

SCHOOL PRINCIPALS AND TEACHER CONTRACT NON-RENEWAL*

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Abstract

In an era of intense state and federal accountability for teaching and student learning, school principals face noteworthy challenges which typically work against recommending contract non-renewal for teachers. School principals confront tremendous pressure from state and federal accountability legislation to produce evidence of student learning on standardized assessments. In this high-stakes accountability environment, principals' decisions play an important part in determining whether teachers are offered contracts. Learning more about the criteria that principals apply to teacher non-renewal decisions affords an opportunity to improve the teacher preparation process. Additionally, identifying the barriers that prevent principals from removing ineffective teachers serves to improve the prospect of learning for all students. Good teaching is a key to student learning. It is unclear if principals have all the tools that they need to work toward having an effective teacher in every classroom.



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1 Sumario en español

En una era de estado intenso y responsabilidad federal para enseñar y estudiante que aprenden, directores de escuela encaran desafíos dignos de mención que influyen negativamente típicamente no-renovación de contrato que recomienda para maestros. Los directores de la escuela confrontan la presión tremenda del estado y legislación federal de responsabilidad para producir evidencia de estudiante que aprende en evaluaciones estandarizadas. En este ambiente de responsabilidad de alto-estacas, las decisiones de directores juegan una parte importante en determinar si maestros son ofrecidos contratos. Aprender más acerca de los criterios que directores aplican a decisiones de no-renovación de maestro proporciona una oportunidad de mejorar el proceso de preparación de maestro. Adicionalmente, identificando las barreras que previenen a directores de quitar a maestros ineficaces sirven para mejorar la perspectiva de aprender para todos los estudiantes. La enseñanza buena es una llave al estudiante que aprende. No está claro si directores tienen todas las herramientas que deben preparar el terreno para tener a un maestro efectivo en cada aula.

NOTE: Esta es una traducción por computadora de la página web original. Se suministra como información general y no debe considerarse completa ni exacta.

2 Introduction

Bridges (1992, 1993), Lavelly, Berger, and Follman (1992), and Tucker (2001) estimated the number of incompetent teachers ranges from 5% to 15% percent. Bridges (1992, 1993) and Tucker (2001) found the teacher dismissal rate is less than 1%. Zirkel (2010) reported the percentage of tenured teachers terminated for poor performance is 1.4, and the percentage for probationary teachers is less at 0.7. The National Education Association (NEA), which represents approximately 2.5 million teachers, confirmed that they are involved in just several hundred cases involving dismissal each year (Patterson, 2000). Certainly parents, taxpayers, and students are entitled to understand why the percentage of teacher contract non-renewal lags below the number of identified incompetent teachers.

This study investigated reasons for the contract non-renewal of probationary teachers and the obstacles that principals face in dealing with ineffective teachers. In Alabama and Georgia, teachers are placed on probationary status for three years before they are offered a contract that grants them tenure or an expectation of continued employment. In South Carolina, the probationary period is just two years, whereas in North Carolina the period is four years. School principals from the aforementioned states responded to an emailed survey which provided demographic information and reasons they would be likely to recommend contract non-renewal for probationary teachers. In this article we have consciously used the term “contract non-renewal” versus other similar terminology because contract non-renewal is the most appropriate legal language regarding probationary teachers. The study answers three main questions:

- 1) What is the priority of reasons that school principals would recommend non-renewal of a probationary teacher’s contract?
- 2) Which behaviors do principals observe most frequently from ineffective teachers?
- 3) Which reasons complicate school principals’ ability to deal with ineffective teachers?

3 Review of the Literature

3.1 Legal Aspects

Teacher contract non-renewals are legal procedures which are defined in courts, by hearing examiners, through state statutes, and by means of master contracts and local policies and procedures. The entanglement of various levels of requirements creates a challenging reality regarding the complexity of non-renewal procedures for already over-extended school principals.

All states uniquely define the requirements for ending the employment of teachers, depending on their tenure status. Most importantly, a tenured teacher must be afforded certain procedural rights prior to dismissal or termination. These rights generally include notice of the grounds for the action and the opportunity to a hearing. Depending on the statutory protections of the state granting tenure, tenured teachers often must be provided with names of witnesses, the power of subpoena to compel production of documents and testimony of witnesses, the right to counsel at all stages of the process, and the right to appeal. Non-tenured, or probationary teachers, are considered “at will employees” and are not generally afforded the same due process rights as tenured teachers. Their contracts may be non-renewed without cause at the option of the employer upon proper notice of the intent not to renew by the employing school board at the end of any contract year.

In a 1972 case (*Roth v Board of Regents*, 408 U.S. 564) the Supreme Court held that probationary teachers need not be given due process unless the non-renewal deprived the teacher of a property or liberty interest. A property interest means that a teacher has a legal expectation of continuing employment, which a probationary teacher does not. A liberty interest is the right of teachers to not have their reputations defamed. Probationary teacher contract renewals generally do not state a reason for a contract not to be tendered (without cause). Therefore, there is no violation of a liberty interest for the probationary teacher as reasons for non-renewal are not made public.

Even though probationary teachers may have their contracts non-renewed without cause, emblematic reasons exist for both tenured and probationary teachers. The most common legal reasons (for teachers generally) are defined in state statutes and often include incompetency, insubordination, immorality, good cause, reduction in force, and contract violations. The legal reasons manifest in behaviors such as excessive absenteeism and tardiness, neglect of duty, abusive language, administering corporal punishment, unethical conduct, sexual misconduct, abuse of a controlled substance, theft or fraud, misuse of a school computer, criminal misconduct outside the work setting, and conduct unbecoming a teacher, among others (Lawrence, Vashon, Leake, & Leake, 2005).

