

Teacher Tenure Reform: An Opening Day Surprise

by [Mike McGoldrick](#) on Mon, Feb 13, 2012

While this week marks the [unofficial start of spring training for Major League Baseball](#), last week marked the official opening for the 2012 State of Connecticut legislative session. At the top of Governor Dannel P. Malloy's legislative agenda is education reform. However, as part of his [State of the State address](#) to the General Assembly, Governor Malloy surprised union leaders with his call to revamp the teacher tenure process. The Governor described the current teacher tenure system by saying "all you have to do is show up for four years."

Sharon Palmer, President of the [American Federation of Teachers Connecticut](#), was quoted as saying she thought Malloy's characterization "was a bit harsh and incorrect, but I think we can work our way through it."

Presently, for teachers to attain tenure, they need to complete forty school months of full-time continuous employment for the same board of education, provided the superintendent offers the teacher a contract to return for the following school year. ([C.G.S.A. § 10-151](#)). Once the teacher is tenured, they are entitled to a property right in their position for due process purposes and thus, it makes it extremely difficult for a board of education to dismiss a tenured teacher. Under the Teacher Tenure Act, a tenured teacher can only be terminated for the following reasons:



1. Incompetence;
2. Insubordination against reasonable rules of the board of education;
3. Moral misconduct;
4. Disability;
5. Elimination of the position to which teacher was appointed; or
6. Other sufficient cause.

Tenured teachers are not at-will employees because of an affirmative decision of the legislature in enacting the Teacher Tenure Act to protect classroom teachers and administrators below the rank of superintendent from the threat of arbitrary discharge. *Cimochawski v. Hartford Public Schools* (2002), 802 A.2d 800, 261 Conn. 287. By invoking these protections, the Connecticut legislature has made it extremely difficult to terminate an underperforming teacher. Not only is the standard of

“incompetence” a burdensome standard to meet, the termination process is expensive and time-consuming, as teachers are entitled to notice, a hearing before the board of education and appeal rights to the Connecticut Superior Court.

Under Malloy’s proposal, “tenure will have to be earned and re-earned” by meeting certain objective performance standards which would include student achievement, school performance and parent and peer reviews. Malloy would like to see the law changed so that a teacher could be dismissed for “ineffective” performance rather than for “incompetence.”

The Governor should be commended for proposing such reforms to the Teacher Tenure Act especially since one of his primary constituent supporters has been labor unions. However, given the current configuration of both chambers of the Connecticut General Assembly, is it realistic to believe that real reform to teacher tenure can be enacted? Certainly, there will be much hesitancy from the Connecticut teacher unions to reform the current system. It will be interesting to see if the Governor’s opening day surprise can garner enough bipartisan support to achieve meaningful reform.

Bottom Line for Educators

If Governor Malloy is successful in enacting legislation to reform the teacher tenure act by lessening the standards for teacher dismissals and limiting teacher’s due process rights, such change would be welcomed by all boards of education.