

School boards and administrators must take seriously and confidently their obligations to remove unsuitable teachers.

# TEACHER DISMISSAL: A Policy Study of the Impact of Tenure

Bettye MacPhail-Wilcox and Michael E. Ward

Few administrative responsibilities are as daunting, demanding, and emotionally charged as teacher dismissal. Yet, accurate knowledge about it remains largely theoretical and under-investigated (Kersten 1988). These conditions are particularly troublesome given current accountability concerns about classroom instruction and charges that tenure unduly restricts the removal of incompetent teachers.

This study of teacher dismissal contributes to theoretical and empirical understanding in several ways. It presents a theoretical model of antecedents to teacher dismissal derived from an extensive literature review and uses the model to conceptualize a study of the validity of some propositions observed in this literature. The findings of the study contribute new knowledge about (1) dismissal and reemployment rates for probationary and tenured teachers, and (2) five demographic variables (method of separation, ethnic origin, gender, years of experience, and subject area certification) describing involuntarily separated teachers. These findings are the basis for a set of recommendations for research, policy, and practice.

## Study Methodology

Survey and correlational designs were used to investigate fifteen research questions about teacher dismissal in a south-eastern state. A 2x2x2 classification system stratified the total population of 134 school districts by local per-pupil expenditure, relative ease of attracting new teachers, and student enrollment. The literature suggested that these variables might relate to the relative frequency of teacher dismissal.

A random sample of four districts was drawn from each of the eight cells (N=32 districts) and two from each of these (N=16) were randomly selected for more intensive follow-up in the second stage of the study. This procedure was recommended in order to obtain a greater degree of information and reliability based on the researcher's prior knowledge (Miaoulis and Michiner, 1976).

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**Bettye MacPhail-Wilcox is Professor and Department Head, Educational Leadership, North Carolina State University.**

**Michael E. Ward is Superintendent of Granville Public Schools in Oxford, North Carolina**

Following a pilot test of the instruments and preliminary telephone calls, confidential questionnaires were mailed to superintendents in sample and subsample districts. Nonrespondents received follow-up telephone calls, and with replacement sampling for two districts, this survey produced a 94 percent return rate for the primary sample and a 100 percent return rate for the subsample. Nonrespondents cited attorney advisement not to participate or time constraints as causes for nonresponses. Two other superintendents failed to return questionnaires despite numerous follow-up calls. Archival data were collected from state archival records for personnel, public schools, human resources, and finances.

T-, Z-, F-tests and chi-square analyses were applied to the statistics computed in this study. Most threats to internal validity were controlled by stratified random sampling. Only maturation and mortality were uncontrolled. A probability level of .05 was used for each test of significant difference.

## Historical Antecedents to Teacher Tenure and Dismissal

The National Education Association campaigned for tenure in an effort to stop the spoils system of awarding teaching jobs and dismissing teachers on the basis of political affiliations rather than competence (Fournier, 1984). In recent years, however, some have argued that tenure has severely constrained the number and means of teacher dismissals, resulting in too many classrooms characterized by mediocrity and staffed by incompetent teachers (Kersten and Brandfon, 1988; Elam, 1984; Fournier, 1984; Church, 1978). Empirical evidence on these assertions is scant and indirect, at best.

Early in the century, Holmstedt (1932) found that superintendents believed 6.3 percent of teachers should be dismissed. Revisions to this estimate ranged from 5 to 15 percent (Neill and Custis, 1978), 5 to 20 percent (Johnson, 1984), 5 percent (Bridges, 1986), and 10 to 15 percent (Fuhr, 1993) in later years.

One might expect these ranges to approximate actual dismissals; however, the proportion of teachers actually removed involuntarily appears to be substantially smaller (Stallings, 1993; Bridges and Gumpert, 1984; Bobbitt, et al, 1991). Bridges (1986) estimated that less than 1 percent of tenured teachers were dismissed for incompetence during a two year period, while Neill and Custis (1978) estimated that .25 to .50 percent of tenured teachers were dismissed for incompetence. Other studies conducted in New Jersey in 1927 and Delaware in 1988 also reported very small numbers of dismissals (Holmstedt, 1932; VanScriver, 1990).