The first legal reason for contract non-renewal, teacher incompetence, is viewed as a pattern of behavior rather than a single event. Alexander and Alexander (2009) defined incompetence in the context of fitness to teach, noting that “fitness to teach is essential and contains a broad range of factors. . .lack of knowledge of subject matter, lack of discipline, unreasonable discipline, unprofessional conduct, and willful neglect of duty” (p. 796). McCarthy and Cambron-McCabe (1987, p. 395) similarly defined incompetency as “lack of ability, legal qualifications, or fitness to discharge the required duty.” Rossow and Parkinson (1992) noted that removing a teacher for incompetence requires repeated evaluations that show unremediated deficiencies. The courts view incompetence as needing a “multiple deficiencies requirement” which involves principal time and documentation.

Another legal reason for contract non-renewal is immorality. Immorality has been viewed as a course of conduct that offends the morals of the community (Van Berkum, Richardson, Broe, & Lane, 2008). The standards of dismissal for immorality are vague, often leaving a principal in the difficult position to evaluate whether teacher actions are immoral. Typically, a case of morality might involve teacher dishonesty or sexual misconduct.

Another common statutory reason cited for teacher contract non-renewal is insubordination. Insubordination is the willful disregard, or refusal to, obey reasonable directives. Often insubordination manifests itself in teacher behavior such as absenteeism and tardiness. Generally, teacher actions over a period of time that are not corrected may be interpreted as insubordinate. This is frequently one of the easiest legal grounds to show to a court or hearing examiner, as insubordinate behavior might be more apparent than a subjective classroom or instructional deficiency.

Good or just cause means that there is a legitimate or real cause or basis to non-renew a contract. Good cause is distinguished from a whim or arbitrary decision—because the principal, acting in good faith, develops a defensible, reasonable ground for the action. Many state laws provide this general provision due to the reality that no statute can cover all possible reasons for a contract non-renewal.

Reduction in force typically refers to “downsizing” and includes processes that lead to an overall reduced number of teaching positions. A teacher contract non-renewal as a result of a reduction in force is normally

the result of either a decline in revenue or student enrollment. In these cases the school district is typically obligated to provide documentation regarding the financial hardship of the district.

A teacher contract non-renewal is an intricate legal process, which is understandable given the significance to the involved individuals and students. Yet at the same time, principals can reasonably be expected to know and effectively work within these complexities. The content and procedures do not seem beyond the capability of a principal to know, understand, and implement. A key question is whether the balance of reasonableness has tipped too far to the side of the teacher to make it unlikely that principals will initiate justifiable actions toward contract non-renewal.

3.2 Barriers for Principals in Contract Non-Renewal

In addition to the legal complexities, principals face other hurdles in teacher contract renewal questions. The issues regarding teacher contract non-renewal are arguably the most stressful, demanding, time-consuming, and emotional task required of a school principal (Lawrence, et al., 2005; Menuey, 2005). The non-renewal process is sure to extract an emotional and political toll on the principal. Principals are made to feel that their, rather than the teachers,' level of performance is on trial. An attorney who worked with school principals for many years reported that incompetent teachers are never willing to admit that a problem with their performance exists, seemingly leaving the principal alone to reveal and address the poor performance (Waintroob, 1995).

Principals identify teacher unions and lack of time as the greatest barriers to their ability to adequately address ineffective teachers (Painter, 2000). Identified hurdles include inadequate support from the superintendent and board, limited financial support for all phases of the process, personality characteristics of the evaluator, laws protecting teachers, reluctance to pursue a dismissal without a good chance of prevailing, and the high costs of litigation (Bridges, 1992; Schweizer, 1998).

Bridges (1992, 1993) found that there is an inclination for principals to tolerate incompetent teachers—due to the legal employment rights possessed by teachers and the desire to avoid conflict. Also, principals are vulnerable, since they have virtually no rights to continued employment as principals, and only “recommending power” with respect to teacher contracts (Bridges & Groves, 1999). Frels and Horton (2007) noted unwillingness by principals to move toward a teacher dismissal. The result, therefore, is a contract non-renewal rate that lags far below the estimated percentage of incompetent teachers. Due to their inability to secure employment elsewhere, the outcome is that the weakest teachers' often continue working in their existing positions (Whitaker, 1999).

Bridges (1992, 1993) reported that principals typically choose four paths for dealing with ineffective teachers: 1) tolerate the incompetence, 2) attempt to salvage the teacher, 3) force a resignation, reassignment, or transfer, and/or 4) make a dismissal recommendation. Each of these paths creates conflict and difficult issues for principals. Understandably but regrettably, many principals appear more willing to tolerate ineffective teaching rather than initiate the most unpleasant requirements of a contract non-renewal process.

Another explanation for the low number of teacher contract non-renewals is that ineffective teachers are enabled and given cover by principals who avoid writing honest performance appraisals. Evaluations are often written euphemistically, whereby satisfactory really means unsatisfactory (Bridges, 1993; Waintroob, 1995; Zirkel, 2010). In another approach, principals may mute their evaluation criticisms by wrapping them into words of constructive suggestions. Principals surely calculate whether the conflict and unpleasantness of a non-renewal are truly worth the emotional toll and whether the superintendent or board of education will ultimately support the recommendation to non-renew.

Interestingly and contrary to common perceptions, Zirkel (2010) pointed out that in legal disputes, defendant school districts prevail over plaintiff teachers by a better than three to one ratio. Is the real issue one of principal competence, will, and commitment rather than the “impossible odds” and legal procedures of a contract non-renewal? While the statutes, processes, and timelines are intricate, principals are capable of learning how to apply the legal procedures on behalf of removing ineffective teachers from the classroom. It seems that lack of time, emotion, and other stresses may carry large weight in limiting principals' efforts at initiating teacher contract non-renewals.

