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From: Michael Waldman

EDUC. -
Teachers
Tenure

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Chicago Sun-Times

March 24, 1996, SUNDAY, Late Sports Final Edition

SECTION: SUNDAY NEWS; Pg. 1

LENGTH: 1097 words

HEADLINE: Suburbs Pay High Cost To Fire Bad Teachers;
Push Is On to Change State Tenure System

SOURCE: RICHARD A. CHAPMAN

BYLINE: BY MICHELLE CAMPBELL

BODY:

It cost \$ 25,000 to fire a Hoffman Estates teacher accused of slamming a desk top on a fifth-grader's hand.

A financially strapped Harvey district has pumped almost \$ 60,000 into an ongoing fight to fire a teacher who allegedly "hit, punched, pinched and shook" her fourth-grade students.

And in one of the state's most costly cases, a Glen Ellyn school district shelled out more than \$ 70,000 in court expenses to dismiss a high school math teacher who couldn't answer basic algebra questions and let her students sleep in class.

It's cases like these that have sparked a movement by legislators and suburban school districts to eliminate or modify teacher tenure -- a system that almost guarantees job security to hundreds of thousands of Illinois educators.

"It's almost impossible to get rid of a bad teacher who has tenure -- even if you caught her beating a first-grader," said state Sen. Peter Fitzgerald (R-Inverness), who is sponsoring legislation that would end tenure.

Illinois school boards, by law, are required to grant tenure to teachers after two years.

Despite that relatively short amount of time, tenured teachers later found to be abusive or incompetent are protected by an employee dismissal process that can take years and tens of thousands of dollars to complete.

Glenbard High School District 87, for example, fought a two-year, \$ 70,000 court battle to

fire an incompetent math teacher -- even after a state-appointed hearing officer wrote a 120-page opinion detailing numerous examples of poor teaching in her classroom. The dispute lasted from 1985 to 1988.

In another drawn-out case that ended last summer, Dixon Community Unit School District 170 paid more than \$ 50,000 in a two-year court battle to fire a teacher accused of sexual abuse and sending love notes to a 12-year-old former student.

And last month, Palatine Township Elementary District 15 gave a fired teacher a \$ 25,600 settlement to avoid an expensive appeal process. The Hoffman Estates teacher was accused of screaming at her students and slamming a desk top on the hand of a 12-year-old.

"Many teachers will say, 'Unless you give me a big cash payment, I won't go quietly and it will cost you about a quarter of a million dollars in legal fees and countless hours of court time to remove me,' " Fitzgerald said. "For most school districts, it's not even worth it to try -- even if they have a good case."

For Samuel Rhone, superintendent of south suburban West Harvey; Dixmoor School District 147, firing an allegedly abusive teacher has turned into a five-year, \$ 60,000 ordeal.

A fourth-grade teacher was fired in 1991 for failing to correct problems observed in her classroom during a district evaluation process.

The teacher had "absolutely no control over the children. They were running, screaming, laying on the floor -- it was a circus," recalled Rhone, adding that the teacher also "hit, punched, pinched and shook" her students.

After the teacher's firing was supported by the Illinois Board of Education, she appealed to the Cook County Circuit Court, then the Illinois Appellate Court. The case is still unresolved.

An attorney and two union representatives involved in three of the cases said the facts in each case

show why the hurdles to dismissal created by tenure should be preserved -- to assure teachers fair hearings.

In the Harvey case, attorney Ayesha Hakeem said the teacher had alerted her principal that there were four uncontrollable students in her classroom who belonged in special education classes. But the school ignored the warning -- even though the students were barred from the school's library, cafeteria and learning center.

In the Glenbard case, a union representative said the fired teacher had psychological problems and asked to go on sick leave -- but had been improperly refused permission, then was dismissed.

The Palatine Township School District settled with the Hoffman Estates teacher after

criminal charges stemming from the purported desk-top slamming were dismissed.

In Dixon, charges of sexual abuse against the teacher were dismissed because too much time had elapsed -- the student didn't come forward until she was in her late 20s.

Even so, the teacher's firing was upheld by the Illinois Appellate Court when it determined he had made inappropriate "romantic overtures" toward the seventh-grade student when he wrote suggestive comments on her spelling papers and sent her romantic cards, one of which read, "Happiness is a warm, cuddly . . . YOU!"

Over the past three decades, lawmakers have made several unsuccessful attempts to change the tenure system, arguing that it breeds mediocrity.

Fitzgerald admits his bill is hard-pressed to succeed because of a

"very powerful teachers' lobby."

This has led suburban districts to start making waves of their own.

Last year, Palatine Twp. Elementary District 15 passed a school board resolution supporting the repeal of tenure and presented it to the Illinois School Board Association.

And last month, the school board for District 57, a small northwest suburban elementary system, voted to seek a waiver in the Illinois School Code to give the district four years to decide whether to grant tenure to new teachers.

"If we are going to live in a system that makes it so expensive to dismiss a teacher, then it's a really, really critical decision to give tenure in the first place," said Superintendent Thomas Many, who expects to hear back from the state within two months.

Teachers' unions are worried that if District 57 succeeds, other districts will follow.

"There would be other districts lining up right behind them," said Ed Geppert, secretary; treasurer of the Illinois Federation of Teachers, which represents 70,000 teachers statewide, half of which are in Chicago's suburbs.

"Tenure provides process to dismiss someone," he said. "School boards have the right to remove teachers from the classroom, but tenure simply allows for a third party to review the board's decision."

Tenure was created in the early 1900s to give teachers the right to a hearing before they were fired. It also ensures freedom to teach controversial subjects without interference and autonomy from school board politics.

Tenure supporters also argue it prevents school boards from using turnover to save money by continually replacing high-paid teachers with lower-paid ones.

Tenure opponents say protections against employee discrimination afforded to all citizens negates the need for tenure.

Contributing: Charles Nicodemus

GRAPHIC: District 147 Supt. Samuel Rhone has spent five years and \$ 60,000 trying to fire an allegedly abusive teacher. See also related story page 2.

LANGUAGE: English

LN-ACC-NO: TEN24031996

LOAD-DATE: March 25, 1996