

A Georgia Case Study: The Elimination of Teacher Tenure in Georgia as Viewed Through the Policy Formulation Process Model

Abstract

Georgia became the first state to eliminate teacher tenure for educators at the elementary, middle and secondary levels through the implementation of Governor Roy Barnes' *A+ Education Reform Act of 2000* (Robinson, 2003). An analysis of Barnes' efforts to eliminate tenure when viewed through a Kingdon's framework of policy formulation (Elrod, 1994) reveals that while Governor Barnes successfully defined the terms of the tenure issue to ensure passage of teacher tenure reform legislation, his inability to justify his anti-tenure policies led to his eventual defeat and the subsequent restoration of fair dismissal protection for the state's teachers.

With the growing impetus to hold educators accountable for student achievement, policymakers at the national, state and local levels are turning their attention to issues that lie beyond traditional areas of education reform (Elrod, 1994). One issue receiving an increasing amount of legislative focus is teacher tenure (Elrod, 1994; Dawson, 2001). Although most frequently associated with higher education teaching and research faculty, tenure—defined as the expectation and provision of job security through the guarantee of due process (Robinson, 2003; Sadker & Sadker, 2005)—also exists on a widespread basis for public school teachers throughout the United States. As late as 2000, 49 out of the 50 states had some form of teacher tenure protection (Kramer, n.d). As a result of tenure legislation, teachers contracted beyond a specified probationary period could generally expect freedom from termination except in circumstances involving incompetence, moral turpitude and reductions in force due to decreasing enrollments or budgetary pressures (Sadker & Sadker, 2005).

Despite the intent of tenure laws to protect teachers from unfair dismissal and to safeguard academic freedom (Spring, 2004), teacher tenure laws have come under criticism from opponents who blame tenure for perpetuating failing schools through the protection of ineffective teachers (American Federation of Teachers, 1999). In Georgia, the perception that tenure proceedings allowed for the continuation of sub-standard teaching led Georgia to repeal the *Fair Dismissal Act of 1975* (Robinson, 2003) as part of its education reform efforts. Thus, Georgia became the first state in the nation to formally eliminate teacher tenure in its K-12 schools (Robinson, 2003).

A Brief History of Teacher Tenure in Georgia

Prior to 2000, Georgia teachers who received a contract at the end of their third year of service were protected from arbitrary job separation by the *Fair Dismissal Act of 1975*. Under the terms of this law, tenured teachers became entitled, in the event of termination, to a written explanation of the circumstances surrounding their dismissal, the right to a hearing, and the right to appeal to their school boards, the State Board of Education, and the State Superior Court. Additionally, teachers could only be fired if proven incompetent, insubordinate, or immoral (Downey, 2003). While the *Fair Dismissal Act of 1975* proved to be popular among teachers who viewed tenure as a protection against nepotism and local politics, school officials considered tenure as an obstacle to ensuring accountability for student performance. While ineffective teachers

were not completely immune from dismissal, school administrators found the process to be so onerous that few teachers were actually removed from their posts (Downey, 2003). In time, however, those administrators, policymakers, and other educational stakeholders critical of teacher tenure in Georgia would find an advocate in Roy Barnes, the Democratic candidate in the 1998 gubernatorial election.

By the late nineties, assessments of educational achievement in Georgia were largely defined by factors such as its high dropout rate and low standardized test scores that ranked close to last when compared to those of other states within the Southeast and nation (National Association of State Boards of Education, 2002). During that year's gubernatorial race, Democratic nominee Roy Barnes was able to define the need for educational reform as a major priority for the state and promise that reform efforts would be a major priority in a Barnes Administration. Although Barnes failed to gain the support of the state's professional educator associations for his position on teacher accountability *vis-à-vis* student achievement (Peters, 2002), he managed to defeat his Republican opponent largely through the education reform planks in his campaign platform (Jones, 2000a).

Once in office, Governor Barnes unveiled his education reform effort in a legislative effort that came to be known as House Bill 1187 or *The A+ Education Reform Act of 2000*. As part of the reform initiative, the Governor proposed the repeal of the *Fair Dismissal Act of 1975* and its attendant job protections for teachers (Downey, 2003). As a result of support from Democratic legislators, the public's desire for educational reform—if not specifically for the elimination of tenure for new teachers (Georgia Association of Educators, 2000)—and divided, ineffectual responses from teacher advocacy groups, Republican legislators, and State School Board Superintendent Linda Schrenko (Jones, 2000a), the *A+ Education Reform Act of 2000* became law. Hence, tenure ceased to exist for teachers hired in Georgia after July 1, 2000 (Georgia School Board Association, 2000).