3.3 Suggested Documentation Procedures

Wading through the legal complexities and overcoming other variables working against teacher contract non-renewals still do not ensure that the teacher contract non-renewal will proceed. The process requires detailed and careful documentation, and the principal's non-renewal decision may still be overturned by a superintendent, school board, independent hearing officer, or a court. The non-renewal process is typically initiated upon recommendation of the principal. The decision is to recommend to the superintendent, who in turn recommends to the school board which makes the final adjudication. In the absence of a contractual or constitutionally protected right (e.g., non-renewal based on race, sex, religion, etc.) the probationary teacher has no likelihood of success by recourse of appeal to the courts. Nonetheless, the principal walks a fine line between inevitable claims that there is "too little documentation" or "not enough help" being given to the teacher as well as claims that the principal has developed so much documentation that the effect is "harassment" of the teacher.

Principals are well-served to heed the following guidance to successfully complete needed documentation procedures. The literature (Carey, 1984; Frels & Cooper, 1983, 1986; Frels & Horton, 2007; Lawrence et al, 2005; McConaha & McInerney, 1995) regarding principal documentation procedures is summarized in the forthcoming paragraphs.

First, principals must recognize that employees are entitled to a level of procedural due process (Frels & Horton, 2007). In many instances, the process ends up as a hearing before a board of education. When legal decisions most typically go against the principal's recommendation for dismissal, it is due to procedural shortcomings rather than the merits of the case.

Second, principals should use a documentation system which complies with contractual schemes of the district and with state law. While evident, an eager principal who fails to follow the procedures and policies of her/his district has a difficult legal hurdle to overcome.

Third, principals must report detailed facts and avoid writing conclusions or statements which are not supported by the facts (Frels & Cooper, 1986; Frels and Horton, 2007). As an example, it is more effective to note during a classroom observation that hypothetical teacher Smith "did not notice or address the fact that three children were sleeping in class, while another was playing cards in the back of the room" rather than simply documenting that "the class was not on task." In addition, principals should state a conclusion that the behavior did occur and include the specific standards of conduct that were violated or not met.

A fourth suggestion is that principals are better served if they avoid inflammatory or demeaning words (Frels & Cooper, 1986). Rather than characterize a teacher as "incompetent," it is more effective to report and describe the facts and detail which will lead a reasonable person to the conclusion of incompetence. Others will be reading the principal's work later on. Good advice for principals is to write nothing which may be embarrassing or indefensible in the future.

Five, written documentation is most effective if it is specific, clear, to the point, and free of jargon (Frels & Cooper, 1986). Vagueness often becomes an issue in teacher evaluations which are used as evidence in contract non-renewals. Any teacher evaluation should be based on objective criteria.

A sixth suggestion is to write communication with the teacher in first person. This makes it clear that the supervisor is working directly to remediate the "in jeopardy" teacher.

Seven, principals need to take care to ensure that all teachers are being treated alike and held to the same standard. This is often an accusation of favoritism by the employee in jeopardy so it will help if the principal keeps this in mind throughout the process.

The eighth suggestion is to not write anything or meet with a teacher while angry. Principals should ask a trusted colleague to read memoranda before presenting them to the teacher.

Nine, principals must be sure to follow up and send needed memoranda in a timely fashion, while addressing concerns promptly. The memoranda should be written and presented to the teacher after meeting with him/her. Waiting to write the memoranda displays that the principal is listening and is fair-minded (Frels & Cooper, 1986).

Finally, principals should do their best to ensure that the employee feels she/he has been treated fairly and with dignity (Lawrence & Vachon, 2003). While this may not be possible from the non-renewed teacher's

perspective, keeping it as an objective and mindset will help to guide the process.

3.4 Documentation System

The authors recommend that principals develop a documentation system similar to that suggested by Frels and Horton (2007). Each type of documentation serves a unique, specific purpose. One type of documentation is the “memoranda to the file” which is used when an incident has occurred that is not serious enough to require an immediate conference with the teacher. By creating memoranda to the file, the principal can maintain accurate records that she/he may wish or need to use in the future. Another type of memoranda is a “specific incident.” In this type of memoranda, the principal may wish to send a copy to the teacher and or meet with the teacher. It is important to establish a documentation process that records that the teacher received the memoranda. “Visitation memoranda” may be used to document classroom visitation results. “Summary memoranda” are designed to cover general conferences with teachers on several matters. The teacher should be allowed to respond in writing to the summary memoranda and the principal should ensure that the teacher received the memoranda. And finally, the district’s assessment or evaluation documentation should be completed according to the procedures and policies identified by the district. Failure to do so creates an appearance of arbitrariness, capriciousness, or sloppiness. Understanding the need for various levels of communication enhances the opportunity for an appropriate outcome and while the aforementioned system is not fail-proof, adhering to these guidelines will boost the chances for the appropriate outcome (Frels & Cooper, 1986; Frels & Horton, 2007).

3.5 Conducting Conferences

Once a principal has decided to recommend contract non-renewal, conducting these difficult conferences requires forethought. It is natural and expected that a principal may go through some soul-searching to determine that she/he is making the right decision. The tendency to want to delay the conference should be avoided. Additional suggestions include holding the conference at the end of the day, being honest and straightforward, and making it clear to the teacher that the non-renewal decision is irrevocable. Principals should avoid being drawn into an argument about minor points and continue to refocus the discussion on the primary reasons for the non-renewal (McConnaha & McInerney, 1995).

Before the conference, the principal should compile comprehensive personal notes and rehearse the process with another administrator (Lawrence & Vashon, 2003). It is probably a good idea to ask another administrator to attend on the principal’s behalf to take notes. Also, it is suggested to inform the teacher that he/she will be allowed to designate someone to speak on his/her behalf if desired. Speaking roles should be limited to only the designated individuals. Cell phones, audio or video taping, and passing notes should be declared off limits during the meeting. The principal should expect to be cross-examined in a confrontational manner (Lawrence & Vashon, 2003). Inform the teacher that he/she should not share the contract non-renewal decision with students while working to end the conference as quickly as possible (McConnaha & McInerney, 1995). Showing “grace and exhibiting poise” are difficult but recommended (Lawrence & Vashon, 2003, p. 19).

