AN EVALUATION OF THE EFFECTIVENESS OF THE TEXAS STATE TEACHER'S ASSOCIATION IN MEETING THE WELFARE NEEDS OF PUBLIC SCHOOL TEACHERS IN THE AREAS OF TENURE AND RETIREMENT

APPROVED:

[Signatures]

Major Professor

Minor Professor

Director of the Department of Economics

Dean of the Graduate School
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TENURE AND RETIREMENT

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By

Howland C. Harvey, B. S.
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CHAPTER I

INTRODUCTION

Historically, tenure and retirement have been two of the most important, yet often neglected, needs of Texas public school teachers. To help develop needed programs in these areas the state's teachers long ago turned to the state, the Texas State Teacher's Association.¹

The primary purpose of the following study is, (1) to review the actions of the T.S.T.A. as an organization in support of the needs of Texas teachers for adequate tenure and retirement, and (2) to evaluate the effectiveness of the T.S.T.A. in securing these needs.

The official purpose of the T.S.T.A., as stated in Article I of the 1890 constitution, was "This organization would [will] be called the Texas State Teacher's Association and shall have for its object the united efforts of the teachers to advance the educational interests of Texas".² This general statement of purpose has changed only slightly in succeeding constitutions. By 1911, however, the T.S.T.A.

¹Hereafter referred to as T.S.T.A.
was beginning to express a strong interest in such teacher needs as salaries and tenure. Since that time the organization has publicly sponsored various welfare needs of its members.

Any attempt to evaluate the effectiveness of the T.S.T.A. in meeting the needs of Texas public school teachers must be based, at least in part, on the tangible results which have been obtained. Although the T.S.T.A. cannot receive either the entire blame or credit for the end results of legislation, constitutional amendments, or other political action involving tenure or retirement, as the largest and most influential teacher organization in the state, it must assume major responsibility.

In the first century of development, the state of Texas, as a frontier region, emphasized economic and political individualism. The early settlers followed their chosen trades, professions, and business interests with a minimum of governmental intervention. Such an environment as this has tended to resist legislation providing for government fostered security for the individual. The situation is further complicated by the presence of "pressure groups", with strong commitments to the perpetuation of certain policies in the name of "individualism." Organizations of local, state and national scope

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stimulate and guide the efforts of such groups to dominate the school system and challenge the very freedom of the individual teacher within the classroom and the community.  

Some of the most vociferous among these pressure groups are self-appointed "patriots" who seek to force their ideology upon the community. These groups sometimes seek to influence the schools by providing propaganda material, requiring certain "patriotic" exercises, demanding the teaching of their own brand of historical "truth", or limiting the discussion of certain subjects.

The fact that such individual and group efforts do influence what schools teach is illustrated by a 1948 survey of Texas teachers in which 28 per cent said that communism could not be discussed openly in the schools. Similarly 18 per cent found governmental ownership of public utilities, and 10 per cent socialism, to be forbidden topics.

"Fundamentalist" religious groups are particularly active in certain communities. Controversy exists over the problem of how to cope with the various "religious" and "secular" elements in the population, and their conflicting demands concerning religious exercises in the public schools. Both


overt and subtle pressures by such groups on teachers and schools definitely restrict the freedom of teachers in many school systems.\textsuperscript{7} Earlier efforts sought to restrain the teaching of social dancing, impose sanctions against drinking and gambling, or make it difficult for a teacher who was a member of a minority religious group.\textsuperscript{8}

More recently the emphasis has shifted away from the social behavior of teachers to the intellectual control of textbooks. Texas schools have sometimes banned textbooks dealing with evolution and this topic often could not be discussed openly in the classroom. The following opinion concerning evolution in textbooks, expressed by Miriam Ferguson when she was governor of the state, is still advocated by some groups. "I'm a Christian mother, who believes that Jesus Christ died to save humanity, and I am not going to let that kind of rot go into Texas textbooks."\textsuperscript{9}

Typical of the problem is the action of the Elders of the College Church of Christ, Abilene, Texas, objecting in 1966, to certain textbooks because, "No mention is given to the Bible account of the creation of the world," and their opposition to such phrases, in a biology text, as the following,

\textsuperscript{7}H. K. Beale, \textit{Are American Teachers Free?}, (New York, 1936), p. 76.

\textsuperscript{8}Cokendolpher, \textit{Freedom of Teaching}, p. 85.

\textsuperscript{9}Beale, \textit{American Teachers}, p. 311.
"Many astronomers, geologists, and chemists are reasonably sure that at some early stage in the earth's history it was a molten mass."\(^\text{10}\)

The strongest pressure group of all, however, may be business. Disproportionate power is, or can be, wielded in schools by wealth-holding groups. Under a business enterprise system, businessmen have tended to dominate most of society's institutions, including education, either directly or through intermediaries.

Both corporate and local business groups have used the schools for business and political purposes. In some cases the cost of free "instructional" material provided to the schools from private sources may be greater than the cost of textbooks.\(^\text{11}\) This material usually comes from business sources, including the National Association of Manufacturers, local and national Chambers of Commerce, and others. These free materials often mix the educational aspect of a topic with subtle advertising in support of a specific product, or of "free enterprise" in general.

Business and other pressure groups frequently overlap. Two past presidents of the National Association of Manufacturers have served on the John Birch Society Advisory Council, a

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group active in seeking to control schools. Members of various business groups also often make themselves "available" in a "service capacity", such as becoming members of a school board. Business groups have also been able to exert control over the educational system in a less direct manner. According to sociologist Patricia Sexton:

These same groups (corporate business groups), however, have generally been content to participate, from the sidelines, in a political coalition to preserve the status quo in public schools, assert states' rights in education, resist federal authority, and minimize school taxes on business and industry.

H. K. Beale, writing in 1938 makes the following comment about businessmen:

More important than all of these other controls is the power of business. Even business does not have the power it once had... but if big business is under a cloud and has lost some of its prestige of the twenties, and if a few teachers have become a little less gullible in accepting obvious propaganda at face value, none the less the businessman as an individual still controls our schools. He is still the leading citizen whose good will and friendship the teacher wants. He and his lawyer satellites and hangers-on still occupy most of the seats in our boards of education. His point of view is still acceptable by teachers, whose backgrounds are usually middle class. He still dictates the hiring and firing of teachers.

This is reflected in a 1948 survey of Texas public school teachers; 36 per cent claimed they could not openly discuss

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13 Sexton, The American School, p. 22.

the practices of local businessmen in a critical manner, and 44 per cent could not denounce local men for corruption.\footnote{Cokendolpher, Freedom of Teaching, p. 37.}

The "power structure approach" as developed in the works of Mills, Hunter, and others, hypothesize that community power follows business power.\footnote{This concept is discussed in several well known works including the following: C. Wright Mills, The Power Elite, Floyd Hunter, Community Power Structure, Paul Goodman, Growing Up Absurd, and Compulsory Miseducation, and Patricia Sexton, The American School.} However, this concept does not imply that business or any other single group exclusively controls the schools. In most communities there are numerous groups who seek to exert influence on the school and limit the freedom of teachers, which cannot be approximately included in any of the previously mentioned categories. Superintendents, in one study, reported that significant influence was exerted by the P.T.A., the press, old-line families, and others.\footnote{Neal Gross, Who Runs Our Schools, p. 50.} Although their relative influence may vary in different communities, all these groups and individuals insure that the cultural and political climate of a community inevitably gets through to the local school system, whether the climate is expressed openly by special interest group spokesman or is sensed by prolonged, informal contact.\footnote{Burton R. Clark, Educating the Expert Society, (San Francisco, 1962), pp. 122-144.}
School Bureaucracy

The school board acts as an agent for transferring the influence of the community to the school system. Board members come from the community and are charged with representing it, and in doing so tend to reflect the values of their more influential constituents as well as the pressures of organized groups. School board members have been characterized as being primarily middle aged, white, and Anglo-Saxon Protestant. They are more likely to be college graduates, businessmen or farmers, male, and almost exclusively of middle and upper-income groups.¹⁹

This was found to be true of Texas school board members and is illustrated by a 1939 study which found that school board members in Texas may as a rule be classified in the "upper social and economic strata" and that farmers, professionals and businessmen dominated the school boards. ²⁰

The school board has the legal authority to oversee, to hire and fire, and to review the work of the school administrators. However, in many school systems the administrators dominate the board. In practice the "bureaucracy" of administrators (superintendents, principals, and others) by virtue of their strategic position and political skill often have

²⁰ Irvin, "Social and Economic Status of School Board Member," Texas Outlook, XXV (August, 1941), 50.
greater operating power than the school boards. However, this seldom alters the political climate, inasmuch as only those who share the ideology and values of the school boards become, and remain, administrators.

The school superintendent and other school administrators find themselves at the center of a complex situation. The capacity of the local administrator to comprehend these complexities and his school district's political environment is the key to his success. The superintendent has his difficulties. He is buffeted from all sides by numerous factions seeking to influence the operation of the school. He may be a "professional educator", but must be a politician. He must placate frequent opposition and maintain the favor of his school board. Of necessity superintendents "play politics".

In large school systems where the superintendents cannot take direct interest in particular schools, the principal is in a position of power in dealing with the teachers. His judgment is often accepted, without question, concerning the character and ability of the teacher. Such judgments frequently are highly subjective and prejudicial. The principal, too, finds his position difficult. If anything goes wrong in the school, the principal is accountable. If he wishes advancement

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or job security, he, like the superintendent, must placate the various pressures in the community. The principal's job is to keep the school "running smoothly", and he must face community opinion of what "his teachers" say and do. Under such circumstances the principal usually favors the teacher who will "cooperate", obey orders unquestionably, and avoid controversial questions.

Methodology

The general method of procedure in this study included interviews, attendance at T.S.T.A. conventions, and a study of the publications in this area. Unstructured interviews with officials of the T.S.T.A., the Social Security Division of the Texas Department of Public Welfare, the Dallas Social Security Office, and the Texas State Teacher Retirement System provided information not readily available from other sources. Similar interviews with classroom teachers were generally not very helpful in securing information on tenure or retirement. Since most of the teachers interviewed were so poorly informed, or uncommunicative, concerning their own status with regard to these subjects, interviews with them were not very productive. Perhaps this fact in itself is significant since it indicates either a failure to acquire information readily available to classroom teachers, or a fear of revealing information and
opinions to a stranger. The T.S.T.A. apparently has not taken the responsibility of educating its membership concerning the facts in these two important areas.

Individual classroom teachers did, however, offer information concerning the general operation of local T.S.T.A. organizations and the bureaucratic structure of the schools. Additional background information in the T.S.T.A. structure and operation was gathered from attendance at local T.S.T.A. meetings and state conventions over a three year period (1966-69).

Major sources of information in this study included books, periodicals, public statements of educators and T.S.T.A. officials, state and federal documents, and numerous publications of the T.S.T.A. and other educational organizations.