Only sparse evidence of teacher incompetence may be imputed from records pertaining to the revocation of teacher credentials (Winston, 1985; Bridges, 1990; Rogers, 1993) and records of local hearings and litigation pertaining to teacher dismissal (N.C. Department of Public Instruction, 1992; Church, 1978; Galante, 1983; Gross, 1988; Pennsylvania, Teacher Tenure Appeals, 1983; Hooker, 1989; Bridges and Gumpert, 1984). An annual proportion of less than one percent was inferred by Bobbitt et al. (1991). None of these sources provided pre- and post-tenure comparison data. Even so, validity is suspect because it appears that the majority of involuntary separations occur through a process of "induced" resignation, rather than formal dismissal.

## Theoretical Antecedents to Teacher Dismissal

An extensive review of literature revealed five groups of variables with theoretic promise for explaining incidences of teacher dismissal. These included the nature of the cause for a dismissal action, the presence of effective alternatives to formal dismissal, teacher employment status, perceived difficulty in documenting incompetence, and organizational variables consisting of political pressure, supply relative to demand for teachers, and the fiscal status of the school district.

### *Causes for Dismissal*

The nature of the cause for teacher dismissal appears to differentially influence the frequency of dismissal actions. State statutes generally define the duties of teachers and two broad categories of causes for dismissal (Beezer, 1990). One concerns the ability to perform the actual task of teaching, while the other addresses personal qualities like immorality, use of controlled substances, felony convictions, and the like. Only two states have attempted to define inadequate performance (Gross, 1988) and the courts have been reluctant to define teacher incompetence (Roseberger and Plimpton, 1975). Further, courts are likely to overturn dismissals for incompetence when either evidential or procedural problems exist in the documentation of incompetence (Bridges and Gumpert, 1984; Sistruck, 1983).

Teachers report that sexually suggestive remarks to students, habitual use of alcohol or other drugs, failure to meet certification requirements, changing student answers on state sponsored examinations and abusive treatment of students are more likely to result in termination than performance problems (Leonard and Purvis, 1991). These perceptions are corroborated by legal data.

Teacher dismissal based solely on incompetence is a rare event (Harper and Gammon, 1981, 1983; Mawdsley, 1992; Gross, 1988; Galante, 1983; Sorenson, 1987; Fournier, 1984). Rather, non-teaching misconduct is a more likely cause (Johnson, 1984; McCormick, 1985; Galante, 1983; Gross and Melnick, 1985). These observations offer strong support that the cause for dismissal is an important theoretic variable in explaining teacher dismissal.

### *Effective Alternatives to Formal Dismissal*

Formal dismissals of teachers represent only a portion of those instances in which unsuitable teachers are removed from employment. Other means of terminating unsuitable teachers have been dubbed "induced exits" (Bridges, 1986). These occur following administrative counseling, coercion, reorganization, reduction-in-force, and even promotion. Teachers "induced" to leave do so through resigning, retiring, and transferring in lieu of dismissal. Special considerations have been offered teachers who are "induced" to leave. These include payment for a period of time beyond employment, contract buy-outs, agreements to provide neutral or positive references (Castallo, 1992), resignation, early retirement, transfer, counseling, coercion, reduction-in-force, reorganization, leave of absence, medical coverage, removal of negative information from personnel files, favorable references for non-teaching positions, and sealed personnel files (Bridges, 1986). Note that these methods have parallels in Fortune 500's largest industrial corporations (Stoeberl and Schneiderjaus, 1981).

Bridges (1986, 1990) found that administrators were far more likely to remove tenured teachers through induced exits than by formal dismissal. This makes it difficult to assess the prevalence of incompetence among teachers, and it appears to enhance the probability that unsuitable teachers will eventually reappear in classrooms elsewhere. While coercion to resign violates a Fifth Amendment proscription against taking property without due process of law (Johnson, 1984; Olson, 1982), Bridges (1986) reports that the success of induced exit tactics varies with the personal influence of the administrator involved, the degree to which the teacher can be persuaded or intimidated, and the willingness of a teacher organization or union to intervene. Clearly teachers induced to leave their employment are part of the labor force that might be considered incompetent. Yet, they are absent from the rolls of those facing formal dismissal actions.