The principal is not the person to decide the fairness and appropriateness of the contract non-renewal process; rather, a superintendent, school board members, hearing examiner, or judge may possibly determine the outcome. For everything that the principal writes to a teacher there are at least two audiences, which include the teacher and the future adjudicators. Clarity, focus, sufficiency, and completeness provide a modicum of care for the principal’s body of work (Carey, 1984). Will another person judge the principal’s body of work as fair, impartial, valid, and thorough enough to warrant a contract non-renewal? This is the principal’s standard of care (Frels & Cooper, 1983, 1986; Frels & Horton, 2007). No wonder that principals look for other less cumbersome strategies to address ineffective teaching. While there are many legitimate explanations why principals may not act for contract non-renewals, it is evident that principals may be tempted to use complexity as a potential justification to avoid the difficulties incumbent in the process.

4 Research Methods

4.1 Overview

This study employed quantitative research methods. An objective of this study was to generalize results after collecting responses from the population of school principals in Alabama, Georgia, North Carolina, and South Carolina. The four states were selected primarily for geographic reasons, which increased the opportunity to generalize representative findings from the region. Future research will be conducted in different areas of the United States, allowing comparisons by geographic regions. Several of the survey questions were derived from an earlier study (Nixon, Packard, & Douvanis, 2010). Additionally, three of the four states are included in both studies, continuing the longitudinal aspect of the study.

4.2 Participants

An objective of this study was to generalize results after collecting responses from the population of school principals in Alabama, Georgia, North Carolina, and South Carolina. Principal email addresses were accessed in the four selected states using either state department of education websites or third party websites.

Five hundred forty-four school principals responded to and submitted the emailed survey. Fifty-three percent identified that they were located in a rural school, 30% in a suburban school, and 18% in an urban setting. Sixty-six percent said that they had less than 10 years of experience as a principal, 29% between 10 and 20 years of experience, and only 5% had more than 20 years' experience as a principal. Finally, 48% reported that they were elementary principals, 19% middle school, 23% high school, and 10% other. "Other" respondents were not included in this study. All except three of the respondent principals are from public schools.

4.3 Research Questions

Three research questions were answered: 1) What is the priority of reasons that school principals would recommend non-renewal of a probationary teacher's contract? 2) Which behaviors do principals observe most frequently from ineffective teachers? 3) Which reasons complicate school principals' ability to deal with ineffective teachers? Research question one was answered from survey questions seven and eight. Survey question seven requested principals to "Rank order the following possible reasons that might lead you to recommend non-renewal of a non-tenured teacher. Select: most likely (7) for one of the reasons for termination; second most likely (6) for another one; very likely (5) for another one; and so on."

The eight answer choices provided included

- "absenteeism/tardiness,
- classroom management
- ethical violations and inappropriate conduct,
- incompetence,
- professional demeanor,
- insubordination,
- lack of student achievement, and
- other (please specify)."

Survey question eight asked principals to "rank order the importance of the following criteria in deciding whether to recommend non-renewal of a non-tenured teacher. Select (3) for most important, (2) for important, and (1) for least important." The three answer choices included

- "subject content knowledge,
- instructional skills, and
- disposition."

Research question two was answered by survey question number nine: “Which behaviors do you observe most frequently from ineffective teachers?” The three answer choices included “lack of subject content knowledge, lack of instructional skills, and unacceptable disposition.”

Research question three was answered by survey question number 10, which requested principals’ respond to “Which of the following reasons complicate your ability to deal with ineffective teachers?” Principals were provided nine answer choices, which included “time, teacher union, inadequate support from the superintendent, inadequate support from the board of education, high costs of litigation, desire to avoid conflict and confrontation, laws protecting teachers, collective bargaining agreement, and other (please specify).”

4.4 Instrumentation

Survey questions and answers were created after extensive review of the literature and also built upon the Nixon, Packard, and Douvanis (2010) study. Responses were collected in fall of 2010 using a survey administered using *Survey Monkey* software. Five hundred forty-four principals in Alabama, Georgia, North Carolina, and South Carolina completed the emailed survey. Principals provided demographic information regarding their years of experience as a principal, the size and type of school, state information, and whether their school was rural, urban, or suburban.

The decision to use an emailed survey was a thoughtful one. Consideration was given to both emailed and stamped mail surveys. The literature holds that a web survey can achieve a comparable response rate (Cook, Heath, & Thompson, 2000; Kaplowitz, Hadlock, & Levine, 2004). Additionally, the cost differential is substantial, particularly for this study as researchers are interested in surveying multiple regions of the United States. Consequently, the researchers decided to use an emailed survey.

4.5 Data Collection

Principal email addresses were accessed in the four selected states using either state department of education websites or third party websites. Researchers sent 6,932 emails. The data bases were imperfect, however, because they typically contained data a year or two old, leaving recently appointed principals out of the population. Additionally, school district filters and spam controls prevented some principals from receiving the email. The researchers did not seek permission from specific school districts to survey principals, consequently many principals were forbidden by district policies to respond to the survey. Additionally, some of the email addresses were simply not accurate or had changed as 968 emails were returned to the researchers as undelivered. The aforementioned limitations to the population did not allow the researchers to earn full principal participation in this study; however the 544 respondents met the studies’ objective to learn the snapshot view of principals across the Southeastern region of the United States regarding probationary teacher contract dismissals.