The official response of the T.S.T.A. to the needs of its members in both the areas of tenure and retirement is indicated in the numerous official publications of the organization. For a chronological review of the history of T.S.T.A. activities in these areas, the Texas Outlook (official publication of the T.S.T.A.) is invaluable. Articles and reports concerning both tenure and retirement have appeared frequently in this monthly periodical since the early 1920's. These furnish factual information and also often reflect the attitude and opinions of the T.S.T.A. leadership, administrators, and classroom teachers on these subjects. Another informative
T.S.T.A. publication is the T.S.T.A. Yearbook. This is primarily a record of the annual state convention, giving an official record of the resolutions, committee reports, and various speeches by the state leadership. These publications, with numerous other bulletins, research reports, committee reports, and statements of state and local officers of the T.S.T.A. constituted the primary sources for this study.

Additional background information on the T.S.T.A. itself and its operation is provided in certain secondary sources such as T. P. Jone's *A Study of the Growth, Organization and Activities of the Texas State Teachers Association*. This highly partisan study gives a general history of the growth of the organization, biographical sketches of past presidents, some statistical data on membership, and explanations of some of the past activities. This work is not used as a major source for this study, however, since it contains only limited material on retirement and none on tenure.

Specific information is given on the subject of teacher tenure and teacher freedom in H. K. Beale's book, *Are America's Teachers Free?*. This work is a comprehensive study combining a general discussion of the problem of teacher freedom, relevant statements of educational and political leaders, and the results of numerous personal interviews with classroom teachers and administrators. Teacher organizations in general are discussed
in this study, and their relationship to the broad school-community structure is emphasized. This work by Beale provides a description of the problems of personal and academic freedom which face most public school teachers throughout the United States. It also analyzes those forces within the school and community which create or contribute to these problems throughout the nation, but appear in Texas in an acute form.

A more relevant, but much less comprehensive study, The Freedom of Teaching in Texas, by F. N. Cokendolph, points out the forces which limit freedom of teaching and restrict the conduct of Texas teachers. Cokendolph relies primarily on the results of a questionnaire to a sample of Texas teachers. The resulting data supports the findings by Beale and others, that teachers are severely restricted in personal conduct and academic freedom and are subject to arbitrary and unjust dismissal.

Indefinite Tenure, by C. W. Scott, is specifically concerned with legislation to provide teachers protection against such conditions. This study gives an analysis of tenure laws, as well as a brief history of tenure legislation in the United States. Scott's treatment gives an insight into the essential features of an effective tenure law, and is relevant to any study of teacher tenure. There is no mention of the role of Texas in Scott's discussion of the history of tenure legislation in the United States. However,
this omission is significant, since Texas had no major part in the development of teacher tenure and still does not have an effective statewide tenure law, although such legislation is common throughout the nation.

Teacher retirement, the other topic under review in this manuscript, has also been the subject of a number of studies. Teacher retirement in Texas is discussed from a historical point of view in Public Employees Retirement in Texas, by J. E. Swanson, and Francis A. Mitchell. This study gives only slight mention of the role of the T.S.T.A., but is primarily concerned with the development of retirement legislation and the actual operation of the teacher retirement system.

A more detailed approach to the retirement question is presented in an official T.S.T.A. study published in 1955, entitled, A Study of Retirement Systems. This report gives general information on the operation of the state retirement system and statistical data concerning various aspects of the program. The primary purpose of the report, however, seems to be a partisan comparison of the Texas State Teacher Retirement system, the Social Security system, and a retirement program offered by private industry. This comparison points out some
weaknesses of each, but makes no mention of the possibility of combining the state and federal programs to the advantage of Texas teachers.

The first of the major subjects of this study, tenure, is discussed in Chapter II. This chapter explains the principles and purposes of teacher tenure legislation, and then demonstrates the need for such protection. Tenure is discussed, not only as a security need for teachers, but as an important element in providing an environment of freedom in the education system. The actions, public statement, and policies of the T.S.T.A. on tenure are then reported and discussed in relation to the political and institutional climate of the state.

The other main topic of discussion, teacher retirement, is covered in Chapter III. A brief discussion of the retirement needs of Texas teachers is followed by a historical review of teacher retirement in Texas. The role of the T.S.T.A. in the campaign to secure legislation in this important area is emphasized, and the actions of the organization are discussed from the time the T.S.T.A. first supported teacher retirement legislation until the latest revision of the state system.

The concluding chapter summarizes the material in the preceding chapters on tenure and retirement and draws certain conclusions about each major topic.
CHAPTER II

TENURE

Tenure, by dictionary definition, is "the period or terms of holding something".¹ Tenure by public school teacher's definition is "security during efficient service in a position in a school system".² This, however, is a condensed definition for a complex aspect of the teaching profession. Tenure frequently is viewed as the holding of a position by law for a period longer than the usual contractual period. Normally it includes several standard provisions established for the protection of the teacher.

Professional teacher's organizations have, during the past fifty years, recognized the need for teacher tenure. Their statements on the issue, however, frequently have been vague and ambiguous. Typical is the following which appeared in the 1938 issue of the Texas Outlook.

Schools exist for children, and their interests are best served by teachers of intelligence, training, and experience who are permitted to devote themselves to their profession unmolested by fear of unjust and

²Texas State Teachers Association, Teacher Tenure Study, a supplement to Texas Outlook, XXII (September, 1938).
unwarranted removal. As long as teaching is a procession rather than a profession the progress and welfare of children will be hampered. Whatever will stabilize the teaching profession and retain good teachers in one school for a longer time will, generally speaking, have a wholesome effect upon the efficiency of that school and upon the proper development of the boys and girls of that community.  

In 1948, the National Education Association outlined its concept of the principles and purposes of teacher tenure. Although this may be a pedestrian statement of the issue, it is typical of statements on the subject by professional teacher organizations.

(1) To protect teachers and other members of teaching profession against unjust dismissal of any kind, political, religious, or personal.
(2) To prevent the management or domination of the schools by political or non-educational groups for improper or selfish purposes.
(3) To secure for the teacher, teaching conditions which will encourage him to grow in the full practice of his profession, unharried by constant pressure of fear.
(4) To encourage competent, independent thinkers to enter and remain in the teaching profession.
(5) To encourage school management, which might have to sacrifice the welfare of the schools to fear and favor, to devote itself to the cause of education.
(6) To set up honest, definite procedures by which undesirable people may be excluded from the teaching profession.
(7) To protect educators in their efforts to promote the financial and educational interests of public school children.
(8) To protect teachers in the exercise of their rights and duties of American citizenship.
(9) To enable teachers, in spite of reactionary minorities, to prepare children for life in a democracy under changed conditions.

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3Texas State Teachers' Association, Teacher Tenure.
4"Principles of Tenure," Texas Outlook, XXXII (July, 1948), 7.
Based on such concepts of teacher tenure, the N.E.A. developed in 1959, the following guide lines for tenure legislation.

(1) a specific probationary period, during which careful supervision and objective evaluation is given to the teacher. (Tenure status to all teachers who have met requirements as to training and service should automatically follow the probationary period.);
(2) a warning of unsatisfactory service with sufficient time for the individual to show improvement before a notice is given of intention to dismiss;
(3) a written statement of charges which would include specific reasons for dissatisfaction if service has not improved satisfactorily;
(4) a fair hearing and an opportunity to present a defense, including the right to counsel and supporting witnesses;
(5) the right of appeal to a higher authority and to the courts.

In addition to these basic features, tenure laws should recognize the principle of seniority in the event reduction of staff is necessary. Procedures for notice, a written statement of charges, and a hearing in case of demotion in rank or reduction in salary are written into some tenure laws. Finally, tenure laws should outline definite procedures for dismissing unsatisfactory probationary teachers.5

Most of these features have been included in many tenure laws passed in other states6 and in those proposed in the Texas Legislature.7

Teacher tenure is based on the concept that the purpose and justification of tenure is the establishment of an academic climate which will foster the educational process in its

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7See Appendix I, which is typical of most tenure legislation introduced in the Texas legislature.
pursuit of truth, even when that truth is counter to the customs and folklore of the community. Adequate tenure legislation is emphasized as the only practical method to offer the individual teacher reasonable job security in the school system. The financial and family responsibilities of teachers are similar to those of other members of society, yet, in some communities without teacher tenure, the competent and responsible teacher cannot expect a high degree of job security if he decides to challenge the status quo. He may in fact, find his job less secure than the incompetent teacher who is willing to "go along" with the community power structure.

Thus, tenure legislation at the state and local levels has been promoted by state and national teacher organizations as the only practical method of protecting the competent teacher against unfair treatment, and promoting an orderly and acceptable means of dismissing incompetent teachers from their positions. The issue implies much more than the right to teach the facts even though unacceptable to influential members of the community. Without adequate tenure protection, these teachers are restrained by fear that arbitrary dismissal might follow their attempts to teach effectively.

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Although only a relatively few teachers may actually be fired or penalized, the implied threat of such penalties restricts freedom of all teachers.

Even today, there is no meaningful state tenure law for public school teachers in Texas, nor do most local systems provide such protection. In many school systems a teacher can be removed from his position without specific charges or even an opportunity of a hearing proceeding removal. Typically, the school board meets at the end of the school year and decides which teachers will be re-employed and the teacher must accept the verdict of the board without recourse. These decisions of the school boards concerning the hiring and firing of teachers need not necessarily be prompted by wise and impartial judgments. More equitable procedures seem necessary. One Texas teacher commenting on such arbitrary action says:

Personal and petty complaints, which are all too common, should never be allowed a free hand in determining the choice or dismissal of teachers. Even the most efficient and worthy teacher cannot find it possible to please everyone, especially when there are those in every community whose conception of a teacher is based on the teacher's ability to conform to their distorted idea of perfection.¹⁰

Systems which give such arbitrary power to a few administrators would seem to be readily susceptible to various forms of discrimination.

¹⁰Marvin Burk, "Teacher Tenure in Texas," Texas Outlook, XXIII (February, 1939), 11.
Divorced persons, atheists, socialists and foreign born have often been discriminated against. Texas schools have also shared in the long history of discrimination against Negroes and Mexican Americans.\(^\text{11}\) There have been cases of teachers being dismissed from Texas schools because they married, because they did not marry a board member's son, because they had "been there too long",\(^\text{12}\) or because they "bought a cafe".\(^\text{13}\) Community church fights and friction with trustees have also been the cause of dismissal of some teachers.\(^\text{14}\)

Responsible tenure laws would greatly reduce such practices. They would also limit the power of local boards and administrators to carry out such actions, or to dismiss a teacher in any case without proper cause. In view of the existing situation, the opinions of school administrators would appear to be significant. These opinions, like others, probably vary considerably from one community to another, and among individual administrators. Some administrators speaking as officers and committee members of the T.S.T.A. have, at times, expressed approval of tenure legislation. There may be some doubt, however, as to the real support of teacher tenure by a majority of

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\(^{13}\) S. P. Butler, "Teacher Tenure in Texas," Texas Outlook, XXII (January, 1938), 32.

administrators. In 1943, an article in The American School Board Journal stated:

The inauguration of the teacher tenure laws did not receive the complete approval of the school administrators. While it was recognized that the competent teacher is entitled to protection in his job, it was also believed that the incompetent teacher would chiefly profit by the tenure laws. Boards of education, no less than superintendents, were irked by the thought that the dismissal of a teacher should be accompanied by a charge, hearings, and legal procedures. There is no doubt that in the legal contests of teacher tenure, an attitude of resistance to the clear cut rights of teachers is prevalent on the part of school authorities.15

