expertise as principals. In short, if the teacher fails, then the principal has failed

in hiring an appropriately expert candidate for the job. As with superintendents, the comments of administrators involved in the study bolstered the attitude of superiority referencing teachers hired by reigning administrators.

It is possible that good teachers, hired by previous administrators, have worsened in terms of their classroom instruction and are facing dismissal as a result of declining performance instead of some subjective assessment of their performance by a new administration. Although possible, this argument is weakened by the finding in this study that most of the teachers dismissed had previous evaluation ratings in the below average to acceptable range. These evaluations indicated that they had never been outstanding performers but had been allowed to persist in maintaining employment until confronted with a new set of administrators.

3) Promotions for principals involved in dismissal cases in the study were noted. The experience of the principal in a dismissal case itself may be indicative of many of the attributes superintendents seek in candidates for higher level positions. These attributes are often verbalized as high expectations, strong-decision-making skills, strength of conviction in carrying through on a task, personal confidence in attempting to confront a teacher being dismissed, and a working knowledge of legal and administrative responsibilities of the job. It is noted in this study that principals, having

worked with a dismissal, have enhanced their professional reputations in administrative circles and increased their promotability quotient in educational circles. Superintendents involved in the study expressed respect and appreciation for principals initiating dismissal documentation and recognized them as a high performing group of educators. This recognition seems to pay off in the form of promotions and a larger scope of responsibilities.

4) Regarding the disproportionate representation of minority teachers in the cases, one of the comments made was that many minority teachers were hired during the days of segregated schools when standards and expectations for teachers may have been considerably lower. Now that schools have been integrated, these expectations are higher and may lead to poorer evaluation ratings for minority teachers. As the principal in one case noted, "...it's almost o.k. to hire incompetence for black kids but not now...."

This statement would, on the surface, have little merit in light of the extent of integration efforts in most Virginia school systems and the historical documentation of twenty or more years of implementation. However, the statement does call to question the administrative practices of those administrators accepting the merged faculties of segregated school systems in accomplishing integration. Not dismissing minority teachers shortly after an integration action might

have been a political necessity in accomplishing a peaceful merger of the two divisions. It could also be an example of simple procrastination by previous administrations in confronting instructional problems. Thirdly, it could be a factor of the recently increased instructional responsibilities expected of administrators in public schools. But, in any consideration, the proportion of minority teachers in these case studies was higher than expected. Although no conclusive answers seem to be available, the question of the impact of segregation on teacher dismissals appears to be significant enough to merit further study and consideration.

6) The certification areas of teachers facing dismissal in this study might emphasize the need for better screening of candidates entering non-core academic programs. In the past, these endorsement areas were not viewed as being as demanding as academic endorsement areas and might have recruited less capable students into the field. Recent changes in the descriptions of instructional design for vocational teachers have emphasized instructional technology and minimized former content areas. Their high rate of participation in dismissal cases may be a result of their sudden intrusion into more demanding curricular activities while facing a different type of student than in the past. It could also signal frustration with these changes and the need for better support and training programs in moving

personnel into the age of technology. As with the racial questions discussed previously, the answers to factors involving endorsement areas of teachers dismissed are not easily ascertained. Further study would be needed to identify the factors that impact on the dismissal of teachers by endorsement areas.

Health and physical education teachers have, historically, been involved in coaching duties outside of the classroom. Although coaching duties themselves have no impact on a teacher's competence, two factors may be considered in assessing this conclusion. These coaching duties may have been the primary factor in the original hiring of candidates and might overshadow instructional deficiencies that later contribute to poor classroom evaluations. These evaluations are directed at areas of expertise that were not considered during the original screening of applicants for a coaching assignment. Also, coaching duties may contribute to the establishment of a different pattern of reactions in dealing with and directing student behaviors than those practices generally accepted for use in the classroom. A whack on the rump that would go unnoticed on the practice field might result in a reprimand in the classroom.