4.6 Analysis Procedures

Survey results were analyzed and are reported descriptively and by statistical significance. Because principal survey responses loaded directly into Survey Monkey, manual data entry was not necessary. The ordinal nature of the data gathered dictated comparisons among groups using two nonparametric tests: Kruskal-Wallis and Mann Whitney U. These tests are similar to their parametric counterparts which allow for comparison of multiple and two independent samples respectively but do not rely on normality distribution assumptions. When comparisons of three or more groups were analyzed a Kruskal-Wallis was performed to determine significant differences. When groups were found to have significant differences further analysis using Mann-Whitney U was used to determine which pairs were significantly different. Noteworthy findings are discussed in text and displayed in table format.

5 Discussion of Survey Data

5.1 Overview

Content in this section is organized by themes developed from the research questions. Each of the survey questions is keyed to one of the study's three research questions. Each section includes a discussion of the noteworthy findings.

5.2 Prioritized Reasons for Contract Non-Renewal

A compilation of results for survey question seven is available in Table 1. Ostensibly, principals are most compelled to move toward contract non-renewal as a result of a specific act of misconduct or ethics. Consistent with an earlier study (Nixon, Packard, & Douvanis, 2010), principals in this study strongly selected "ethical violations and inappropriate conduct" (median rating 7.0) and "incompetence" (median rating 6.0) as the two "most likely" reasons to recommend a contract non-renewal. In the case of ethical violations and inappropriate conduct, principals may feel mandated by teacher actions to act, whereas other non-renewal criteria are not viewed so immediately urgent or serious. A related reason that principals selected ethical violations and inappropriate conduct may be due to greater confidence in the ultimate outcome, which leads to increased likelihood to pursue contract non-renewal.

Table 1

Reasons Which Lead to Contract Non-Renewal (Number of Responses)

Answer Criteria	Most unlikely (1)	Very unlikely (2)	Unlikely (3)	Likely (4)	Very likely (5)	Second most likely (6)	Most likely (7)
Absenteeism / Tardiness	179	116	75	60	37	13	8
Classroom management	42	96	96	106	106	39	12
Ethical violations and inappropriate conduct	4	8	13	18	29	92	325
Incompetence	3	14	24	42	77	218	114
Professional demeanor	127	102	112	69	41	21	2
Insubordination	20	62	64	86	147	84	46
Lack of student achievement	60	61	89	130	88	50	24

2

Researchers anticipated that the recent emphasis of accountability measures for student learning and standardized testing would register as an important criterion in principals' decision-making regarding teacher contract non-renewals. The majority of principals placed "lack of student achievement" in the moderate intensity range ("unlikely," "likely," and "very likely" responses). Additional analysis of this criterion yields several interesting findings, however. Elementary principals were more likely to rank this criterion as important ("second most likely" and "most likely" responses). Additionally, urban principals were slightly more likely to rank this criterion as important ("second most likely" and "most likely" responses). Middle school principals were slightly more likely to rank "lack of student achievement" as less important ("most unlikely," "very unlikely," and "unlikely" responses) than their counterparts. One possible interpretation includes the concept that elementary principals are able to focus more on supervision of instruction than their counterparts. And, the response by urban principals may be related to pressure to meet Adequate Yearly Progress (AYP) from NCLB. Principals from larger, secondary schools may be challenged with more operational issues which take them away from supervising instruction.

²<http://cnx.org/content/m38622/latest/table1.png/image>

Using the Kruskal-Wallis one way analysis of variance, the criterion “lack of student achievement” was more important to elementary than middle school principals (Table 5). This raises questions regarding the appropriate amount of subject content emphasis and student learning in middle schools balanced with student social development and maturation issues. Principal responses to this question might also be considered as recognition for the important student fundamental academic skill building that is required in elementary schools, such as reading fluency or phonemic awareness.

Teacher “absenteeism/tardiness” was statistically significant as urban principals placed more importance on absenteeism and tardiness than suburban counterparts as shown in Table 6. Perhaps rural and urban principals have had more issues with teacher attendance than their suburban counterparts.

“Ethical violations and inappropriate conduct,” also shown in Table 6, was also significant pertaining to a school’s location. Suburban principals placed more importance on the criterion than urban principals. Expectations for school outcomes, parental and community involvement, and teacher behavior may be highest in suburban school settings.

While every variable was tested for significance, Table 2 only includes the statistically significant items. The relationship between “classroom management” and principal years of experience was significant as a Kruskal-Wallis statistical process in two ways. As displayed in

Table 2, classroom management was more important to principals with 10 to 20 years of experience than principals with less than ten years’ experience. Additionally, classroom management was more important to principals with more than 20 years of experience than those with less than ten years’ experience. Perhaps the less experienced principals view classroom management as more of an instruction issue whereas their more experienced counterparts view classroom management to be significant as its own criterion and as a separate, important teacher skill.

Table 2

Principal Years of Experience and Reasons Which Lead to Recommend Non-renewal of a Non-tenured Teacher

Topic	Kruskal – Wallis	Mann- Whitney		Mean Rank		
		z	p	Less than 10 years	Between 10 and 20 years	More than 20 years
Classroom management	H(Q,N=495) = 11.899, p=.003**					
Classroom management	Less than 10 yrs. Vs. Between 10 and 20 yrs.	2.987	.003	224.35	264.45	
Classroom management	Less than 10 yrs. Vs. More than 20 yrs.	2.115	.034		173.52	219.15

3

5.3 Criteria for Contract Non-Renewal

In survey question eight, principals’ prioritized the importance of certain criteria in deciding whether to recommend contract non-renewal of probationary teachers. Answer choices provided were “subject content knowledge,” “instructional skills,” and “disposition.” Table 3 displays the results. Survey responses were tested statistically for significance using Kruskal-Wallis procedures.

“Instructional skills” was easily the most frequently selected criterion reported in deciding whether to recommend contract non-renewal. Not expected was the low frequency of selection of the “disposition” criteria. Universities with teacher preparation program’s personnel have been engaged in vigorous debate for the last few years about the importance of this criterion, and researchers expected the criterion to be selected more frequently.