A concept often used in arguments against tenure was expressed by a principal in the following statement. "It (tenure) may kill initiative if it encourages the idea that there is nothing to win or lose." This same principal saw no need for tenure since, "One of the most encouraging things observed by the writer over a number of years is that teachers, principals, and superintendents are unbelievably accurate and just in judging their fellows".16 Another administrator expressed the opinion that tenure was undesirable because "Tenure plans have, to some extent at least, removed the necessity for a teacher to adopt new techniques and procedures".17

M. E. Broom (El Paso, Texas, Assistant Superintendent) expressed the general


attitude of many administrators opposed to tenure with this statement: "Obviously, permanent tenure lends itself to so many evils, and lays itself open to so much just and unjust criticism that it cannot in the long run benefit education or educators". 18

The opinion of administrators concerning teacher tenure may be divided, but there appears to be overwhelming support for tenure among classroom teachers. A 1946 study of Texas teachers stated:

The experienced teachers of Texas, as indicated by a sampling of 2,056 in attendance at a teacher's college, are in favor of teacher tenure and security in the profession. They believe that it will improve teacher's morale, lessen the moves from place to place, encourage professional growth, and promote better teacher efficiency. 19

The benefits of adequate tenure have long been evident to Texas teachers. One teacher expressed it this way:

The benefits of tenure for teachers have been widely publicized and have placed emphasis on improvement of mental health, economic security, a shift of interest from "winning favor" to teaching, and freedom in teaching, and exercising the rights of citizenship in the community. 20

Another article by a classroom teacher stated:

The tenure law corrects evils which cannot otherwise be corrected, doing more for the morale of the teachers

18M. E. Broom, "Tenure of Teacher," Texas Outlook, XXI (April, 1937), 40.


20Francis Jelinech, "Tenure—Both Sides," Texas Outlook, XXVIII (May, 1944), 22.
and students than any other provision can do....The rising tide of education and high qualification for teachers demand reasonable tenure laws.21

An examination of the various arguments for and against tenure seems to indicate two general schools of thought. Those who oppose tenure (mostly administrators and school boards) maintain that in order to operate "efficiently" the teacher must be under the threat of summary dismissal. There is every reason to believe that administrators and school trustees oppose tenure because it would restrict their traditional authority to "hire and fire" as they see fit. Those who favor tenure (mostly teachers) argue that in order for teachers to have personal and academic freedom the guarantees provided under tenure must exist.

The primary concern in any discussion on tenure, however, is academic freedom. One study on the subject states:

Academic freedom is...a right claimed by the accredited educator, as teacher and as investigator, to interpret his findings and communicate his conclusions without being subjected to any interference, molestation, or penalization because those conclusions are unacceptable to some constituted authority within or beyond the institution.22

While considering the question of academic freedom, it is also worthwhile to keep in mind a set of guiding principles, such as those developed in 1938 by the American Civil Liberties

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Unions:

1. No interference with freedom of teaching in adult or higher education except upon judgments of juries of educators; not in lower schools except upon judgments of composite juries of administrators, community and teachers.
2. No limitation on classroom discussion relevant to the subjects taught.
3. Outside of schools, the same freedom for teachers as other citizens, with encouragement of participation in public affairs.
4. No interference with the right of teachers to organize for their own protection and freedom of teaching to affiliate with labor.
5. No unreasonable interference by legislatures with the school curriculum, the control of which would be vested in educational authorities and the teaching profession.
6. No compulsory religious practices in the schools, such as Bible reading.
7. Protection of the rights of students to organize for discussion of public issues, without faculty control. No disciplinary action against students because of religious, political, or other views or activities.
8. Opposition to all special oaths of loyalty for teachers as unfair discrimination and as harmful to free and open critical inquiry.
9. Strong tenure laws in all states to protect teachers against unjust dismissals.

The Texas Political Climate

The political and institutional climate in Texas obviously does not readily accept all of these principles, and is not receptive to the concept of academic freedom in many cases. Texas teachers are rarely free to express unpopular political or philosophical views. Texans have long been fearful of "radicalism", often do not distinguish one type from the other, and tend to identify all who do not share the values dominant in the community as "radicals".

In schools where radical ideas are banned, conservative economic and social views, and reverence for the status quo are usually instilled into the students. Conservative pressure groups do not call this indoctrination, but label it "teaching the truth" about social and economic questions or "acquainting children with American ideals".

Typical of the kind of actions from individuals and pressure groups which seek to restrict academic freedom are activities of "The Parents Committee" of Tarrant County, which has suggested that children are not being taught "free enterprise" as they should. This group lodged an official protest because a proposed text suggested that not all of those who drafted the United States Constitution were completely satisfied with it. E. A. Kilpatric, a frequent spokesman of such self-styled "patriots", in protesting the adoption of certain textbooks, charged that the quotation, "a very large part of our national debt is the result of expenditure for war or its prevention", taken from a public school textbook was entirely untrue. The real cause of the national debt, Kilpatric claimed, was, "what many believe to be unconstitutional activities such as, (a) give away programs; (b) foreign aid; (c) subsidies; (d) urban renewal; (e) The entry of government into private business in competition with private industry".

Texas Education Agency, Objections to Textbooks, (Austin, 1967).

Texas Education Agency, Objections.
Texas teachers, who are without effective tenure regulation have, at times, been subjected to numerous other infringements on their academic freedom. Table number 1, from an earlier study, indicates certain ideas which are often restricted in the classroom. (The percentage figures on this chart may be low, but they do give a representative list of such restricted ideas and their rank.)

**TABLE I**

**SURVEY OF TEXAS TEACHERS IN 1948 SHOWING APPROXIMATE PER CENT OF SCHOOLS IN TEXAS IN WHICH CERTAIN IDEAS MAY NOT BE DISCUSSED OPENLY**

<table>
<thead>
<tr>
<th>Ideas</th>
<th>Per Cent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-existence of God</td>
<td>70</td>
</tr>
<tr>
<td>Denunciation of local men or officials for corruption</td>
<td>70</td>
</tr>
<tr>
<td>Criticism of practices of local business men as unjust</td>
<td>36</td>
</tr>
<tr>
<td>Birth control</td>
<td>26</td>
</tr>
<tr>
<td>Communism</td>
<td>28</td>
</tr>
<tr>
<td>Teacher membership in labor union</td>
<td>28</td>
</tr>
<tr>
<td>Theory of evolution</td>
<td>20</td>
</tr>
<tr>
<td>Condemn the activities of the American Legion or the Daughters of</td>
<td>20</td>
</tr>
<tr>
<td>the American Revolution</td>
<td></td>
</tr>
<tr>
<td>Government ownership of public utilities</td>
<td>18</td>
</tr>
<tr>
<td>Socialism</td>
<td>10</td>
</tr>
<tr>
<td>Disapproval of the mayor's plans or program</td>
<td>8</td>
</tr>
<tr>
<td>Necessity of peaceful reform of capitalist system</td>
<td>6</td>
</tr>
<tr>
<td>Criticism of the President or Governor of Texas</td>
<td>6</td>
</tr>
<tr>
<td>Denunciation of practices of Big Business</td>
<td>6</td>
</tr>
<tr>
<td>Condemn the Truman Doctrine</td>
<td>6</td>
</tr>
<tr>
<td>Abolish the poll tax</td>
<td>6</td>
</tr>
<tr>
<td>Raise taxes on natural resources</td>
<td>4</td>
</tr>
<tr>
<td>Object to the peacetime draft</td>
<td>4</td>
</tr>
<tr>
<td>Approve of labor unions</td>
<td>4</td>
</tr>
<tr>
<td>Political equality for Negroes</td>
<td>4</td>
</tr>
<tr>
<td>Advocacy of federal aid to public schools</td>
<td>0</td>
</tr>
</tbody>
</table>

Source: Cokendolpher, "Freedom," p. 35.
Discipline for violation of these restrictions, in most cases comes through informal channels of communication within the school system bureaucracy, although it may originate from a pressure group or influential individual in the community. At times, however, the teacher may be faced with a direct confrontation with a disturbed parent. In this situation, the teacher not uncommonly finds himself with little or no backing from an educational system anxious not to "rock the boat".

Such restrictions and others are enforced by a variety of pressures. Table II indicates several reasons teachers are inclined to avoid such controversial issues.

**TABLE II**

**REASONS FOR AVOIDING CONTROVERSIAL SUBJECTS BOTH IN AND OUT OF THE CLASSROOM, AS CHECKED BY TEXAS TEACHERS IN A 1948 SURVEY**

<table>
<thead>
<tr>
<th>In Class</th>
<th>Out</th>
<th>Reason that was checked for avoiding issue</th>
</tr>
</thead>
<tbody>
<tr>
<td>28%</td>
<td>50%</td>
<td>Fear of public opinion</td>
</tr>
<tr>
<td>30%</td>
<td>32%</td>
<td>Feeling of futility of not conforming</td>
</tr>
<tr>
<td>25%</td>
<td>32%</td>
<td>Fear of refusal of a good recommendation</td>
</tr>
<tr>
<td></td>
<td></td>
<td>when applying for a position</td>
</tr>
<tr>
<td>28%</td>
<td>30%</td>
<td>Fear of dismissal</td>
</tr>
<tr>
<td>26%</td>
<td>16%</td>
<td>Fear of reprimand or other discipline</td>
</tr>
</tbody>
</table>


---

The informal channels of communication may be considered those other than passage through the sequential school system hierarchy. The non-conforming teacher may receive word of his indiscretion and its possible repercussions from sources such as fellow teachers or friends.
Quite often there are other pressures. One Irving teacher remarked that teachers who violate any taboos or raise any controversy will often find themselves in a less desirable school the following year, have an increase in extra-curricular duties, or have more trouble and delay with requisitions for materials.\(^{27}\)

Restraints on personal freedom outside the classroom have been one of the most bothersome problems for teachers without tenure. H. K. Beale maintains that, "A teacher's conduct outside of school is more likely to cause trouble than his teaching in school. Restraints upon conduct are particularly irksome too, to most teachers when respectable citizens indulge privately in conduct they forbid to teachers."\(^{28}\)

Table III gives the responses to a 1948 survey of Texas teachers asked the question, "If a teacher in your school system did one of the following, check its implications, if it became known".

Table III seems to indicate a belief among Texas teachers in 1948 that the prevailing community attitude often was that teachers should not indulge in certain types of conduct even where acceptable for other "respectable citizens". Smoking, drinking, and gambling are activities which might be permissible

\(^{27}\)Statement by Irving elementary school teacher, Irving, Texas, October 20, 1969.

for "respectable citizens" of a community, but these same activities could result in serious consequences for a teacher.