7) As to staff development programs in the study, perhaps teachers would be more likely to seek help and assistance in the improvement process if the division and/or building would

allow a commitment of time and money from the staff development budgets to support that improvement. Mentoring of new teachers would, in all probability, have had little impact on the teachers facing dismissal. Had this mentoring been provided in the early stages of the teacher's careers, it would have addressed orientation concerns of new personnel and probably not impact the instructional performance of the teachers. Had the mentoring been provided after identified deficiencies, it might have been rejected. Administrators noted that teachers in the study indicated little involvement or enthusiasm with attempts to provide assistance in areas needing improvement. Finally, as most of the cases involved actions outside of the classroom teacher's performance, mentoring within the school environment would have little impact on dismissals. Only the area of student discipline in the elementary grades would appear susceptible to successful mentoring programs and that would be contingent upon the cooperative attitude of the teachers involved.

8) The point concerning decisions by a Fact-Finding Panel favoring a teacher considers the belief that human nature would tend to follow the pattern of thought that most neutral judges would prefer not to dismiss the teacher but find an equitable solution that allows the teacher to keep their job while showing improvement. This predisposition towards the teacher's side forces the administration to have a better case

to win than before a School Board hearing, where the judging body might be naturally supportive of the administration. In most cases, it will take clear and unquestionable evidence against the teacher to carry a dismissal in a Fact-Finding Panel hearing. Conversely, during a School Board hearing, the administration has a clear advantage in presenting the case.

The confidence factor held by the Board for the superintendent has a carryover effect here also. After almost every regular meeting, the superintendent works with the School Board in an Executive Session by presenting information on cases for a variety of topics. The School Board has an established pattern of acting upon these presentations made by the superintendent. The prior experience factor in these presentations provides an advantage for the administration in a School Board hearing scenario for dismissals. The teacher will be a new, unknown quantity before the Board and must overcome the natural tendency of that body to listen to the superintendent's side of the presentation.

9) In noting that teachers in the study did not utilize the advice of attorneys in several cases, perhaps the teachers felt, naively, that right would triumph and they needed no assistance in defending their employment status. This, clearly, was not true.

10) The inference about teachers not testifying against other teachers facing dismissal may be reflective of the

isolation felt by many classroom teachers in performing their duties. Teachers seldom view other teachers or have other teachers view their classrooms. This isolation precipitates the absence of collegial support and feedback on their daily performance from sources other than administrators. A lack of feedback contributes to a lack of confidence and supports the fortress mentality that encourages teachers to fight for each other no matter what the circumstances. After all, if an administrator turns on one teacher, might he not do the same to all teachers another day?

Recommendations for Practitioners

A multitude of advice was provided by the administrators involved in the cases. This advice usually addressed concerns or philosophies they had explored during their own experiences with tenured teacher dismissals. A summary of their thoughts includes the following points.

1) Don't wait to begin the documentation procedures. Many of the administrators in the study noted that cases were extended over a longer period of time due to their own failure to document problems early in the case. The tendency to be forgiving in noting deficiencies or areas needing improvement lengthened the dismissal process considerably.

2) Be honest and direct in discussing problems with teachers. All too often, administrators noted their own

softening of problems in conducting conferences with teachers. By minimizing the problems, they tended to diminish the seriousness of the situation to teachers and, later, the dismissal decision was a shock. Their advice was to be as direct as possible in describing problems and needed improvements from the very first conference.

3) Take the time to gather data relevant to the teacher's performance. Many of the administrators in the study noted that they were hesitant to deal with a teacher dismissal due to their own lack of evidence and documentation on the teacher's performance. They had allowed other factors to deplete their time and could not produce the data necessary to proceed with a dismissal. This meant that they had to start all over the following year.

4) Don't be afraid. All of the administrators in the study indicated their willingness to initiate dismissal proceedings again. Although a certain amount of stress was associated with the dismissal process, it was not so oppressive that they felt it would be overwhelming to any administrator in similar circumstances.

Examining the two examples of instructional dismissals from the study and, in consideration of this advice, administrators should take the following action in preparing to dismiss a teacher.

1) Review the past summative evaluations of the teacher.

These evaluations should reflect a poor to below average performance range of instructional expertise over the past few years. Higher evaluation ratings will equate to a prolonged effort at supporting dismissal and will signal the need for additional assistance in documenting a poor classroom performance.

2) Begin classroom observations and summary conferences immediately to document any instructional areas of weakness. These observations should include all available building administrators and utilize the services of Central Office instructional supervisors to support the need for improvement in the classroom.