³<http://cnx.org/content/m38622/latest/table2.png/image>

Regarding “instructional skills,” the answer was significant based on the Kruskal-Wallace statistic. Suburban principals placed more importance on this criterion than rural and urban principals (Table 6). A possible explanation is that there are higher expectations and pressures from suburban families regarding the standards they hold about classroom instruction.

Evidently, urban principals place stronger importance on “subject content knowledge” than their suburban counterparts (Table 6). The survey instrument answer choice teacher “subject content knowledge” was significant on the Kruskal-Wallace regarding the school’s location. It is possible that urban schools have struggled to hire highly qualified teachers in several teacher shortage content areas, so therefore urban principals have a heightened sense of the importance of subject content knowledge. Also, urban schools may well be challenged to meet the requirements for AYP and NCLB assessments, so principal responses may reflect pressures principals are feeling.

The “disposition” answer and grade levels in school was significant as a Kruskal-Wallis statistic (Table 5). Elementary principals placed more significance on this answer choice than high school principals. One interpretation is the ideal that elementary teachers need to be more nurturing and sensitive to students than high school teachers, so consequently high school principals viewed dispositions as less important as they are focused more on subject content and classroom management.

Table 3
Importance of Criteria in Deciding Whether to Recommend Non-renewal of a Non-tenured Teacher

Answer Criteria	Least important (1)	Important (2)	Most important (3)	Mean (n)	Median
Subject content knowledge	124	278	129	2.01 (531)	2.00
Instructional skills	15	167	357	2.63 (539)	3.00
Disposition	385	96	55	1.38 (536)	1.00

4

5.4 Ineffective Teacher Behaviors

Research question number two is addressed by survey question number nine. Principals identified which behaviors they observe from ineffective probationary teachers. The answer choices included “lack of subject content knowledge,” “lack of instructional skills,” and “unacceptable disposition.” Table 4 displays the results. As with survey question eight, principals selected “lack of instructional skills” most frequently. Survey responses were tested statistically for significance using statistical procedures Kruskal-Wallace.

Table 4
Behaviors Observed Most Frequently From Ineffective Teachers

Answer Criteria	Observe least frequently (1)	Observed second most frequently (2)	Observed most frequently (3)	Mean (n)	Median
Lack of subject content knowledge	219	250	58	1.69 (527)	2.00
Lack of instructional skills	12	129	395	2.71 (536)	3.00
Unacceptable disposition	296	152	85	1.60 (533)	1.00

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“Lack of instructional skills” was significant as a Kruskal-Wallace statistic as elementary principals identified the criterion as less observed than high school principals. As shown in Table 5, elementary principals

⁴<http://cnx.org/content/m38622/latest/table3.png/image>

⁵<http://cnx.org/content/m38622/latest/table4.png/image>

identified “lack of instructional skills” as less observed than their high school counterparts in probationary teacher contract non-renewal issues. This may reflect a larger high school emphasis on subject area content relative to pedagogy. Considering the data from Table 5, it is interesting to think of the elementary group of principals in this study as more focused on teacher dispositions, student achievement, and engaging instruction than some of their counterparts at different grade levels.

Table 5
Significant Differences in Principal Responses by Grade Level (Several Survey Questions)

Question	Kruskal-Wallis	Mann-Whitney n z	p	Mean Rank Pre-Elementary Grades	Mean Rank Middle Grades	Mean Rank High School Grades
<i>Please rank order the following possible reasons that might lead you to recommend non-renewal of a non-tenured teacher.</i> Lack of student achievement	H(2,N=450) = 7.743, p = .021	n = 337 z = 2.765	.006**	178.04	145.98	
<i>Please rank order the importance of the following criteria in deciding whether to recommend non-renewal of a non-tenured teacher.</i> Disposition	H(2,N=481) = 7.946, p = .019	n = 382 z = 2.698	.007**	199.80		173.80
<i>Which behaviors do you observe most frequently from ineffective teachers?</i> Lack of instructional skills	H(2,N=480) = 6.091, p = .048	n = 381 z = 2.468	.014**	183.72		206.46

6

** Significant at p < .01

Table 6
Significant Differences in Principal Responses by Location (Several Survey Questions)

⁶ <http://cnx.org/content/m38622/latest/table5.png/image>

Question	Kruskal – Wallis	Mann-Whitney n Z	p	Mean Rank		
				Rural	Suburban	Urban
Please rank order the following possible reasons that might lead you to recommend non-renewal of a non-tenured teacher. Absenteeism/Tardiness	H(2,N=487) = 6.768, p = .034	n = 229 z = 2.391	p = .017		107.27	128.09
Please rank order the following possible reasons that might lead you to recommend non-renewal of a non-tenured teacher. Ethical violations and inappropriate conduct	H(2,N=488) = 9.391, p = .009	n = 234 z = 3.046	p = .002		125.85	102.60
Please rank order the importance of the following criteria in deciding whether to recommend non-renewal of a non-tenured teacher. Subject content knowledge	H(2,N=531) = 8.713, p = .013	n = 251 z = 2.843	p = .04		116.90	141.72
Please rank order the importance of the following criteria in deciding whether to recommend non-renewal of a non-tenured teacher. Instructional skills	H(2,N=539) = 7.011, p = .030	n = 282 z = 1.979	p = .048	215.08	235.42	
Please rank order the importance of the following criteria in deciding whether to recommend non-renewal of a non-tenured teacher. Instructional skills		n = 257 z = 2.568	p = .010		136.41	116.36

7

5.5 Criteria Which Complicate Dealing with Ineffective Teachers

Research question three is answered by survey question 10. Principals selected from eight criteria those that “complicate your opportunity to deal with ineffective teachers. . .” Results are available in Table 7. Even though survey question 10 results were not found to be statistically significant, the responses are particularly interesting. Not unexpectedly and consistent with the literature, principals identified “time” as their primary obstacle (Painter, 2000). The number of both middle and high school principals who selected “strongly agree” regarding time exceeded their expected number of responses (assuming a normal distribution of responses). This may be interesting to consider that principals in secondary schools, which are typically larger than elementary schools, may be consumed with school management details. Assuming normally distributed responses, principals with more than 20 years of experience selected “agree” and “strongly agree” less than expected. It may be that veteran principals have developed processes to allow them to better manage time than their less experienced peers. Painter’s 2000 study also cited the unhelpful role played by teacher unions in obstructing principals in teacher contract non-renewals. This criterion is not evident in this study as, of the four states in this study, only Alabama allows collective bargaining.

