



What is...

Tenure?



In a nutshell

- Tenure is a form of job security for teachers which presumes continuous employment
- Ensures that teachers cannot be dismissed without due process
- Achieved in NYS after three years of successful employment

Information from NYSUT

New York state has had a tenure law since 1917, but it wasn't until 1980 that all public school teachers and teaching assistants (TAs) were included under its protections. Over the years, legislation sponsored by NYSUT has strengthened the law and broadened its coverage. During the 1970s for example, NYSUT fought for and won amendments which reduced the pre-tenure probationary period from five to three years, and to two years for teachers/TAs who had acquired tenure in another district or tenure area, and made teachers/TAs in school districts employing fewer than eight teachers/TAs eligible for tenure.

Generally, new teachers/TAs are "on probation" for the first three years of their careers. During that period, they may be dismissed at any time. At or before the expiration of the probationary period, the district must either deny or grant tenure. Tenure is granted by the board of education on recommendation of the superintendent, following observation and review of the probationary teacher/TA. Without the superintendent's recommendation, tenure cannot be granted.

Once granted tenure, a teacher/TA is guaranteed a system of due process, but is not guaranteed a job for life. The tenure law protects teachers/TAs from arbitrary or capricious dismissal. For example, it prevents a school district from firing a competent teacher/TA so that it can hire someone else who may have better personal or political connections.

Tenure is not transferable from one school district to another. However, a teacher/TA who has acquired tenure in one district within the state and moves to another need only serve a two-year probationary period, rather than three, before being eligible for tenure in the new district. If the transfer is the result of a BOCES takeover of services or a district takeover of BOCES services, teachers retain their tenure rights.

Source: http://nysut.org/newmember/survival_tenure.html

What Critics Say

Critics of tenure argue that it...

- Protects bad teachers
- Makes firing bad teachers costly and difficult
- Makes teachers lazy
- Is not in the best interests of students
- Is an entitlement past it's time

What We Say

We argue that tenure...

- Protects teachers from being fired for political or personal reasons
- Gives teachers freedom to experiment with controversial material, try different teaching techniques, and support controversial causes
- Encourages prospective teachers to enter the field

The Bottom Line

Tenure laws are not meant to protect incompetent teachers. It would be counter-productive to our sense of duty to our students and ourselves as professionals to protect bad teachers. We support due process as a means of protecting good teachers from arbitrary, politically-driven, and subjective decisions which negatively impact our profession and livelihoods.