Because theoretic knowledge was a goal of this study, it was necessary to distinguish between "involuntary separation" (formal dismissal of a tenured teacher, formal dismissal of a

non-tenured teacher, non-renewal of a probationary teacher, refusal to award a continuing contract, induced exits *vis* resignation, retirement in lieu of non-renewal or dismissal, and reduction-in-force in lieu of non-renewal or dismissal) and "voluntary separation" (resignations, retirements, and terminations not premised on a promise or threat from the employer). Such a distinction would better clarify the incidence of actual removal of teachers for perceived cause.

Clearly the availability and effectiveness of alternatives to formal dismissal is an important antecedent to predicting and explaining the number of formal dismissals of teachers. Thus these alternatives to formal dismissal also have theoretic significance in explaining and predicting the number of "dismissed" teachers who reappear in other classrooms.

### *Teacher Employment Status*

Most states require teachers to serve a probationary period before receiving tenure. In this south-eastern state, employment status is hierarchal commencing with temporary and moving to probationary and then tenured status.

If teachers are deemed unsuitable while on temporary or probationary employment status, they may be dismissed without many of the cause or due process protections afforded tenured teachers. Bridges (1986) noted that unsuitable teachers who can be fired without cause and/or due process are apt to be dismissed. He reported that temporary status teachers accounted for 70 percent of the dismissals in two years though they constituted only 7 percent of the California teaching force.

Tenure affords substantial due process safeguards to teachers who achieve this employment status. Unlike probationary teachers, tenured teachers hold a property interest in continued employment and exhaustive procedural requirements are imposed upon administrators and boards who seek the teacher's dismissal. Thus, teacher employment status seems an important theoretic variable in predicting and explaining the frequency of teacher dismissal.

### *Difficulty in Documenting Incompetence*

Difficulties in documenting incompetence are situational and administrative. Evaluating incompetent teaching is fraught with technical difficulties and uncertainties about the practical meaning of efficient, effective, and adequate teaching (Bridges and Gumpert, 1984; Galante, 1983; Bridges, 1986; Foldes, 1987). Further, administrators vary in their competence and willingness to undertake the time-consuming and extensive process necessary for competent evaluation and documentation (Johnson, 1984; Kelleher, 1985; Sendor, 1984; Bridges, 1986; Claxton, 1986; Fournier, 1984; Lieberman, 1972; Lilly, 1988; Beebe, 1985; McGrath, 1993).

Assuming that perception precedes action, these observations suggest that administrator perceptions of difficulty in documenting poor teacher performance and their own competence to do so effectively are important theoretic antecedents to teacher dismissal.

### *Organizational Variables*

Political pressures exerted by boards of education and professional associations have been cited as influential variables in teacher dismissal cases (VanScriver, 1990; Fournier, 1984; Church, 1978; Johnson, 1984; Gold et al, 1978). The degree to which these perceived and actual pressures influence administrative propensity to undertake teacher dismissal is unsubstantiated.

Literature also suggests that the supply of teachers relative to demand may influence administrative propensity to initiate teacher dismissals. The basis for such a contention is grounded in the differential employment rates of teachers with

emergency or temporary certificates and out-of-field placements in areas experiencing teacher shortages (Roth and Piphio, 1990; Bradshaw, 1991; Barnes, 1986; MacPhail-Wilcox and Williams, 1984).

District fiscal status may have some predictive and explanatory relationship to teacher dismissal in several ways. First, poor districts are less likely to be in a position to pay the high costs of dismissal proceedings than are wealthier districts (MacPhail-Wilcox and Williams, 1984; Sykes, 1983). Further, some research reports that declining enrollment leads to more numerous teacher dismissals for incompetence (Johnson, 1984).

Political pressure on administrators, supply of teachers relative to demand, and the fiscal characteristics of districts may be important organizational theoretic antecedents to teacher dismissal. Thus, this study examined relations between these three organizational variables and the frequency of teacher dismissal for teachers of different employment career status.