3) Develop a plan for improvement for the teacher that includes assistance by the administration and notes time lines for future review and accomplishments. Any failings by the teacher in following through on this plan must be documented in writing.

4) Maintain contact with legal representatives throughout the documentation process. Bringing in an attorney after the case has already been documented will only serve to point out deficiencies in the case that can be used to overturn the dismissal recommendation. Building legal advice into the preparation of the case can serve to avoid these deficiencies and provide a stronger case in a pro-active fashion.

5) Maintain contact with the teacher in giving feedback

on instructional deficiencies and areas for improvement. No dismissal recommendation should be a surprise and constant administrative contact can allow the teacher to slowly understand that their performance is lacking in many areas. This study showed a general lack of participation by teachers in plans for improvement. Their lack of participation requires additional effort on the part of the administration to maintain contact and provide feedback throughout the process.

6) Be honest in dealing with instructional deficiencies. The expectations for teacher performance must be communicated and understood in light of the deficiencies noted by administrators. Compare where teachers should be to where they are in terminology that can be understood by all without sympathetic overtures to avoid bruised teacher's egos.

7) Schedule the hearing before the school board, if possible. This type of hearing results in a much higher percentage of administrative success than the fact-finding version. Provide additional legal support for the board in administering their duties as a hearing body separate from the attorney involved in the presentation of the case for the administration.

8) Be prepared to offer a compromise solution before, during and after the dismissal hearing. Many participants in the study indicated their involvement in numerous personnel

transactions that accomplished the objectives of a dismissal without the full-blown dismissal proceeding. Consider retirement options, disability possibilities and simple resignation as alternatives to a dismissal hearing.

9) Remember the difference between an adversary and an enemy. Too many administrators in the study evidenced a win/lose mentality in approaching dismissals. The attempt should not reflect a personal confrontation between teacher and administrator but evidence of the last avenue for improving instruction by replacing personnel.

The general advice provided by administrators in the study can be summed up, briefly, as follows: teacher dismissal requires courage, honesty, knowledge and hard work. This advice would be extremely useful to all administrators, current and potential, in preparing for their responsibilities for evaluating personnel.

It takes courage to face the wrath of a teacher and their representatives in developing a dismissal case. At the beginning of the process, building administrators are alone, without a great deal of Central Office support. Frequently, it would be much easier to give up and hide the teacher while dealing with other pressing duties instead of facing the need for dismissal. Most administrators in this study argued that this, ultimately, hurt kids and shouldn't be a practice of good administrators.

Honesty is important in providing clear feedback to the teacher involved. Too many administrators attempt to sugarcoat information in discussing the performance of a teacher. This practice leads to confusion and surprise for the teacher when the administrators finally determine that the performance of that employee is unacceptable and cannot be fixed, leading to a dismissal. Administrators involved in the cases noted their responsibility to identify the problem area(s) for the teacher and specify the things needing improvement for continued employment. This honesty, in the long run, will benefit the administrator's case for dismissal and provide the teacher with explicit examples of ways to maintain their job prior to a dismissal.

Knowledge of the procedures, laws and regulations surrounding dismissals is needed to avoid procedural due process problems once the dismissal begins. But, prior to that process, an effective knowledge of what the teacher is doing, gathered by direct observations, is needed to make decisions affecting the employment status of the teacher. Also needed is a clear vision of what is expected for teachers that has been communicated and understood by all teachers. Teachers must be aware of what an administrator wants and what areas they need to improve to reach those goals for a fair assessment of their performance to be made.

Finally, the point most mentioned by administrators in

the study was the need for hard work. Building a dismissal case requires a great deal of time. Observations, conferences, plans for improvement, and follow-up mean that administrators are concentrating their efforts on a single task when multiple demands are being made on them. In some cases, a fortuitous circumstance will intervene and the teacher will commit an act that makes dismissal almost automatic. But, in other cases, the dismissal of a teacher for instructional problems requires years of observation and discussion followed by clearly described steps for remediation and the support to accomplish this remediation. If these steps are taken, dismissals can be an effective way to improve the teaching force and provide better classroom instruction. As one principal in the study noted, "If you can show that you do care about people but have your ducks in a row and be prepared ... dismissal is a piece of cake and should be done ... Don't wait to bite the bullet while the kids suffer ... Do what needs to be done and move forward."