Table 7

⁷ <http://cnx.org/content/m38622/latest/table6.png/image>

Reasons Which Complicate Opportunity to Deal with Ineffective Teachers

Answer Criteria	Strongly disagree	Disagree	Agree	Strongly agree	Mean (n)	Median
	1.0	2.0	3.0	4.0		
Time	40	126	223	138	2.87 (527)	3.0
Teacher union	277	130	65	45	1.76 (517)	2.0
Inadequate support from the superintendent	260	193	42	32	1.70 (527)	2.0
Inadequate support from the board of education	222	215	62	29	1.80 (528)	2.0
High costs of litigation	160	225	112	34	2.03 (531)	2.0
Desire to avoid conflict and confrontation	202	224	93	10	1.83 (529)	2.0
Laws protecting teachers	91	174	183	81	2.48 (529)	2.0
Collective bargaining agreement	272	166	44	16	1.60 (498)	1.0

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“Laws protecting teachers” was also identified as highly important in complicating their opportunity to deal with ineffective teachers, which is consistent with the literature. Assuming a normal distribution of responses, both principal groups of 10 to 20 years of experience and more than 20 years of experience selected “strongly agree” more than expected with this criterion. The complexity of the non-renewal process is apparently found in the details of the laws, master contracts, and procedures which protect teachers.

Principals at all levels felt supported by their superintendents. Surprisingly few principals responded that they received inadequate support with a very strong number reporting that they “strongly disagreed” that they received inadequate support. Perhaps there is some reluctance for principals to direct and identify any negativity toward their supervisors. Urban principals felt slightly less supported than their counterparts. Assuming normal distribution of responses, more principals, however, reported less support from their board of education, perhaps suggesting that politics plays a larger role at that level than from the superintendent.

6 Findings and Recommendations

The study sought answer three main questions:

- 1) What is the priority of reasons that school principals would recommend non- renewal of a probationary teacher’s contract?
- 2) Which behaviors do principals observe most frequently from ineffective teachers?
- 3) Which reasons complicate school principals’ ability to deal with ineffective teachers?

One concern of the researchers is that the larger, urban or suburban school districts are more likely to implement policies requiring permission for principals to participate in research studies. Therefore, many principals were not allowed to participate in this study which may impact the results.

Regarding research question one, principals’ selected ethical violations and inappropriate conduct as the most likely reason to initiate a teacher contract renewal. Consistent with an earlier study (Nixon, Packard, & Douvanis, 2010), principals are most willing to proceed to a contract non-renewal when there has been a specific, significant act involving ethics or misconduct. Evidently, events which are easier to quantify than “lack of student achievement” are more likely to lead to actions by principals. Moreover, the authors presume that principals feel more confident in the ultimate outcome and that there may be fewer questions about whether to proceed with a contract non-renewal for ethical or misconduct reasons than for other, less obvious reasons. We suggest that the willingness to proceed may expand to other types of non-renewals when principals become more familiar with the required processes.

⁸<http://cnx.org/content/m38622/latest/table7.png/image>

As far as research question two, principals have identified clear importance for teacher instructional skills. In both survey questions related to this research question, principals expressed the importance of instructional skills in teacher contract non-renewals. Assuming a normal distribution of responses, the authors were surprised that the responses were not more evenly distributed to “subject content knowledge” and “disposition.” This finding appears to have some impact on teacher preparation programs, particularly due to the National Council of Teacher Accreditation in Teacher Education (NCATE, 2011) recent requirements for schools of education to provide a stronger emphasis on pre-service teacher dispositions. In this study, principals have made it clear that they value teacher instructional skills more than subject content knowledge and teacher dispositions in probationary teacher contract non-renewals. While it is likely that the vagueness and lack of clarity regarding the meaning of dispositions may have been a factor in principal selections, the implications of this finding may be considerable for the course of study in university teacher preparation programs.

For the final research question, principals identified “time” as their primary barrier to dealing with ineffective teachers, followed closely by “laws protecting teachers.” A key question that grows out of this research question is whether the balance of reasonableness has tipped too far to the side of the teacher to make it unlikely that principals will initiate justifiable actions toward contract non-renewal. Apparently, principals are unaware that they stand a good chance of prevailing in teacher contract renewals as it is evident in the literature that they shy away from the teacher contract non-renewal process. Too many principals may be intimidated, lack knowledge or confidence, act out of self-preservation, are not supported, or simply avoid the teacher non-renewal process. Perhaps this course of action is so distasteful and complex that prevailing in the contract non-renewal becomes a secondary issue to the primary objective of personal job survival and emotional coping. This is not to say that principals avoid dealing with incompetent teachers, rather they choose alternative courses of action. Often a weak teacher is assigned difficult duty, or assigned classes they are not fond of teaching. Reassignment, transfer, medical leaves, and leaves of absence are other common approaches. In effect, principals have developed coping skills to work around the challenging milieu of issues inherent in the teacher non-renewal process. A relevant concern is whether students are being harmed because of the principal’s “work around” strategies.