### Study Findings

Most superintendents reported that the tenure law should be reformed immediately or eliminated, but only after measures are taken to improve teaching salaries and conditions. There were no significant correlations between superintendent perception regarding the need to eliminate the tenure law and the average annual proportion of probationary or tenured teachers who were involuntarily separated.

The proportion of probationary teachers that superintendents perceive should be involuntarily separated and the average annual proportions who were involuntarily separated were not significantly different. However, the perceived and actual differences were significant for career teachers. Further, significantly different proportions of career and probationary teachers were involuntarily separated. These findings suggest that tenure does have a constraining effect on administrative action to separate teachers from continuing employment. They also raise questions about why unsuitable tenured teachers were not dismissed during the probationary stage.

Superintendents were asked about methods used for involuntary separation of unsatisfactory teachers and the frequency with which these methods were used. From highest to lowest rank, these methods included formal non-renewal at year's end for probationary teachers, induced resignations, induced resignations with special considerations, induced retirement, formal dismissal of tenured teachers, reduction-in-force, involuntary transfer to another school, formal dismissal at mid-year for probationary teachers, and involuntary transfer to a non-teaching position. Follow-up inquiries revealed that the practice of involuntary transfer is even more common than the written responses suggested. Thus these data are understated. However, recordkeeping related to such actions is minimal or non-existent, whereas records pertaining to formal dismissal and employment separation are recorded in board of education minutes.

Of the 12,297 teachers employed annually in districts sampled for this study, 170 probationary teachers and 40 tenured teachers were involuntarily separated over a three year period delimiting this study. Among the involuntarily separated probationary teachers, 81 percent were removed for classroom incompetence, and 19 percent were removed for non-classroom problems, a significant difference. In contrast, only 55 percent of the tenured teachers were removed for classroom incompetence, while 45 percent were removed for non-classroom problems. These findings corroborate assertions that classroom incompetence may be a more difficult basis for dismissing career teachers than non-teaching performance problems.

Superintendents were asked to identify specific classroom performance and non-teaching performance problems demonstrated by probationary and tenured teachers which led to

involuntary separation actions. The highest ranking classroom performance problems for probationary teachers were failure to maintain discipline, failure to produce intended/desired learning results, failure to impart subject matter effectively, failure to accept teaching advice from superiors, and failure to demonstrate mastery of subject matter. Tenured teachers were just as likely to demonstrate these same classroom performance problems along with failure to treat students properly and failure to maintain adequate records and plans. However, they were less likely to be removed for such performance problems.

There were no significant correlations between superintendent's perceptions of difficulty in documenting classroom performance problems and the average annual proportion of probationary or tenured teachers who were involuntarily separated for such problems. In retrospect, a measure of perceived difficulty of the task might best be gathered from the principals who are responsible directly for such documentation, rather than the superintendent.

Superintendents were asked about their perceptions of principal's competence in performance counseling, documenting problems, and implementing dismissal procedures. Mean responses indicated that superintendents placed principal competence either at or above standard in these three functions. However, it is noteworthy that they ranked 32 percent of the principals below standard on these skills. There were no significant correlations between perceived performance skill of principals and the average annual proportions of probationary or tenured teachers involuntarily separated for classroom performance.

Superintendents perceived the level of political interference in removing unsuitable teachers by boards of education as lying between "appropriate" or "more than necessary" levels. They perceived interference by professional associations as "more than necessary" and "much too often". The mean level of interference by boards or professional associations was not significantly correlated to the average annual proportion of probationary teachers who were involuntarily separated. Nor was the mean level of interference by professional associations significantly correlated with the average annual proportion of tenured teachers dismissed. A significant negative correlation (-.445) was observed between board interference and the removal of tenured teachers, an observation which deserves further study.

For the organizational variables examined, there were no significant relations between the index of district capacity to attract new teachers (supply) and the average annual proportions of probationary and tenured teachers who were involuntarily separated. Neither was there a significant relationship between a district's student enrollment ranking (demand) and relative numbers of probationary and tenured teachers who were involuntarily dismissed.

There were no significant relationships between a county's rank on local expenditure per pupil and the average annual proportions of probationary and tenured teachers who were involuntarily separated. And, there were no significant relationships between superintendent's perceptions of the cost of teacher dismissal actions and the relative numbers of probationary and tenured teachers who were involuntarily separated.