Recommendations for Future Research

The study revealed many commonalities about the dismissal process, but also supplied many research questions for future study. A few of these areas would include:

- 1) What is the teacher's perspective in the process, both in successful and failed dismissal attempts?

2) Is there a true "bias" towards dismissing minorities in quantities disproportionate to their representation in the teaching force within the Commonwealth of Virginia and the nation?

3) Do School Board hearings continue to result in a higher percentage of successful dismissal proceedings rather than Fact-Finding Panels?

4) Are most dismissals for reasons outside of instructional problems?

5) Do secondary teachers of the basic academic subjects of English, math, social studies and science actually face dismissal at a lower rate than their other counterparts?

6) Are outside reactions to dismissal proceedings as muted as interpreted by the administrators in this study?

7) How do teachers feel about the process? What specific fears and concerns regarding dismissal do they share? Do they feel isolated in completing their duties?

8) Do new administrations evaluate the personnel they hire differently than the personnel they inherit from previous administrations?

These areas indicate the need for additional research and study in the area of dismissals outside of the legal proceedings arena. Only when the wealth of knowledge in this area has been greatly expanded will educators truly understand the components of a teacher dismissal that must be considered

in taking action. Perhaps then the profession will be able to "remove poor teachers easier than moving graveyards" and instruction can be improved.

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APPENDIX A

Dismissal Survey I

Dismissal - Teacher on "continuing contract" ONLY:

termination of a teacher's services before the conclusion of the school contract year or the failure to extend a contract offer after the end of the existing contract.

Using this definition, please answer the questions listed on the card enclosed. Note that the questions refer to teachers in your school division THAT FACED dismissal during the 87-88, 88-89 and 89-90 school years. Dismissal proceedings need not be successful on the part of the school division to be listed.

School Division _____

Has any "Continuing contract teacher" faced Yes No
dismissal from your school division during
the 87-88, 88-89, or 89-90 school years?

If "Yes" please answer the next question.

Number of cases of CONTINUING CONTRACT TEACHERS attempted to
dismiss during the school years listed below:

87-88 _____
88-89 _____
89-90 _____

Person completing form: _____ Phone () _____

Thank you for your participation in this project.

PLEASE RETURN BY MARCH 5, 1990

APPENDIX B

Results of Survey I

Yes Dismissal	Respondent	#	87-88	88-89	89-90
Accomack County	Rick Bull				1
Albemarle County	Carole Hastings			1	
Amherst County	Larry Kellogg			1	
Arlington County	Henry Gardner		1	2	2
Bath County	Percy Nowlin III		1		
Bedford County	John Kent		1		
Botetourt County	Rodney H. Dillman		1		
Buchanan County	Paul Hatfield				1
Caroline County	J. E. Wilson			1	
Charles City	Janet Crawley		1		
Charlotte County	Paul Stapleton			1	
Culpeper County	Tony Stewart				1
Cumberland County	James E. Irons		1		1
Fairfax County	Edward W. Carr		5	2	2
Fauquier County	Terry Arbogast			1	1
Floyd County	Omar Ross			1	
Franklin County	Florella Johnson			1	
Henrico County	Hattie Webb		3	1	1
Henry County	Russell Wolf				1
Highland County	T.C. Dickerson III		1		
King Wm County	Nicholas Maschal				1
New Kent County	J. R. Geiger, II		1		
Pittsylvania Co.	John R. Reece		4*		
Prince Wm County	Dr. Joseph Davis		1		
Roanoke County	Garland Life			2	1
Rockingham County	Carroll Dickenson				1
Russell County	Dr. Donald Large			1	
Smyth County	Marvin Winters			1	1
Spotsylvania Co.	Ralph Tatum		1		
Sussex County	Jerry Semones			2*	
Warren County	James Cook		2	4	3
Wythe County	Robert McCoy				1
Charlottesville	Robert Hart			1	
Chesapeake	Linda Palombo			1	
Fredericksburg	Richard Garnett, Jr.		1		
Hampton City	Warren Schmid		6	8	2
Hopewell City	Jane McCullen			1	1
Newport News City				1	
Norfolk City	Dr. David Jones, Jr.		1	1	2
Petersburg City	Willis McLeod				2
Roanoke City	R. Faye Pleasant			2	