**TABLE III**

SERIOUSNESS OF CERTAIN PRACTICES OF TEACHERS IN THEIR PERSONAL CONDUCT, AS DETERMINED BY A 1948 SURVEY OF TEXAS TEACHERS' OPINIONS

<table>
<thead>
<tr>
<th>Items or Practices</th>
<th>Rank</th>
<th>% Would be Fired, etc.</th>
<th>% Serious</th>
<th>% Some</th>
<th>% None</th>
</tr>
</thead>
<tbody>
<tr>
<td>Becomes the subject of unproved immoral charges</td>
<td>1</td>
<td>32%</td>
<td>39%</td>
<td>25%</td>
<td>4%</td>
</tr>
<tr>
<td>Gambles</td>
<td>2</td>
<td>26%</td>
<td>30%</td>
<td>32%</td>
<td>12%</td>
</tr>
<tr>
<td>Drinks away from school, if a woman</td>
<td>3</td>
<td>24%</td>
<td>38%</td>
<td>23%</td>
<td>14%</td>
</tr>
<tr>
<td>Dates students</td>
<td>4</td>
<td>15%</td>
<td>46%</td>
<td>34%</td>
<td>19%</td>
</tr>
<tr>
<td>Drinks away from school, if a man</td>
<td>5</td>
<td>13%</td>
<td>32%</td>
<td>35%</td>
<td>19%</td>
</tr>
<tr>
<td>Smokes at school, if a woman</td>
<td>6</td>
<td>5%</td>
<td>33%</td>
<td>35%</td>
<td>29%</td>
</tr>
<tr>
<td>Dances</td>
<td>7</td>
<td>5%</td>
<td>20%</td>
<td>23%</td>
<td>40%</td>
</tr>
<tr>
<td>Becomes unpopular with a strong group but is a good teacher</td>
<td>8</td>
<td>2%</td>
<td>13%</td>
<td>13%</td>
<td>40%</td>
</tr>
<tr>
<td>Joins a labor union</td>
<td>9</td>
<td>4%</td>
<td>10%</td>
<td>38%</td>
<td>48%</td>
</tr>
<tr>
<td>Seldom stays in community on weekends</td>
<td>10</td>
<td>4%</td>
<td>6%</td>
<td>30%</td>
<td>60%</td>
</tr>
<tr>
<td>Has a date most every night</td>
<td>11</td>
<td>2%</td>
<td>10%</td>
<td>30%</td>
<td>58%</td>
</tr>
<tr>
<td>Runs for office</td>
<td>12</td>
<td>1%</td>
<td>8%</td>
<td>21%</td>
<td>70%</td>
</tr>
<tr>
<td>Campaigns for some other candidate</td>
<td>13</td>
<td>1%</td>
<td>6%</td>
<td>30%</td>
<td>63%</td>
</tr>
<tr>
<td>Seldom goes to church services</td>
<td>14</td>
<td>0%</td>
<td>4%</td>
<td>36%</td>
<td>60%</td>
</tr>
<tr>
<td>Attends the movie</td>
<td>15</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>100%</td>
</tr>
</tbody>
</table>


Such restrictions on personal conduct, combined with the academic restrictions previously suggested, have left the teacher little individual freedom to deviate from his strictly defined role in the school bureaucracy. Conditions
such as these, which regiment both the professional and personal life of the teacher, firmly established the necessity for adequate tenure protection, and conditions similar to these prompted teachers to begin action toward obtaining tenure legislation in the latter part of the nineteenth century.

Teachers who were unhappy with the lack of tenure in the public school frequently had become acquainted with the concept of academic freedom and tenure protection which has been traditionally supported by college and university facilities.

Through their professional organizations teachers in various parts of the United States sought to gain such protection for public school teachers. The N.E.A., the American Federation of Teachers, and some state teacher organizations were active in the earliest efforts to secure teacher tenure. In 1887, the N.E.A. formed a committee to study tenure and by 1924, was urging teachers themselves to present the case for tenure in their own communities. The state teacher associations in California, Indiana, Massachusetts, and New Jersey were particularly active in the period from 1900 to 1930; and the American Federation of Teachers was also strongly in favor of teachers tenure after its organization in 1916.29


New Jersey was the first state to enact tenure legislation in 1909. Other states followed with varying types of tenure legislation (Wisconsin-1909, Oregon-1913, Massachusetts-1914, and others). By June of 1932, twenty-six states had some kind of tenure legislation. This increasing number of states indicated a general national interest in teacher tenure; but there was no significant attempt to secure such legislation in Texas until 1937.

During the 1930's, Texas teachers were disgruntled by depression conditions, "blanket dismissals", and unfair firing of teachers. Teachers were dismissed for such stated reasons as: "had too many expensive clothes", "spoke Spanish too fluently", "tried to be 'ritzy' by eating at the local hotel; evidently thought she was too good to eat ordinary boarding house grub", "had dates: was even seen at the picture show with one of the men teachers".

T.S.T.A. Activities in the Area of Tenure

Protesting such conditions, Texas teachers sought aid through their professional organizations. In 1937, Vera Strong, president of the Texas Classroom Teachers Association chided the T.S.T.A. for not being responsive to the teachers' needs

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31 Scott, Indefinite Tenure, pp. 27-29.
33 Margaret Young, "Teacher vs School Board," Texas Outlook, XXII (November, 1938), 60.
in this area and stated: "In reviewing the resolutions
drafted by the T.S.T.A. for the past four years, I find no
mention of tenure". Mrs. Strong reported that a tenure
bill had been introduced into the legislature the last session
but met with little success even though the Texas Classroom
Teachers and the N.E.A. had supported it. After a first
hearing on the bill by the education committee and some revision,
A record hearing was given on the revised bill on March
5 at 7:30 p.m. Mr. DuShane, chairman of the N.E.A.
tenure committee, was present to give the benefit of
his wide experience in the discussion of the bill. Less
than a majority of the Senate Education Committee was
present, and only two of those present seemed inclined
to give the matter serious thought.

During the 1937-38 period the T.S.T.A. finally took official
notice of the situation and formed a tenure committee composed
of four administrators and six classroom teachers. According
to a report by the chairman, Oscar Miller, at the 1939 convention,
the committee had taken the following action:

It (the committee) has had a number of meetings, studied
the tenure question in all its aspects, gathered data
through and from the teachers of Texas and studied the
tenure laws of other states. Several guiding principles
were set up, but the important overall concept was, a
tenure law must do two things: first, it must protect
the good teacher against unjustifiable discharge and,
second, it must make it relatively easy to eliminate the
poor teacher.

34 Vera Strong, "Teacher Tenure," Texas Outlook, XXI (November,
1937), 48.


36 Texas State Teacher's Association, Yearbook 1939 (Austin,
In the gathering of information, which Miller mentions, the committee relied in part on a supplement in the September, 1938, *Texas Outlook*. This supplement consisted of a two page questionnaire concerning the present contract system the teacher was under and the general opinions of teachers on tenure. The supplement was prefaced by the following statement of the tenure committee:

A teacher tenure plan with proper safeguards, will operate to strengthen our educational system in the following ways: encourage careful selection of teachers, attract to and hold in the profession able young people, provide a fair method for dismissal of incompetent teachers, encourage professional growth and higher standards, protect schools from political control, contribute to community life, require adequate and helpful supervision.37

The tenure committee from the very beginning publically stated its approval of tenure legislation and publically supported this kind of bill in the legislature.

Miller further reported to the convention what had occurred relating to the tenure bill:

...The bill was then written and introduced in the legislature last March. It was referred to the education committee where it came up for a hearing. The bill was much more warmly received than the one introduced two years ago. The majority of the representatives from the larger cities seemed to be favorable to teacher tenure, whereas, two years ago they were opposed. The opposition seemed to come from the representatives of the rural districts.38

37Texas State Teacher's Association, *Teacher Tenure Study*.  
Despite the "warm" reception the bill did not pass. The proposed bill included provisions covering a probationary period, causes for dismissal, and notification and provision for a hearing and appeal.\(^{39}\) (See Appendix I.) Most of the tenure bills introduced in the legislature after 1939 were similar to this early proposal, including the "continuing contract bill" which passed in 1967. (See Appendix II.)

Despite the failure to get results, the 1939 T.S.T.A. convention reiterated its public approval and support of the tenure committee with the following resolution:

> Realizing that a retirement law can mean little to teachers who do not have security of position; and realizing, also, that the teachers of Texas have been urging for years that tenure legislation be pushed vigorously, we recommend that responsibility for securing passage of a tenure law be placed upon the Tenure Committee (the history of tenure legislation records that success rarely obtains unless the Tenure Committee has the power and responsibility), which shall be aided in every way possible by the Legislative Committee of the Texas State Teachers Association.\(^{40}\)

The state convention of the T.S.T.A. in 1940 again gave its public support: "We recommend a sound teacher tenure law, believing that such a law will be of direct benefit to the school children of Texas".\(^{41}\)


\(^{41}\)Texas State Teacher's Association, "Resolution," p. 45.
A bill was introduced in the legislature meeting in 1941, and the results were the same as with the 1939 proposal. An explanation for the ineffectiveness of the T.S.T.A. in securing passage for these measures is implied in a report a year later. In 1942 the members of the T.S.T.A. resolutions committee submitted the following report:

The Texas State Teachers Association has been working on teacher tenure since 1937 having appointed a tenure committee, made adequate research, drafted a bill, and had the bill introduced in the sessions of the legislature in 1938 and 1940. This tenure has been deferred each time until the accomplishment of teacher retirement. We therefore recommend that the Texas State Teachers Association make tenure one of the primary objectives for the year 1942 and that a special program of activity be developed spending as much money, time, and effort as necessary to accomplish this objective.42

This seems to imply that the T.S.T.A. by "deferring" the proposal had not really made a serious effort in the past two attempts to get legislation through on teacher tenure. Apparently the past proposals and resolutions of the T.S.T.A. on this subject had received only "lip service" from those guiding legislative action. This is further supported by Tenure Committee Chairman Miller who stated in his report to the 1941 convention:

At the last two sessions of the state legislature, 1939 and 1941, the Texas State Teacher's Association Legislative committee and Executive Committee asked the tenure

committee to withhold their tenure bill for fear that its introduction in the legislature might in some way interfere with financing of the teacher retirement law.43

At the next legislative session, in 1943, the T.S.T.A. with aid from the T.C.T.A. was instrumental in having a tenure bill introduced in the House of Representatives. This bill was reported favorably from the education committee. When called up for debate however, it met with some opposition. An amendment to kill the bill was defeated by only one vote. Its backers apparently abandoned it, and no tenure legislation was passed.44

After six years of failure to secure tenure legislation despite the resolutions and statements pointing out the great need for such a law and the prolonged study by the tenure committee, it was decided that further study on the matter was needed. In the July 1944 edition of the Texas Outlook the following editorial appeared:

Both the Legislative Committee and the Executive Committee of the Texas State Teachers Association have expressed a desire for a full and frank discussion, through the columns of The Texas Outlook, of the pros and cons of teacher tenure, prior to the next regular session of the legislature.

So far all the material on tenure offered for publication has been favorable to the proposed law. It is very probable that a vast majority of Texas teachers are in favor of the enactment of a tenure

43Texas State Teacher's Association, Yearbook 1941 (Austin, 1941), p. 25.

44Martin, Teacher Tenure, p. 52.
It is equally certain, however, that this sentiment is not unanimous. There are some people in Texas who are opposed to the passage of a tenure law for teachers.

The Texas Outlook would be glad to hear from those who do not favor teacher tenure legislation, whether they be teachers, school executives, school board members, or private citizens, interested in the welfare of education in Texas. Let both sides of the question be presented. We shall then be more likely to reach a wise decision.