A smaller stratified, random sub-sample of districts (N=16), was used for deeper investigation. The proportion of formally dismissed and non-renewed teachers who return to teach in the public schools of this state were compared with the proportion of teachers who were induced to resign. There were no significant differences. However, 24 percent of the teachers who were separated did return to teach in other districts within the state.

The planned post hoc analysis revealed that 68.2 percent of the teachers who regained employment after separation either held certificates in an area of high demand relative to

supply (math, science, exceptional education, or foreign language), or were minority teachers, for whom demand relative to supply is high also. The proportion of reemployed teachers in high demand areas was significantly higher than the proportion of reemployed teachers who did not meet the criteria of high demand.

A chi-square analysis indicated that the proportions of informally separated teachers were significantly different for probationary and career teacher. Among the separated probationary teachers, 46 percent were informally separated. Among the tenured teachers who were separated, 91 percent were informally separated.

Of the 85 teachers who were involuntarily separated, 25 were African-American and 60 were white. The differences between proportions were significant in that African-American teachers constituted 17.7 percent of the teacher population subsample, but accounted for 29.4 percent of those separated. Similar significant differences prevailed for gender. Forty-eight of those separated in the subsample were female and 37 were male. While males constituted 19.9 percent of the teacher population in the subsample, they accounted for 43.6 percent of those who were involuntarily separated.

Mean years of teaching experience for formally separated probationary and career teachers were 7.1 and 9.5, respectively. Mean years of teaching experience for informally separated probationary and career teachers were 9.6 and 18.3 respectively. While there were no significant differences in the mean years of teaching experience for formally separated probationary or tenured teachers, differences were significant for informally separated probationary and tenured teachers.

### Conclusions and Implications

Few studies have attempted to measure the incidence of involuntary separation among teachers, to develop and explore a theory explaining teacher dismissal, or to assess the post-dismissal employment status of dismissed teachers. Indeed, opportunities to obtain data on teacher dismissal are rare.

Findings from this study corroborate and extend several observations and assertions reported in the administrative literature. Tenure appears to have an important and direct influence on administrative propensity to dismiss tenured teachers. These dismissals are significantly different for male and female as well as African-American and white teachers. Furthermore, a practically significant number of teachers who are induced to resign do return to teach in other classrooms within the state. This raises questions about the role induced exits play in ensuring accountability in the classroom.

This study supports clearly the theoretic importance of employment status in explaining the incidence of teacher dismissal. The interactive, rather than the independent effects of district wealth and the supply of and demand for teachers on involuntary separation deserve additional investigation. Principal perceptions of difficulty in performing dismissal and actual measures of principal competence in teacher evaluation and dismissal should be developed to investigate relations with dismissals. And, university preparation programs might enhance effective teacher dismissal by improving administrative competence in personnel evaluation and documentation.

These findings suggest that gender and race may be appropriate additions to a theoretic model explaining teacher dismissal. More importantly, additional studies to validate and examine the causes of differences in dismissal rates among males and African-Americans demand attention.

From a policy perspective, it is important to monitor the proportion of dismissed and induced exit teachers who return to teach in other classrooms. Studies which examine these return rates by method of and cause for dismissal will yield insight about the efficacy of dismissal strategies and policies intended

to ensure educational accountability. Less ambiguous definitions and standards for inadequate performance and incompetence in legislation are statutory reforms which might influence administrative propensity to dismiss unsuitable teachers.

Because employment status does influence teacher dismissal, policy makers should resist efforts to reduce the discretion presently available for the non-renewal of probationary teachers. In addition, school board members should be appropriately trained for their respective roles in the dismissal process.

Finally, school boards and administrators must take seriously and confidently their obligations to remove unsuitable teachers. In spite of the exhaustive procedural requirements of tenure, professional review panels and the courts consistently uphold well-documented, justifiable teacher dismissal actions (Bridges and Gumport 1984). Few administrative tasks are more critical for the continuous improvement of student performance in public schools than insuring the employment of effective teaching personnel.

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