Yes Dismissal	Respondent	#	87-88	88-89	89-90
Staunton City	Kenneth B. Frank			1	
Suffolk City	Dr. Beverly Cox III			1	
Virginia Beach	Shirley Cassida				1
Winchester City	John Capehart			1	

APPENDIX C

Dismissal Survey II

On a previous survey of Virginia School divisions, you responded that your school division HAD attempted a teacher dismissal involving a "continuing contract" teacher during the 1987-88, 88-89, or 89-90 school years. The questions below are a "follow-up" to that questionnaire. A copy of your original survey is enclosed for your review.

Please respond to the additional questions on the enclosed card concerning the dismissal case(s) you listed on the original questionnaire. Please note that the TOTAL number of teacher dismissal cases listed on this questionnaire should equal the total number of dismissal cases listed on the original questionnaire. Thank you.

Dismissal cases can be settled at a variety of "stages" in the dismissal process. Listed below are three examples of these "stages" with a follow-up question attached to each. Of the dismissal case(s) listed on the original survey, how many were COMPLETED at each stage listed on the enclosed card?

School Division _____

_____ Fact-finding	_____ Successful dismissal
	_____ Failed dismissal
_____ Public School	_____ Successful dismissal
_____ Board hearing	_____ Failed dismissal
_____ Closed School	_____ Successful dismissal
_____ Board hearing	_____ Failed dismissal

PLEASE RESPOND BY APRIL 16, 1990

APPENDIX D

Results of Survey II

Schl Divisions:	Fact-Finding(S/F)	Hearing(S/F P/C)
Accomack County	1(S)	1(S/ C)
Albemarle County	1(S)	
Amherst County		1(S/ C)
Arlington County		1(S/ C)
Bath County	1(S) still in litigation	
Bedford County		1(S/ P)
Botetourt County		1(S/ P)
Buchanan County		1(S/ C)
Caroline County	1(S)	
Charles City	1(S) negotiated settlement	
Charlotte County	1(S)	
Culpeper County		1(S/ P)
Cumberland County	* R.I.F. dismissals	
Fairfax County	5(2F/3S)	3(S/ P)
Fauquier	2(S)	
Floyd County	1(F)	
Franklin County	teacher resigned	
Henrico County (3 resigned)	1 pending	1(S/ C)
Henry County	1(S)** 1 resigned	
Highland County		1(S/ P)
King Wm County		1(S/ C)
New Kent County	teachers resigned prior to steps	
Pittsylvania County	* R.I.F. dismissals	
Prince Wm County	1(S)	
Roanoke County	2(S/F) one pending	
Rockingham County	no resolution as of this date	
Russell County	1(S)	
Smyth County		2(S/ C)
Spotsylvania County	1(S)	
Sussex County	* R.I.F. dismissals	
Warren County	Figures corrected to 0 tenured dismissals	
Wythe County	1(S)	
Charlottesville	accepted letter - no contest	
Chesapeake		1(S/ C)
Fredericksburg City	1(S)	
Hampton City	1(S) 15 resigned	
Hopewell City	1 resigned 1 pending	
Newport News	1(S) negotiated settlement	
Norfolk City		3(S/ C)
Petersburg City		2(S/ C)

S = successful, F = failed, P = public, C = closed

Schl Divisions: Fact-Finding(S/F) Hearing(S/F P/C)

Roanoke City (original survey amended to 1)	1(S/ C)
Staunton City	1(F/ P)
Suffolk City	1(S/ C)
Winchester City	1(F) 1(S/ P)
Virginia Beach City	4(2S/2 pending)

S = successful, F = failed, P = public, C = closed

APPENDIX E

SUPERINTENDENT INTERVIEW GUIDE

Personal Demographics:

- 1. Gender M___ F___
- 2. Date of Birth ___/___/___
- 3. Race/Ethnic Group W___ B___ I___ A___ O___
- 4. Total # Years in education _____
- 5. Total # years in current position _____
- 6. Total # years as superintendent _____
- 7. Highest degree attained CAGS___ Doct.____

Building/Division Demographics:

- 1. Racial/ethnic mix in division (students) W%___ B%___ O%___
- 2. Racial/ethnic mix in division (staff) W%___ B%___ O%___
- 3. Total buildings in district Elem___ Sec___
- 4. Total # teachers on "continuing contract" in division _____
- 5. Total # staff members in division _____
- 6. Total # students in division _____

History:

- 1. Past evaluations/ratings Exc___ Good___ Avg___
Poor___ Other_____
- 2. Any previous workplans/When? Y___ SY_____ N___
- 3. Did you hire teacher? Y___ N___
- 4. Describe teaching skills _____

- 5. Describe staff development programs over past 3 years _____

Evaluation Procedures/Process:

- 1. # observations/type during 88-89 school year 0___ 1___ 2___ 3___ #___

- 2. # conferences/type during 88-89 school year 0__ 1__ 2__ 3__ #__

- 3. Assistance provided by administration during 88-89 school year Peer__ Cent Off__
Univ__ Oth_____

- 4. Assistance sought by teacher during 88-89 school year Peer__ Cent Off__
Univ__ Oth_____

- 5. Workplan for 88-89/Describe Y__ N__

- 6. How was the workplan developed Collab__ Adm__
Self__ Package__
Other_____
- 7. Additional documentation beyond evaluation packet 88-89

- 8. When/how informed of dismissal decision Prin__ A.P.____
Cent.Off__ Other____

Fact-finding/Hearing Events:

- 1. Public or closed? Who decides? P__ C__

- 2. Panel selection - describe

- 3. Length

- 4. Legal advice (source/quality)

- 5. Fellow teachers testifying for/against

6. Conclusions

Final Results/Consequences:

1. Results of action

Dismiss__ Retain__

2. Public reaction

3. Faculty reaction

4. Division reaction

5. Based on experience, would you seek dismissal again?

6. Regrets/Changes in retrospect

APPENDIX F

PRINCIPAL INTERVIEW GUIDE

Personal Demographics:

- 1. Gender M___ F___
- 2. Date of Birth ___/___/___
- 3. Race/Ethnic Group W___ B___ I___ A___ O___
- 4. Total # Years in education _____
- 5. Total # years in current position _____
- 6. Total # years in current building _____
- 7. Highest degree attained B.A. ___ Mast. ___
CAGS ___ Doct. ___

Building/Division Demographics:

- 1. Racial/ethnic mix in building (students) W% ___ B% ___ O% ___
- 2. Racial/ethnic mix in building (staff) W% ___ B% ___ O% ___
- 3. Grades housed in building K12345 678 9 10 11 12
- 4. Total # teachers on "continuing contract" in building _____
- 5. Total # staff members in building _____
- 6. Total # students in building _____

History:

- 1. Past evaluations/ratings Exc ___ Good ___ Avg ___
Poor ___ Other _____
- 2. Any previous workplans/When Y ___ SY _____ N ___
- 3. Did you hire teacher ? Y ___ N ___
- 4. Describe teaching skills _____

- 5. Describe staff development programs over past 3 years _____

Evaluation Procedures/Process:

- 1. # observations/type during 88-89 school year 1 ___ 2 ___ 3 ___ 4 ___ # ___

2. # conferences/type during 88-89 school year 1__ 2__ 3__ 4__ #__

3. Assistance provided by administration during 88-89 school year Peer__ Cent Off__
 Univ__ Oth__

4. Assistance sought by teacher during 88-89 school year Peer__ Cent Off__
 Univ__ Oth__

5. Workplan for 88-89/Describe Y__ N__

6. How was the workplan developed Collab__ Adm__
 Self__ Package__
 Other__

7. Additional documentation beyond evaluation packet 88-89

8. When/how informed of dismissal decision Prin__ A.P.__
 Cent.Off__ Other__

Fact-finding/Hearing Events:

1. Public or closed? Who decides? P__ C__

2. Panel selection - describe

3. Length

4. Legal advice (source/quality)

5. Fellow teachers testifying for/against

6. Conclusions

Final Results/Consequences:

1. Results of action

Dismiss__ Retain__

2. Public reaction

3. Faculty reaction

4. Student reaction

5. Based on experience, would you seek dismissal again?

6. Regrets/Changes in retrospect

APPENDIX G

TEACHER INTERVIEW GUIDE

Personal Demographics:

- 1. Gender M___ F___
- 2. Date of Birth ___/___/___
- 3. Race/Ethnic Group White___ Black___ Other___
- 4. Total # Years in education _____
- 5. Total # years as teacher _____
- 6. Total # years in former building _____
- 7. Highest degree attained B.A. ___ Mast. ___
CAGS ___ Doct. ___
- 8. Certification area(s) _____
- 9. Teaching assignment during dismissal year _____

History:

- 1. Past evaluations/ratings Exc___ Good___ Avg___
Poor___ Other___
- 2. Any previous workplans/When Y___ SY___ N___
- 3. Refused for tenure anywhere Y___ N___
- 4. Describe staff development programs over past 3 years in which you participated

Evaluation Procedures/Process:

- 1. # observations/type during school year of dismissal proceedings. 1___ 2___ 3___ 4___ #___
- 2. # conferences/type during school year of dismissal proceedings. 1___ 2___ 3___ 4___ #___

- 3. Assistance provided by administration during school year of dismissal Peer___ Cent Off___
Univ___ Oth___

- 4. Assistance sought "on own" during school year of dismissal proceedings. Peer___ Cent Off___ Univ___ Oth_____
- 5. Workplan for dismissal year describe (briefly) Y___ N___
- 6. How was the workplan developed Collab___ Adm___ Self___ Package___ Other_____
- 7. Additional documentation beyond evaluation packet you received during year in ques.
- 8. When/how were you informed of dismissal decision Prin___ A.P.___ Cent.Off___ Other_____

Fact-finding/Hearing Events:

- 1. Public or closed? Who decides? P___ C___
- 2. Panel selection - describe your participation
- 3. Length of process/hearing
- 4. Legal advice (source/quality) given to you
- 5. Fellow teachers testifying for/against
- 6. Conclusions of hearing

Final Results/Consequences:

1. Results of action

Dismiss__ Retain__

2. Public reaction

3. Faculty reaction

4. Student reaction

5. Current status/Future career plans

6. Regrets/Changes in retrospect

7. Additional Comments/Suggestions:

APPENDIX H

Demographic Chart for Case Studies

	<u>Staff</u>	<u>Teacher</u>	<u>Superintendent</u>	<u>Principal</u>
	<u>%White/Black</u>	<u>Race/Certif./Gender</u>	<u>Race</u>	<u>Race/Gender</u>
Case 1	90/10	W/Vocational/M	W	W/M
Case 2	93/07	W/Vocational/M	W	W/M
Case 3	96/04	W/Elementary/F	W	W/M
Case 4	10/88	I/ Science /M	B	B/M
Case 5	94/04	W/Elementary/F	W	W/M
Case 6	70/30	B/Elementary/F	W	W/F
Case 7	55/45	B/Elementary/F	W	B/F
Case 8	35/65	B/Phys.Educ./M	B	B/M
Case 9	83/17	B/Fine Arts /M	W	B/M
Case 10	96/04	B/Phys.Educ./M	W	W/M

VITA

Steven R. Staples earned his B.A. Degree from the College of William and Mary in 1976. That same year, he began his teaching career at L.L. Beazley Elementary School in Prince George County, Virginia, as a social studies teacher. He later moved to J.E.J. Moore Junior High School, also in Prince George, to teach seventh grade social studies. In 1979, he moved to Prince George High School as an eleventh grade U.S. History teacher in the social studies department. While at Prince George High, he taught U.S. History, Government, and a course that he initiated and wrote the curriculum for, Twentieth Century American History. He served as chairman of the social studies department for three years.

Steve completed his Master's Degree in Educational Administration, also from William and Mary, in 1983 and was named assistant principal at Prince George High in 1984.

In 1985, Steve was named principal at Hopewell High School, in Hopewell, Virginia. While at Hopewell High, he initiated an Advanced Placement program of studies, implemented a school wide science fair emphasizing scientific inquiry, and completed a community oriented goals workshop for planning at the school. In July of 1988, Steve accepted the position of Assistant Superintendent for Curriculum &

Instruction with the Montgomery County Public School system, in southwest Virginia. He resides in Christiansburg, Virginia with his wife, Barbara, and two daughters, Kelsey and Audrey.