The same groups which had caused support of the bill to be "deferred" during the previous two legislative sessions were now calling for more delay for discussion of the issue, but no articles appeared in the Texas Outlook which related to teacher tenure, either pro or con, for more than one year, and there was no report on correspondence concerning tenure.

The resolution committee again passed a resolution at the 1944 convention which supported tenure legislation, although perhaps not as emphatically as at previous sessions. The following resolution was passed:

We urge passage of the tenure bill as we believe that tenure should be extended until its benefits reach all youth, the community, school administrators, and teachers.

These early attempts seem to have established a pattern which was often to be repeated. The T.S.T.A. continued to

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45 Texas State Teacher's Association, "As We See It," Texas Outlook, XXVIII (July, 1944), 5.

46 An article discussing arguments for and against tenure had appeared two months previous to this announcement, see Francis Jenkins, "Tenure - Both Sides," Texas Outlook, XXX (August, 1944), 20-23.

47 Texas State Teacher's Association, "Resolution," Texas Outlook, XXXII (January, 1945), 38.
support tenure legislation in its public statements, resolutions, and proposals while giving lukewarm support to the legislation which was introduced and defeated in the state legislature session after session.

Following these ineffective efforts by the T.S.T.A., the tenure committee's work was given to the welfare committee as organizational changes were made within the T.S.T.A. The general pattern of support in word, and failure in deed, remained the same however. No effective tenure legislation has yet passed; although the Legislature did pass a permissive "continuing contract bill" in 1967. Although no major campaigns were sponsored, as with some teacher needs, public support of tenure by T.S.T.A. appears to have been stronger at some times than others. If the number of articles relating to tenure in the Texas Outlook can be regarded as any indicator, the greatest support came in 1948, when 12 articles appeared (compared to the usual one or two per year). During this post-war period, there was pressure for widespread educational reform and the passage of the Gilmer-Aiken bill represented a significant achievement. It did not include tenure however. In 1949, a tenure bill known as the "uniform teacher contract law" was introduced in the legislature, but it met with the usual result.48

The T.S.T.A. also has supported methods other than statewide legislation for teacher tenure. The 1960 convention proposed the following: "We give our unqualified support to the teacher welfare committee in its continued work for the adoption by school boards of ethical procedures for the dismissal of teachers...."49

It is often maintained that effective tenure can be gained only with the cooperation of the local administration. William R. Stover, a school superintendent, takes the following position:

If tenure is to have its full value as an aid to a good school system, all persons connected with the schools must assume some responsibility for it. First of all, they must be convinced that adequate tenure provisions are a necessary part of the conditions provided by a good school. They must believe that tenure, properly conceived and administered, affords protection to the employer, the employee, the pupils, and the public.50

The point made by Mr. Stover that a formal tenure law is only as effective as its administration and acceptance, seems to imply an idea often expressed by teachers, that the bureaucratic structure of schools will use informal means of sanction against teachers even if formalized tenure regulations exist. Few people familiar with the operation of school bureaucracy will question this. However, it is not a valid argument against a tenure law, since teachers obviously have greater protection.


with a state-wide tenure law than with no tenure, or informal tenure, without legal status. A few school systems offer contracts which extend for more than one year, the right of a hearing on dismissal, and other tenure features, but without a state-wide tenure law; Texas teachers have little or no legal protection and only a minimum of security provided by informal tenure.

The beginning of the first partially successful step in an effort by Texas teachers to obtain tenure was brought to the attention of the public at the 1966 state convention. The report of the legislative committee stated: "We are remaining alert to the possibility that legislation may be recommended in one or both of these areas: [tenure and professional negotiations] and we will follow closely the progress of the two committees".51

The tenure committee submitted a proposal which was outlined in the following manner:

The proposal provides a continuing contract program for teachers and administrative personnel with the superintendent included at the discretion of the board of education. It provides a probationary period before the continuing contract becomes effective, but authorizes long-term contracts for experienced teachers before they reach continuing contract status. It also authorizes extension of the probationary period in certain cases and return to probationary status for verifiable reasons. It attempts to remove the annual anxiety period for teachers, simplify the contractual process, and retain the authority of the local board of education.

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It provides an orderly process for resignation of teachers who break contracts after deadline dates. Provision is made for dismissal of probationary teachers, but the proposed bill encourages evaluation and assistance before such action is taken. A hearing is provided if requested. Decision of local board is final.

Teachers under continuing contract may be dismissed for cause at end of any school year. Hearings are requested and appeals to State Commissioner of Education and State Board of Education are provided. Teachers under continuing contract may be suspended within a school year for cause, and procedure is outlined for hearing and appeal to Commissioner of Education or to the courts.  

The proposal was approved and the bill was introduced in the legislature. The bill had little trouble in passing the Senate, but it was amended in the House of Representatives. According to the Texas Schools (an official T.S.T.A. publication), observers reported strong opposition in the House of Representatives to the continuing contracts measure as it was originally written, and one T.S.T.A. leader said that it was possible that the amended continuing contracts bill might have a better chance of passage.

A slightly amended version did pass on the last day of the legislative session and was signed into law by the governor. The Continuing Contract Act, passed in 1967, is strictly permissive legislation and in no way binding on school districts and therefore ineffective as tenure legislation. However, it

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54 Texas Schools, p. 1.
represents the best effort to date by the T.S.T.A. toward obtaining effective teacher tenure. It serves as a "model" which the T.S.T.A. urges local districts to emulate or adopt.

The law does contain many features necessary for effective tenure and is represented by the T.S.T.A. as a satisfactory "model" tenure bill; but closer examination reveals some weaknesses. The continuing contract legislation (House Bill 166; see Appendix II) superficially resembles the earlier proposed tenure bills rather closely. For those teachers covered under the continuing contract, it does provide for written notification of dismissal, a written statement of charges, and the right of a hearing and appeal, which are essential to any meaningful tenure legislation.

The law provides for a formal procedure to dismiss a teacher, and the reasons for dismissal are specifically enumerated. (Sec. 6) One of these reasons seems very vague, however. Section 6g of the law states a teacher may be dismissed, "for good cause as determined by the local school board, good cause being the failure of a teacher to meet the accepted standards of conduct for the profession as generally recognized and applied in similarly situated school districts throughout Texas". This section of the act would appear to allow the school board considerable discretion in determining what "accepted standards of conduct" are.
According to the law, once the teacher is properly notified of discharge from his "continuing contract" he may request a hearing before the board (see 7b). In addition to the prescribed hearing before the board of trustees, in some cases the teacher may receive a preliminary hearing by a peer group of teachers and administrators.

Upon any charges based upon grounds of inefficiency, or inability or failure of the teacher to perform his assigned duties, the board of trustees may in its discretion, establish a committee of classroom teachers and administrators, and the teacher may request a hearing before this committee prior to the hearing of the matter by the board of trustees.55

The value of this provision might be very questionable since the prescribed procedure would seem to be to the teacher's disadvantage in two respects.

(1) The decision of whether or not to have a committee of teachers and administrators is left entirely to the board of trustees by the law. The teacher cannot demand such a committee for a hearing.

(2) The membership on such a board is left entirely up to the board of trustees. This seems to allow the board an open road to form a "loaded" committee of teachers and/or administrators who are favorable to the board.

The next step in the procedure is a hearing before the board of trustees. The teacher's case can be carried beyond the local hearing, however. A method of appeal to the State

55See Appendix II, Section 7b.
Commissioner of Education and the civil courts is provided for and described in some detail in the law. (Section 7g)

In addition to the protection afforded the teacher by the permissive contract system, the school district is also protected by a provision requiring the teacher to give notice of resignation by August 1 or face the suspension of his teaching certificate. (Section 8)

The present effort of the T.S.T.A. is to have the permissive legislation made effective. This past legislative session the T.S.T.A. sought to have the present Act amended as the following statement indicates: "the present Continuing Contract Law will be amended to provide it will apply to all professional personnel and to all school districts". 56

The June, 1969, Texas Schools stated that the legislature had completed its sixty-first regular session with "an excellent record of support for improvements in the Texas public school system". The paper notes that seven out of eight bills sponsored by the T.S.T.A. were passed and compares this to a baseball player's batting average which would be "tremendous" or "fantastic". It is noted, however, that "the only T.S.T.A.-proposed bill which did not pass was S.B. 77 (H.B. 116) the Continuing Contract Bill". 57 Again, as for the past twenty-two years, the T.S.T.A. leadership was content with non-success in securing an adequate tenure law for Texas teachers.


Future activities on behalf of an effective tenure law appear uncertain. The Welfare Committee passed a recommendation in July of 1969 which stated: "Encouragement is given to the Legislative Committee to continue efforts to secure passage of a bill to provide continuing contracts for qualified members of the profession".\(^58\) This rather vague statement seems to be representative of an attitude which is not completely abandoning the ideal of an effective tenure, but on the other hand is not taking a strong pragmatic approach toward this end. L. P. Sturgeon, executive secretary of the T.S.T.A., perhaps gives the keynote for T.S.T.A. efforts in this area in the following statement, made shortly after the Continuing Contract Act was ruled permissive. "The continuing contracts program is an excellent one for teachers, administrators, and school boards. If its provisions are understood, I believe that most school boards in Texas will voluntarily adopt the program."\(^59\) This and other statements from officials and committees give little indication that the T.S.T.A. will extend its full effort to secure passage of an effective law in the immediate future.


\(^{59}\) L. P. Sturgeon, "Voluntary Adoption of Contract Program Urged," Texas Schools, LI (September, 1967), 2.
CHAPTER III

RETIREMENT AND SOCIAL SECURITY

Retirement Needs of Texas Teachers

The second major area of concern in this study is teacher retirement. This has been defined as

A program for providing regular payments to retired employees for life. Normally, it involves accumulation of funds in a systematic manner during the employee's working years and subsequent distribution of funds during the period when employees can no longer be carried on the payroll because of old age or disability.¹

Teacher annuities and retirement allowances usually have been funded partially or entirely by the public. Although plans of this type have been utilized by numerous European countries for more than a century, they have been enacted in the United States only since the early nineteen hundreds.² American supporters usually justified retirement funds and pensions for teachers with the arguments that such programs embody social justice and are necessary for the most efficient operation of a public school system.³ A somewhat pedantic

²Lewis B. Cooper, "The Teacher Retirement Movement in Texas," Texas Outlook, XXII (July, 1937), 22.
summary of the arguments favored by some Texas backers of teacher retirement was presented in 1926 by Dr. F. B. Clark, Chairman of the T.S.T.A.

1. A sound teachers' retirement system in the long run means a substantial saving to the general public—because:
   a. It makes possible the replacement of superannuated teachers who receive the maximum salaries, by younger teachers who begin at small salaries. It thus makes for greater efficiency at smaller expense. The amount thus saved could well more than offset the cost of the system to the public...

2. Teacher retirement systems are in accord with the best thoughts of the day—because:
   a. The highest types of private industry have already recognized retirement plans as essential to good business. Illustrations are many.
   b. Retirement plans have been put into effect for all important U.S. public services. Proof of this is unnecessary for it is well known by all who are familiar with the trend of national social legislation.