The Elimination of Tenure as Viewed From the Policy Formulation Process

While the passage of the *A+ Education Reform Act of 2000* represented a significant success for Governor Barnes (at least in the short term), it would be a mistake to assume the processes leading to the legislation's passage and the subsequent elimination of tenure for Georgia's teachers were simple ones. In order to gain a clearer perspective on how Barnes' educational agenda became policy, the framework for policy formulation process model advanced by John Kingdon (Elrod, 1994) might be useful. Kingdon began with the premise that policymaking is not a clearly defined process. Policy development is frequently influenced by such factors as constituent mood, timeliness of the issues to be transformed into policy, influence of special interest groups, competing political agendas, and shifts in ideology and administration, all of which have the potential to obscure policy formulation (Kingdon, 1984; Elrod, 1994).

To clarify the method by which policy is created, Kingdon established a four-step conceptual framework of policy formulation (Kingdon, 1984; Elrod, 1994). The first step in Kingdon's model involves raising the general awareness of the issues involved. The second step entails the generation of alternatives to resolve the issues, followed by the

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formulation of a possible solution. The final step of Kingdon's model requires the policymaker to justify the solution that becomes the policy (Elrod, 1994, pp. 6-11).

If viewed through Kingdon's model, Governor Barnes was perhaps most masterful at defining the issues surrounding teacher tenure so as to increase public awareness. During his campaign, Barnes made education reform a central campaign issue, linking educational quality and teacher accountability to the economic future of Georgia in the minds of the electorate. He accomplished this objective by holding teachers and the organizations that represented their interests directly responsible for the state's lack of educational performance—a move designed to curry favor among anti-union business leaders (Jones, 2000a). As for tenure, Barnes frequently told audiences that ending tenure was central to his education reform efforts, since removing tenure would enable the state to terminate sub-standard teachers more quickly and increase local control over education accountability (Jones, 2000a; Scaffaldi, Freeman and DeJarnett, 2001). Thus, by the time of the election even those voters who did not oppose tenure were convinced of the need for educational reform and teacher accountability. To a certain extent, Barnes was able to win the election over Republican Guy Milner because he was able to convince the electorate that his was the more effective agenda for reforming Georgia's public education system—the issue polled consistently by the voters as most important to them (Jones, 2000b). Not only was Barnes able to take advantage of voter awareness, but he framed the tenure issue in terms that would later pave the way for its elimination in the *A+ Education Reform Act of 2000*.

Once Barnes raised public awareness regarding the need for educational accountability and framed the “tenure problem” according to his terms, Barnes' subsequent actions would represent a truncated second step of Kingdon's framework—the search for alternative solutions that frequently leads to compromises in policy formulation and execution. Although various aspects of the *A+ Education Reform Act* required the generation of alternative solutions leading to a shared sense of commitment and sacrifice on the part of the state's legislators, policymakers, and leaders of the professional educators' associations (Andrew Young School of Policy Studies, 2000), the issue of teacher tenure elimination was not considered by the Governor to be an area of compromise. On the specific matter of teacher tenure elimination, the state teacher professional organizations were divided in their support of teacher tenure. The Georgia Association of Educators (GAE) opposed tenure elimination, while the Professional Association of Georgia Educators (PAGE) was willing to sacrifice its opposition of tenure in the name of supporting the overall reform legislation. In return for PAGE's support, Barnes promised that teachers could demand a written reason for termination and could challenge the decision in court (*Tenure tempest calmed*, 2000). In the wake of PAGE's abandonment of its opposition to teacher tenure reform, Barnes' original legislation remained unchanged and he could claim teacher support in his efforts to end tenure and present the issue as one of concurrence rather than contention. Barnes' understanding with PAGE could not be qualified as an alternative solution, as it was a compromise with the organization to achieve a political objective rather than an alternative to the policy *per se*. Garnering PAGE's support for the overall reform agenda reduced the opportunity to generate alternative solutions, particularly on the matter of teacher tenure elimination, because a possible conduit for varying or oppositional views had been effectively silenced.