Regarding harming students, there is little doubt that the unwillingness or inability of school principals to aggressively address incompetent teaching harms some students. However, given the legal complexities, political realities, emotional aspects, and other barriers which are a part of teacher contract non-renewals, placing shame and blame on principals is a stretch. Until a more supportive, reasonable, and less cumbersome teacher contract non-renewal processes is developed, principals will be saddled with incompetent teaching. The authors recommend that states which proclaim their prioritization of student learning review laws protecting incompetent teachers and simplify the process for principals to initiate contract non-renewals. We recommend relief from laws protecting teachers, such as the current strict or narrow timelines, which will provide assistance to principals. A reasonable balance between teacher due process and simplifying the process can be found. Another recommendation is to improve the skills and knowledge that principals have of this non-renewal process. Whether during their university preparation or as a part of the school district professional development opportunities, many principals could benefit from additional education in the teacher contract non-renewal area. Because of the disturbing nature of the non-renewal process, extra technical and emotional support from central office personnel is recommended. The non-renewal legal procedures are cumbersome and time-consuming, yet they are well within the scope of expected professional competence of principals. Principals already prevail by a three-to-one ratio in these cases. The reality is that the legal process is complicated— however it appears a myth that the process is beyond the ability to navigate.

Only five percent of the 544 principal respondents in this study had more than 20 years of experience as a principal. It is not surprising that the percentage is so low considering the complexity and difficulty of teacher contract renewals and other similarly challenging aspects of a principalship. Given the importance of quality teaching and the need to remove ineffective teaching from classrooms, our profession must do better regarding teacher contract non-renewal. This includes the simplification and demystification of the non-renewal process, and better supporting principals through this emotional and sometimes degrading

process.

7 References

- Alexander, K., & Alexander, M. D. (2009). *American public school law* (7th ed.). Belmont, CA: Wadsworth.
- Bridges, E. M. (1992). *The incompetent teacher*. Bristol, PA: Falmer Press.
- Bridges, E. M. (1993). *The incompetent teacher: Managerial responses. A revised and extended edition. The Stanford series on public policy*. Bristol, PA: Falmer Press.
- Bridges, E. M., & Groves, B. R. (1999). The macro and micropolitics of personnel evaluation: A framework. *Journal of Personnel Evaluation in Education*, 13(4), 321-337.
- Carey, W. (1984). *Documenting teacher dismissal: A guide for the site administrator*. Salem, OR: Options Press.
- Cook, C., Heath, F., & Thompson, R. (2000). A meta-analysis of response rates in web or internet surveys. *Educational & Psychological Measurement*, 60(6), 821-36.
- Frels, K., & Cooper, T. (1983). Documentation of employee performance. In J. Beckam & P. Zirkel (Eds.), *Legal issues in public education employment* (pp.121-136).Bloomington, IN: Phi Delta Kappa.
- Frels, K., & Cooper, T. (1986). *A documentation system for teacher improvement or termination*. Topeka, KS: National Organization on Legal Problems in Education.
- Frels, K., & Horton, J. (2007). *A documentation system for teacher improvement or termination* (6th ed.). Dayton, OH: Education Law Association.
- Kaplowitz, M., Hadlock, T., & Levine. (2004). A comparison of web and mail survey response rates. *Public Opinion Quarterly*, 68(1), 94-101.
- Lavelly, C., Berger, N., & Follman, J. (1992). Actual incidence of incompetent teacher. *Educational Research Quarterly*, 15(2), 11-14.
- Lawrence, C. E., & Vachon, M. K. (2003). *How to handle staff misconduct: A practical guide for school principals and supervisors* (2nd ed.). Thousand Oaks, CA: Corwin Press.
- Lawrence, C. E., Vachon, M. K., Leake, D. O., & Leake, B. H. (2005). *The marginal teacher: A step by step guide to fair dismissal for identification and dismissal* (3rd ed.). Thousand Oaks, CA: Corwin Press.
- McCarthy, M. M., & Cambron-McCabe, N. H. (1987). *Public school law: Teachers' and students' rights* (2nd ed.). Boston: Allyn Bacon.
- McConnaha, W., & McInerney, W. (1995). Teacher termination or nonrenewal: The final conference. *NASSP Bulletin*, 79, 110-113.
- Menuey, B. (2005). Teacher perceptions of professional incompetence and barriers to the dismissal process. *Journal of Personnel Evaluation in Education*, 18, 309-325.
- National Council for Teacher Accreditation of Teacher Education. (NCATE, 2011). Unit Standards in Effect 2008, Washington, DC: National Council for Accreditation of Teacher Education.
- Nixon, A., Packard, A., & Douvanis, G. (2010). Non renewal of probationary teachers: Negative retention. *Education*, 131(1), 43-53.
- Painter, S. R. (2000). Principals' perceptions of barriers to teacher dismissal. *Journal of Personnel Evaluation in Education*, 14(3), 253-264.
- Patterson, J. C. (2000). When you have to fire a teacher. *Curriculum Administrator*, 36(10), 42-46.
- Rosow, L., & Parkinson, J. (1992). *The law of teacher evaluation. NOLPE monograph/book series no. 42*. Topeka, KS: National Organization on Legal Problems of Education.
- Schweizer, P. (1998). Firing offenses. *National Review*, 50(15), 27-29.
- Tucker, P. (2001). Helping struggling teachers. *Educational Leadership*, 58(5), 52-55.
- Van Berkum, D. W., Richardson, M. D., Broe, K., & Lane, K. (2008). Teacher dismissal. In K. E. Lane, M. A. Gooden, J. F. Mead, P. Pauken, & S. Eckes (Eds.), *The principal's legal handbook* 4th ed. (pp. 361-381). Dayton, OH: Education Law Association.
- Waintroob, A. R. (1995). Don't fool with incompetent teachers. *Education Digest*, 61(2), 36-40.
- Whitaker, T. (1999). *Dealing with difficult teachers*. Larchmont, NY: Eye on Education.

Zirkel, P. (2010). Teacher tenure is not the real problem. *Phi Delta Kappan*, 92(1), 76-77.