3. The States of this country are notably behind time in the matter of social legislation. Progressive legislation of this kind might tend to arouse public interest in other forms of social legislation. It is remarkable that a nation as wide awake as ours is, has done so little in the direction of social legislation. It is fitting that the teachers should take the lead in the matter of old age insurance, after which let us hope there may be aroused a public pressure strong enough to assure a whole code of social legislation.

4. The teaching profession is peculiar in that it does not provide the variety of positions usually supplied by other industries. This variety of jobs in other industries makes it possible to find places of less importance, for the superannuated, so that many of them may profitably be kept on the payroll, and thus eke out an existence in their declining years. The fact that these places of lesser importance do not exist in the teaching profession make it all the more imperative that a system of retirement allowances be provided for teachers even though similar steps have not been taken in other lines of endeavor.  

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A decade later the arguments for such a system for Texas teachers were outlined in the following statement published in the Texas Outlook in 1936.

1. It provides a business-like plan for retirement of teachers who can no longer render their best service due to advanced age or physical disability.

2. It keeps open the paths of promotion and thus attracts and retains young persons of high type and ambitions.

3. It protects the pupil from ineffective instruction, due to worried, depressed teachers.

4. It protects the public from the waste of school plants manned by superannuated teachers.

5. That it is good business to retire aged employees is shown by the fact that hundreds of large, nationally known business concerns and our federal government have established systems of retirement.

6. It aids the unemployment situation by opening positions for young people through the retirement of teachers who have long contributed to a fund for their own support.

7. It tends to keep teachers abreast of the times by enabling them to spend more on travel and study. Dealing always with immature minds, they are in great danger of ceasing to grow mentally unless they can afford such outside contacts.

8. It increases the dignity of the teaching profession, and decreases the number who leave it for other work.

9. To the teacher who has contributed to the retirement fund for a number of years it represents, not charity, but a dividend on a personal investment.

10. Most teachers shoulder heavy responsibilities, such as dependent relatives, during their earning years, and have no children of their own to turn to when earning days are over.

11. Monthly payments to a retirement fund aid teachers in saving for old age, and tend to protect them from becoming the prey of every member of the family needing a 'loan'.

12. School work cuts teachers off from ready contacts with commercial and industrial life favorable to fortunate investing.

13. Twenty-seven states and many large cities now have retirement systems for teachers. Sixty per cent of the teachers in the United States are now under some retirement system.

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5Louis Wilcox and Quata Woods, "Reasons for a Teacher Retirement Bill," Texas Outlook, XX (August, 1936), 35.
Teacher groups at that time also stressed the idea that Texas teachers were relatively low paid in a low paying occupation. The individualistic assumption that personal savings could provide security in old age was held to be even less applicable to the teaching profession than to most other occupations.6

Historical Review of the Campaign for Teacher Retirement in Texas

In Texas, interest in teacher retirement was first apparent around 1910. The impetus for this concern possibly could have been the actions of the National Education Association as well as the retirement campaigns of state teacher organizations in other states. Several state teacher organizations had been engaged in the support of various forms of teacher retirement since the latter part of the nineteenth century,7 and the National Education Association is known to have lauded state-centered pension systems as early as 1891.8 A concurrent action was that of the Carnegie Foundation Fund, which was setting out to promote pension systems for college teachers.9

The initial efforts of Texas teachers in this area resulted in local mutual aid organizations in which virtually all the

funds were contributed by the teachers themselves. The reserves for this type of program invariably fell short of insuring even a minimal, dependable, retirement system.\textsuperscript{10} These pioneer retirement systems encountered considerable difficulty since the entire cost was shouldered by the teacher, who could not afford to set aside a sufficient amount to purchase an adequate annuity. In the early nineteen hundreds, however, the idea of a pension for aged teachers inspired little public sympathy.\textsuperscript{11}

A concept which was progressing in many states, however, was the idea of a system jointly supported by the teacher and the state. Such a "partnership" was considered by some supporters to be the most pragmatic path to an appropriate annuity for retiring teachers. This type of arrangement, it was believed, would serve the function of permitting the state to more responsibly uphold its obligations to develop a competent school system.

The support of this idea was first officially undertaken by the T.S.T.A. in 1917.\textsuperscript{12} A committee reporting to the 1917 State T.S.T.A. Convention noted that twenty-one states had some kind of statewide retirement system, and that the movement

\textsuperscript{10}Cooper, "Teacher Retirement Movement," p. 22.

\textsuperscript{11}Cooper, "Teacher Retirement Movement," pp. 22-23.

\textsuperscript{12}T.S.T.A., Proceedings 1917, pp. 43-45.
in favor of teacher retirement was rapidly growing. In spite of vigorous dissent by a number of members present as to the methods to be employed in securing a teacher retirement system, the committee's report favoring a state retirement system was adopted by the convention. The majority of delegates also indicated they were in favor of early enactment of legislation along the lines of these recommendations.\(^{13}\)

Division within the T.S.T.A. in this area continued, however. One faction headed by Dr. F. B. Clark, retirement committee chairman, sought to enact a law without recourse to a constitutional amendment. Dr. Anne Webb Blanton speaking in 1921, questioned the feasibility of Dr. Clark's recommendations.\(^{14}\)

We started some years ago agitation for a teachers' retirement fund. I noticed in one of our recent magazines a question as to what had become of this movement. The movement was discontinued because of the fact that a teachers' retirement fund cannot be provided in the state of Texas except through an amendment to the Constitution, and since the Legislature did not permit that amendment to be submitted to the people of the state, it was of no use to continue the agitation of the matter of the teachers' retirement fund. The only way we can get a teachers' retirement fund is to go before the next Legislature and ask for the submission of an amendment to the Constitution permitting such a fund to be established.\(^{15}\)

In spite of these internal differences as to the methods to be employed, the T.S.T.A. committee of retirement recommended


\(^{14}\)Cooper, "Teacher Retirement Movement," pp. 22-23.

\(^{15}\)Anne W. Blanton, "Retirement," Texas Outlook, V (July, 1921), 8.
the acceptance of a set of principles on which to base a
teacher retirement system which were very similar to those
advocated by the National Education Association and the
Carnegie Foundation. These principles were presented in the
January, 1925, issue of Texas Outlook.

1. Beginners to be Exempt - During the beginning
years while young teachers have not permanently allied
themselves with the profession, participation in the
annuity plan should be optional. Beyond a specified age
(twenty-five, for example), it should be required.

2. Early Retirement - Teachers leaving the service
before the regular retirement age should retain their
rights to all moneys accumulated in their accounts.
Teachers' deposits should be withdrawable immediately
upon retirement from teaching service, or within a
specified period. The public's deposits should be with-
drawable in the form of an annuity or death benefit only
upon reaching the retirement age.

3. Disability - An adequate retirement allowance
should be provided for every permanently disabled teacher
regardless of the amount in his account at the time of
such disability.

4. Guarantees of a Retirement System to Teachers
and to the Public - Retirement ages and rules should be
so defined and administered as to retain teachers during
efficient service and provide for their retirement when
satisfactory service is no longer possible. The
retirement annuity should be sufficient to enable the
retiring teacher to live in reasonable comfort, thereby
removing the temptation to remain in the classroom beyond
the period of efficient service.

5. Death Benefits - Sums accumulated in the accounts
of teachers who die in service and unused portions of the
accounts of retired teachers should be paid either to
designated beneficiaries or to the estates of such teachers.

6. Individual Accounts - The annuity board should
open an account with each individual teacher. Sums
deposited in that account by the teacher and by the public
should be held in trust for that teacher.

7. Rights under Previous Annuity Systems Safeguarded -
The public should guarantee active teachers all the
benefits which they had a reasonable right to expect under
the old system. Furthermore, it should guarantee retired
teachers the annuity promised at the time of their
retirement.
8. Credit for Past Service Where no Retirement System has Existed - Upon the adoption of a retirement plan, where none exists, teachers should be given credit for their entire period of service. Funds for this purpose should be provided by the public.

9. Cost to Teachers and Public - The sums deposited by the teachers and by the public during the period of the annuity contract should be approximately equal.

10. Service and Deposits Concurrent - Deposits in the annuity account of each teacher should be made by the teacher and by the public, regularly and concurrently during the period of service.

11. Amount of Deposits Fixed - The deposit to be made in the teacher's individual account by the teacher and by the public should be definitely fixed in the Organic Act creating the retirement system.16

Although the principles on which to base a retirement system had been decided, the retirement committee suggested postponement of legislative action in its 1925 report.

In view of the fact that the State is just completing an extensive analysis of its whole educational system, the committee on teachers' retirement fund is of the opinion that a movement for a teachers' retirement system is unwise at this time. Important as this problem is, it would undoubtedly be overshadowed by other questions growing out of the educational survey. Consequently if the matter is pushed now a possible failure would tend to jeopardize success at a more opportune time. Then too, the survey report will furnish needed data in presenting later the case for a State system.17

The committee however did not abandon its efforts toward eventually securing an adequate retirement program, and in 1928 a bill was drawn up for presentation to the legislature. This precipitated a ruling by the State Attorney General that a constitutional amendment was essential to the establishment


of the suggested retirement system thus vindicating those who had argued for such action. This ruling forced the T.S.T.A. to support a constitutional amendment which would allow the appropriation of public funds to such a program by the state.\(^8\)

A resolution for such an amendment was drawn up by the T.S.T.A. and presented to the state legislature. At this time, however, legislators friendly to the teachers advised them that the legislature would probably not act favorably on such a proposal because of "the subject being too new and so little understood". The sympathetic legislators suggested that instead of attempting to get immediate passage of the resolution, a two year campaign to gain public support should be initiated. The T.S.T.A., following their suggestion, established statewide committees and sought the aid of various civic organizations and community leaders.

Even with this organization, the public relations campaign carried on by these groups was not effective enough to secure passage of the resolution at the end of the two year period.\(^9\) Following this first unsuccessful effort, there seems to have been a lapse of interest by the T.S.T.A. During 1930 and 1931, the Texas Outlook published few articles relevant to retirement. Even though a resolution for the amendment was introduced, and

\(^8\) Cooper, "Teacher Retirement Movement," pp. 22-23.

\(^9\) Cooper, "Teacher Retirement Movement," p. 23.
defeated, in the legislature again in 1931. By 1933, more interest than in the previous two years was indicated by the retirement committee's report to the annual T.S.T.A. convention:

Your Committee on Teacher Retirement begs to submit the following report:

Since its reorganization twenty months ago, the committee has been active in carrying on an educational campaign among the teachers of the state. It was not thought wise to attempt a state constitutional amendment making it possible in Texas for a city or other school units to put into effect a Teacher Retirement program. Therefore, all efforts have been spent in preparing the teachers for such a program when the time is right.

Again an effort was expended to "educate" the people of Texas concerning the desirability of teacher retirement legislation. In this campaign in support of the retirement program, the T.S.T.A. seemed particularly interested in enlisting the help of other organizations. A meeting of the teacher retirement committee in Austin, February 6, 1936, reported the following agencies as being logical for use in the campaign: P.T.A.'s, service clubs, labor unions, business and professional clubs, pension clubs, lodges and fraternal organizations.

Finally, in November, 1936, the proposed retirement amendment was passed by the legislature for approval of the voters.