Further strengthening his position, the Governor claimed he had tried to raise the issue above political divisions, declaring “I tried every way I could to make this a bipartisan, nonpartisan issue” (Jones, 2000a, para. 23). Ironically, Barnes’ stated desire to work with Republicans actually had the effect of eliminating the GOP from participation in the education reform dialogue. Republican opposition to the *A+ Education Reform Act of 2000* and—in a departure from traditional policy—to the elimination of teacher tenure allowed the Governor to claim “raw, pure power politics were put ahead of the children in this state” (Jones, 2000a, para. 23). As John Kirincich, executive director of the Democratic Party of Georgia, noted, “Republicans simply don’t have credibility in the area of education. Any credibility they had, disappeared when they voted against Barnes’ bill” (Jones, 2000a para. 19). Since educators had allied themselves with the Republicans in opposition to Barnes’ legislation, he was able to argue that educators had no new solutions to the problems facing Georgia’s public schools and that the educational establishment was trying to protect ill-deserved benefits (including tenure) at the expense of the state’s taxpayers and children (Jones, 2000a). In this event, the Governor was able to mitigate the influence that Georgia educators would have normally had in crafting reforms, thus obviating the need to seriously seek alternatives with this group. Through silencing the opposition, Barnes would have little difficulty in passing the *A+ Education Reform Act* as the solution to the issues of education reform, teacher accountability, and teacher tenure. Due to his ability to master the first component of the policy formulation framework, the second and third steps of the process were relatively easy objectives to accomplish.

Of the four steps in the policy formulation process, Barnes had the hardest time justifying his solution—the final step in the process. While the *A+ Education Reform Act* focused on education reform in Georgia, the impact of tenure elimination has been minimal in terms of removing teachers. In 2002, for instance, only 200 teachers in Georgia were dismissed out of a teacher corps numbering 93,400 (Downey, 2003). Such a relatively small number of teachers dismissed two years into the enactment of the *A+ Education Reform Act* would seem to beg the need for a policy that would engender so much opposition from the state’s teachers (Downey, 2003). Even policy analysts who were supportive of Barnes’ efforts observed that tenure elimination would have little impact on teacher turnover in Georgia because administrators rarely initiated adverse job actions towards teachers in any but the most extreme circumstances (Andrew Young School of Policy Studies, 2000).

If anything, the tenure elimination policy played a critical role in uniting the teachers of Georgia to oust Governor Barnes and install Sonny Purdue in January 2003 as the state’s first Republican governor since Reconstruction (Halbfinger, 2002). Barnes’ treatment of teachers during the formulation and implementation of his education policies alienated him from a group that would have traditionally been inclined to support him against a Republican challenger. As a union lobbyist remarked, “Barnes’ plan really pitted the governor against teachers. Teachers felt omitted from the process and not respected as educators” (Peters, 2002, para. 3). To make matters more problematic, for all of the loss of goodwill Barnes experienced among the state’s educators as the result of his education policies, Georgia’s students still ranked 23rd out of 23 states in terms of SAT scores and 40th in terms of combined ACT/SAT rankings (Musick, 2003). Barnes’ inability to justify his policies to teachers, coupled with his underestimation of the extent

of educator resolve in the 2002 election, makes plausible the assertion that although the first step of the policy formulation model is critical to achieve the short-term goal of policy promulgation, failure to successfully justify policy may lead to the undoing of that policy in the long-term and may result in the removal of the political actor from the stage.

Conclusion

Ironically, Barnes' victory in eliminating teacher tenure turned out to be pyrrhic. As Purdue's spokesman Dan McLagan observed, the teachers' support for Purdue constituted "a monumental rebuke for the governor's education policy," and that "Educators have given Roy's reform plan an F" (Peters, 2002, para. 10). Once in office, Purdue signed Georgia Senate Bill 193 (Georgia Association of Educators, 2004), which restored the job protections that teachers enjoyed under the *Fair Dismissal Act of 1975*. Among the rights restored to teachers were the right to legal representation and the right to a hearing when confronted with non-renewal or dismissal. Teachers would be accorded these protections with the promise of a fourth year of employment within the same school district (Georgia Association of Educators, 2004). Thus four years after the elimination of tenure, the employment protection status for teachers in Georgia had come full circle.

One possible implication that derives from analyzing Barnes' tenure elimination policy through Kingdon's Policy Formulation Process Model seems to be that successfully formulating policy is a "zero sum" proposition. It is not enough for policymakers to be proficient in one or more areas of the model without successfully implementing all aspects of the framework. Perhaps if Governor Barnes had been as effective in the final step of justifying his tenure elimination policy in terms of results as he had been in the phases during which he defined the tenure issue, eliminated the opportunity for alternatives, and implemented the *A+ Education Reform Act of 2000*, the results for Georgia, its teachers, and its former governor could have been quite different.

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