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22 "Meeting of the Teacher Retirement Committee," Texas Outlook, XX (April, 1936), 22.
The situation was summed up in the *Texas Outlook* as follows:

> After years of effort on the part of the friends of education in Texas, educational associations, local, state, and national retirement committees in local and state organizations, research work and all other preparatory work in the way of news articles, editorials, educational publications and bulletins, the question of whether or not Texas teachers may contribute to a retirement system made possible by an amendment to the state constitution will be decided by vote of the people in the November election. The passage of that amendment depends now upon the individual effort of each teacher in the state. Each teacher should definitely endeavor to convince voters in his neighborhood, in his school district that this amendment will add to the efficiency and quality of the educational work offered in the schools of Texas.  

The program to gain support for the retirement amendment was continued until its subsequent approval by popular vote. With approval of the amendment, the retirement committee's immediate goal had been attained and some leaders within the T.S.T.A. claimed the work of their organization had been the deciding factor. According to the *Texas Outlook*,

> A good deal of quiet but vigorous opposition to the measure developed toward the close of the campaign and but for the capable leadership of the central group and the full and active cooperation of their representatives in every section of the state, the amendment would have been lost. In practically every county and community in the state, fine, unselfish work was done by teachers, principals, superintendents, school board members, parent-teacher groups, and others interested in the improvement of public school service. The results speak for themselves.

The success of the campaign shows the power of organized, unified effort. Every friend of education should be happy over the outcome.  

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The next step in developing a retirement program was the enactment of enabling legislation to actually establish a retirement system. Such a bill was introduced in 1937. The first retirement bill was similar, in most major areas, to the suggested form advocated generally by the T.S.T.A. for about twenty years. According to B. B. Cobb, who was associated with the teacher retirement movement many years, "The measure seems to embody most of the desirable features of the best of such laws now operating in the United States". The bill provided for contributions by the teacher of 5 per cent of his regular annual compensation (not to exceed $180 per year) to be equally matched by the state. These funds were to be invested in securities and administered by a state board of trustees.

The teacher's benefits received at retirement provided under the proposed law consisted of his contributions with interest (3½ per cent compounded annually) and an equal amount from the state's contribution. In addition, prior-service benefits were to be given for Texas service prior to the date the Act became effective. The prior-service credit was calculated by taking 1 per cent of the ten years immediately preceding July 1, 1937. The maximum number of years allowed was 36 and maximum taxable salary, $3,000.00.

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The age for retirement was set at any time between 60 and 70, with compulsory retirement at 70. A teacher could not qualify for benefits, however, until he had taught in the state of Texas a minimum of 20 years. A teacher withdrawing for any reason other than disability before retirement age could receive all his contributions plus 3½ per cent compounded annually. Provisions were also made for retirement due to disability. However, this was available only to those teachers with twenty or more years of creditable service. The payments were to be determined in a manner similar to regular retirement benefits, but with only 50 per cent prior service credit allowable. In the event of the death of a member before retirement, his heirs were to receive his contributions, plus 2½ per cent interest.26

Opposition to this bill was surprisingly light. With the sponsorship of some influential members of the house and senate, the bill was well received by the legislature. As reported in the Texas Outlook of July, 1937:

Senator Cotten managed the bill on the floor of the Senate and it was passed by that body with only one dissenting vote. Mr. Charles H. Tennyson, chairman of the education committee of the House, handled the bill before the House. His committee reported it unanimously and he was successful in having it passed by the House with only three dissenting votes. For new and controversial legislation this is perhaps

26Journal of the Senate of the State of Texas, 45th Legislature (Austin, 1937), pp. 1871-1884.
unprecedented in the history of the state. The legislative committee, whose chairman is Dr. C. N. Shaver of Huntsville, were persistent and effective in explaining the different features of the measure to the members of the legislature.27

Charles Tennyson, state representative and public school teacher, was well known for his work with teacher retirement. He worked vigorously for the establishment of teacher retirement while a member of the legislature. Tennyson later supported improvement in the system while serving as T.S.T.A. president (1940), director of public relations (1941-1950), and Executive secretary (1950- until his death in 1969).28

The T.S.T.A. lobby activities in the legislature also were no doubt influential in this case as they have historically been on legislation which the T.S.T.A. decides to strongly support. L. F. Sturgeon, who has served many official capacities in the T.S.T.A., (he is now executive secretary) has claimed that the T.S.T.A. has historically had the most powerful lobby in the state. Sturgeon recently cited a poll which reported that one hundred and thirteen representatives in the legislature rated the T.S.T.A. as the most effective lobby group.

A. W. Birdwell, then president of the T.S.T.A., gave credit to the organization for securing the retirement program when


he congratulated the members who had worked for passage of the bill. In his congratulatory message Birdwell also used the passage of the bill as part of a recruitment appeal, as this passage indicates.

If the teachers of Texas could understand just how influential and powerful is their organization, not a single one of them would be content to remain out of it. The State Teachers Association can accomplish any worthy purpose of education in Texas.29

Of significance is the fact that the passage of this legislation came during the "New Deal" era of the mid 1930's. Paul H. Douglas, former U. S. Senator, noted economist, and advocate of social legislation during the depression stated, "The consensus of public opinion was that the American citizen could, in the main, provide for his own old age by individual savings."30

The depression, however, weakened this sentiment. Increased industrialism and urban migration combined with the high incidence of unemployment, failure of banks, the decline of real estate values, stock and bonds, and the general reduction of savings combined to make acceptance of the individualistic concept of retirement financed by personal savings less acceptable.31 Douglas maintained "the impact of all these forces increasingly convinced the majority of the American

31Abraham Epstein, Insecurity, Challenge to America (New York, 1933), pp. 6-20.
people that individuals could not by themselves provide adequately for their old age and that some form of greater security should be provided by society".  

This public attitude was reflected by the passage of the Federal Social Security Act (1935), individual state old age pension legislation,\textsuperscript{33} and a compulsory pension and retirement system for all railway employees (1934).\textsuperscript{34}

The same Texas legislature that approved the Teacher Retirement System also established the Texas public employees retirement system and the State Fireman's Relief and Retirement Fund. It was in this climate of change in social thinking and a more favorable attitude toward government participation in providing old age security that the state retirement legislation was passed.

Although the retirement system had been established by law, the legislature had failed to finance adequately the program it had enacted. This caused concern among the teachers and received attention from the T.S.T.A. in a resolution passed at the 1937 convention.

We wish to express unqualified approval for the work accomplished by the T.S.T.A. through the committee appointed to establish a retirement system and we commend

\textsuperscript{32}Douglas, \textit{Social Security}, p. 3.


\textsuperscript{34}Douglas, \textit{Social Security}, p. 172.
the Legislature for enacting the law. ... We urge that the work be continued until the system is adequately and permanently financed. 35

The Legislature, in establishing the system, specifically provided that no appropriation out of the General Revenue Funds could be used to finance the state's part of the program. 36

The resulting situation was outlined by two T.S.T.A. members as follows:

All of the money deposited in the Teacher Saving Fund belongs to the individuals who deposited it. None of the money contributed by one teacher can be used to pay the benefits of another. Therefore, until state funds are received, the only money available for creating an annuity reserve for a member eligible for retirement is the money actually contributed by that individual plus interest. 37

The retirement law requires that deductions from teachers' salaries shall be made to an individual savings account to be used as annuity reserves rather than for the payment of pensions. The law provides that dual contributions shall be made by the teacher and the state to special funds which are transferred at retirement to the annuity reserve fund, from which retirement allowances are paid the retirant. If the teacher leaves the profession prior to retirement his contributions are treated as a savings account and are returnable with interest. When the teacher grows old and retires, the total reserve with which he is to purchase an annuity will be available at retirement. 38


36 Francis A. Mitchell and John E. Swanson, Public Employee Retirement in Texas (Austin, 1955), p. 3.


38 Lewis Cooper, "Professionalism and Retirement," Texas Outlook, XXII (June, 1938), 25.
Thus the state had failed to act in fulfilling its part of the bargain by matching the "savings accounts" of the teachers. The T.S.T.A. expressed its concern about this situation, in regional resolutions such as the following:

We endorse the Texas Teacher Retirement System. We commend the Legislature of Texas for its action in passing the necessary laws. We urge the Legislature to go further in the fulfillment of the initial idea and make the system complete by setting aside appropriations by the state of Texas to match the contributions of the teachers. Furthermore, that the retirement board and its offices be commended for the high plane of its efficient operation.

Also in the year 1938, the state convention of the T.S.T.A. passed the following resolution concerning the retirement situation:

Since approximately forty thousand teachers of Texas deposited approximately two and one-quarter million dollars during this year in the teacher retirement fund, we urgently request the legislature of the state of Texas to provide funds for the state's part to match contributions made by the teachers.

Under the law, retirement benefits could not begin until the money promised by the state had been received. The retirement law had specifically provided that the state must supply appropriate funds to match the teachers' contributions.


40"Southeastern Division Resolution," Texas Outlook, XXII (June, 1938), 26.


1940, Quata Wood was assigned to supervise the retirement fund, and issued this statement: "There seems to be some unrest and skepticism creeping into the minds of some members of the T.S.T.A. since the state has failed to match contributions." 43

This anomaly was ended in 1941, four years after the passage of the retirement law, when the Forty-seventh Legislature included in an omnibus tax bill, a provision for the state funds to match the contributions of the teachers. The bill also provided for the gradual absorption of the deficit created by the state's failure to match teachers deposits from 1937 to 1941. This measure was signed by Governor W. Lee O'Daniel in June of the same year. 44

Development of the Program until 1954

The retirement act was amended in 1943. This action, apparently a response to wartime conditions, provided that retired teachers who returned to active teaching during the war years would have retirement benefits suspended. Another new provision allowed former teachers in the armed services to continue their contributions to the retirement fund on a voluntary basis. These contributions were to be matched by the state as if they were still teaching. 45

43 Quata Woods, "Teachers' Retirement," Texas Outlook, XXIV (February, 1940), 55.
44 B. B. Cobb, "Look Back on Teacher Retirement," Texas Outlook, XXV (July, 1941), 19.
45 Charles A. Tenneyson, "Teacher Retirement Financed," Texas Outlook, XXV (1941), 5.
For several years following the wartime revisions there was little effort to change the program; but by 1950 critics claimed the provision for settlement of death claims was a major flaw in the system. As it existed, it put the teacher in the position of losing his retirement income for his beneficiaries by continuing to teach. This resulted from the requirements for eligibility for retirement benefits. Eligibility could be attained by

(a) A teacher who has reached age 60 if at that time he has completed 20 years of service; (b) A member of the system who has reached age 60, but who left the service after 25 years of teaching; and (c) A teacher, regardless of age, who has completed 30 years of service.  

The problem in regard to protection of dependents was that (a) the retiring teacher could not select a settlement option until he filed a retirement request, and the operation did not become effective until the first retirement benefit payment was received; and (b) a thirty-day lapse must occur before the retired teacher began to draw retirement money. If a teacher died before he actually began to receive retirement payments even though he might be eligible, his beneficiary would receive only his deposits plus 2½ per cent annual interest.

46 Charles A. Tennyson, "Amendments to the Teacher Retirement Act," Texas Outlook, XXVII (September, 1943), 35.  
48 Paula Kae LaForge, "Please Remove Your Boots Before Dying," Texas Outlook, XXXVI (December, 1952), 22.
There was some opinion that the system might tend to reduce the morale of teachers near retirement and actually influence some to leave teaching as soon as they became eligible. 49

One important factor in the happiness of any teacher whether he is just beginning or has reached retirement eligibility, is the knowledge of effective financial planning for himself and his dependents. Uncertainties of settlements of Teacher Retirement render complete planning impossible. 50

Another phase of the system which was drawing criticism in the early 1950's was the limit on how much a member could deposit; which was then $180 per year. It was argued that this limit, established in 1937, did not provide adequate benefits reflecting the rise in the cost of living. 51 The law had been modified in 1951 to increase the benefits, but only by providing for increased credit for prior-service. The formula for computing benefits for those years taught prior to the enactment of the 1937 law was liberalized, providing benefits to be based on 3 per cent rather than the former 2 per cent of a member's average prior-service compensation. 52

Major Revision of the Retirement Program

The legislative and retirement committees continued studying possible ways to increase benefits and improve the retirement law in a significant way. To implement their studies,

49Journal of the Senate, pp. 1876-1878.
50LaForge and Votaw, "Remove Your Boots," p. 22.
51LaForge and Votaw, "Remove Your Boots," p. 22.
the committee sought to "gather information" on retirement programs, maintaining that their process was "long range" and "...everything can't be corrected in one or two years".53

In addition to the T.S.T.A. Research Department studies, the Executive Committee employed the Wickenden Company, a firm of consultants, to make a study looking to the revision of retirement laws to provide increased benefits, including improved survivors benefits.54

Proposals influenced by the Wickenden report, studies and research by the T.S.T.A. committees, and state retirement board studies were included in a proposed constitutional amendment introduced in the legislature by Senator A. M. Aiken and Representative Thomas Stillwell. Aiken and Stillwell sought increased survivor and death benefits, a minimum retirement benefit of $1,200 annually for any teacher who had taught as many as 20 years, and a provision to allow credit for out of state experience.55

The legislature did pass an enabling act which would become effective only if the constitutional Amendment received approval. This had the effect of giving the voter the opportunity to


approve or disapprove a specific piece of legislation which would not be valid until the approval of the amendment which authorized it.56

The T.S.T.A. launched perhaps the most extensive "public education" campaign of its history to secure voter approval for the amendment. According to the Texas Outlook, in 1956,

A complete advertising program for securing voter support for the Teacher Retirement Amendment #4 has already been established and involves the use of all types of media-radio, TV, newspapers, window and bumper stickers, display posters, billboards, handbills, and leaflets for house-to-house distribution and distribution to civic groups and service clubs.

Packets containing sample materials and explaining their use were presented to local unit leaders attending the 14 area workshops held early this month. The program calls for responsibilities to be borne at the local, district, and state levels. The majority of the responsibility must necessarily rest with the 325 local units of T.S.T.A.57

By October of 1956, the T.S.T.A. had distributed to superintendents enough booklets entitled "Will There be Teachers for Them" (which supported the proposed amendment) to provide one for each child in daily attendance. More than 400,000 car stickers and 325,000 window stickers were distributed. Approximately 500 billboards (at least one in each county) were displayed in an effort to attract public attention. The state


57"Extensive Campaign Designed to Secure Voters for Amendment No. 4," Texas Outlook, XLI (April, 1957), 2.
organization dispersed newspaper advertising mats, taped
radio announcements, and provided speech material for local
superintendents. Speakers were also made available upon
request.

A local campaign is illustrated by the following telegram
outlining the activities in one community.

Brewster County unit launched its promotional campaign
for amendment number 4 at 3 pm Friday in downtown Alpine.
Bumper and window stickers were placed on cars, beginning
with Mayor High White's car. One hundred window posters
were placed in business houses and one thousand bumper
stickers were distributed to local service stations.
Besides the major, others who lent prestige to the kick-
off campaign were David L. Jones, Assistant Superintendent
of Big Bend National Park; Peyton Cain, Superintendent
of Alpine Public School; Thirteen Presidents of Service,
Professional, and Study Clubs; and representatives of
a number of organizations and firms. Pictures will reach
you Monday by special delivery. Berta Clark Lassiter

The T.S.T.A. campaign seemed to be based almost entirely
on the idea that an effective retirement system was mandatory
to keep teachers from leaving the profession and/or the state.
Pamphlets such as those entitled "Will There Be Teachers For
Them" were published and billboards stating "Let's Attract
and Hold Good Teachers" were rented. Advertisements such as
one published in the April, 1956, Texas Outlook stating that
5,000 to 7,000 teachers per year were leaving the classrooms,
and urging the endorsement of the retirement program designed

58"Big Push Begins for Approval November 6 of Teacher
Retirement Amendment No. 4," Texas Outlook, XLI (October,
1957), 4-5.
to "Attract and Hold" well qualified teachers were frequently used. This idea is also supported by the report and recommendation of the Legislative Committee in 1956 which stated:

Improvement of the Retirement System will tend to hold in service those capable experienced teachers who are leaving the profession annually in numbers ranging from 5,000 to 7,000. Unless a substantial number of these teachers can be retained, the need for additional teachers will increase by 5,000 to 7,000 per year, thus necessitating an astronomical number of additions and replacements which has been estimated to approximate 50,000 teachers by 1960.

L. P. Sturgeon, director of Public Relations for the T.S.T.A., at this time stated:

Although this retirement plan does provide for Texas teachers a much more adequate program, the chief benefits in securing the adoption of amendment No. 4 and thereby placing into operations the new plan as set up in S.B. 290, is that it will hold teachers in service because of the benefits which they have already accumulated.

Conversely, a little-publicized study done by the Texas Classroom Teachers Association at this time revealed that the problem of retaining teachers involved more than inadequate retirement. This study listed as the biggest reasons for teacher defection: (1) inadequate salary, (2) demands on out-of-

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59 "Big Push," p. 5.
61 Sturgeon, "An Improved Retirement," p. 3.
62 Texas Classroom Teacher's Association, "Why 7,000 Texas Teachers Quit Each Year," Texas Outlook, XXXIX (January, 1955), 8.
class time, (3) too heavy teaching loads, (4) attitudes of administrations, (5) lack of tenure, and (6) lack of prestige. The inadequate retirement system was ostensibly not found to be a major factor in causing teachers to leave the profession. 63

The attitude of several teachers interviewed about the effectiveness of the T.S.T.A. in the area of retirement during the 1950's is reflected in the statement "Of course the retirement program received strong support. There was little outside pressure against it and the administrators were for it because they benefited by it". 64 The idea that the program received strong support from administrators because it was to their advantage seems to coincide with a 1947 study that showed about 80 per cent of Texas Public School Teachers thought that the T.S.T.A. "was practically run" by the administration. 65

How effective the voice of the administrators was is uncertain. But, the support given by the T.S.T.A. may have been decisive in this case. With such massive support and relatively little opposition, public approval of Amendment 4 came in the November, 1956, election by an eight-to-one margin. 66

63 Texas Classroom Teacher's Association, "Texas Teachers Quit," pp. 18-19.

64 Statement from Irving, Texas elementary teacher, active in the T.S.T.A. for many years, Irving, Texas October 12, 1968.


66 "Voters Approve," Texas Outlook, XL (December, 1956), 6.
The Program and Actions of the T.S.T.A. 
Relating to Social Security

The old age and survivors insurance provisions of the social security program have rated considerable attention since Texas teachers have become eligible for such coverage. The Social Security System had actually been initiated before the Texas Teacher Retirement System came into being, but teachers had been excluded from the program along with other state employees. Revision of the federal law in 1954 made teachers eligible for voluntary inclusion under Old-Age and Survivors Insurance.

In 1935, Congress passed the Social Security Act which set up a federal system of old-age benefits for retired workers who had been employed in industry and commerce. However, as mentioned above, the Old-Age and Survivors Insurance Program at first excluded employees of state and local governments, including teachers.67 By 1950 the program was amended so that states might enter into voluntary agreement with the Federal system. The provision allowed the employees of the state and the employees of various political subdivisions to participate in the federal program.68

In response to this change in the Social Security system, the Texas legislature enacted a law in 1951 which authorized

counties and incorporated municipalities of the state to enter into agreements providing social security coverage for some, or all, of their employees. This act was amended in 1953 to provide that political subdivisions of the state other than counties and municipalities (i.e., school districts) could adopt Social Security for their employees. At this date, however, employees who were covered by an existing state system were not eligible for the Social Security program under federal law. Almost all teachers in the public schools were members of the state retirement system, and therefore excluded from participation in the program by law. This situation changed in 1954 with the adoption of federal Public Law 761, which made coverage available to these teachers.

This was the final modification needed to allow Texas teachers who were covered under the state retirement system to come under Social Security. In order for them to actually become participants, a majority of the teachers in a political unit (a school district, or the state system as a whole) must vote in favor of participation in the federal system. At this time two possibilities outlined in a 1954 Texas Outlook article seemed likely.


70 Social Security Agency, Social Security, pp. 4-5.
First of all, the entire membership of the present Teacher Retirement System could be brought under Social Security, retaining their present system as well. This would take both state legislation authorizing such a move and a rather cumbersome referendum in which all members of the system would have to participate.

The second-and more likely-possibility would be for the state to declare, as the federal statutes say it may, each political subdivision or school district and each junior college, and university covered by the Teacher Retirement System to be a separate retirement system for purposes of the Social Security Act. If this were to be done, each separate school district and university could, by action of its own governing body and referendum of its own membership, add Social Security coverage on to their present system without regard to the actions of the remaining members of the system. This would make the addition of Social Security coverage a local option question to be decided by each school district or institution of higher learning. 71

The State Department of Public Welfare was designated by the governor to carry out the responsibility of administering and coordinating the Social Security program in Texas. School districts were considered a separate political subdivision which could make a decision on Social Security coverage. 72

Under these provisions each school district may decide whether it will be included in the Social Security system or not.

Since the eligibility of Texas Teachers in 1954, the Social Security system has evolved into a relatively broader program and benefits have increased. In 1956, the Act was amended to provide disability insurance benefits to certain

71 John E. Swanson, "Can Our Schools Use Social Security?," Texas Outlook, XXXVIII (November, 1954), 18.

disabled individuals not previously covered and extended coverage to certain women and children at an earlier age. \(^{73}\) In 1957 and 1958 coverage was extended to cover several additional groups of workers. \(^{74}\) Coverage was again extended and improved in 1960 and 1961. \(^{75}\) Certain benefit payments were increased at this time also, and still again in 1964, benefits were increased and broadened. \(^{76}\)

Perhaps the most important and most controversial change or addition to the Social Security Act was the provision for medical benefits or Medicare which was enacted in 1965. \(^{77}\)

This feature of the program is of particular significance to Texas teachers who, in many cases, would be left entirely without the benefits of medical insurance at retirement.

The question of teacher participation in the Social Security System was of little concern to the T.S.T.A. before the series of legislative changes during the period from 1950 to 1954. This changed, however, with the introduction of the 1950 bill in Congress to include state public employees in the federal program. There was some immediate reaction from Texas teachers.

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On December 15, the Dallas Retired Teachers Association voted unanimously to oppose any plans for the substitution of Federal Social Security for their own teacher retirement system. This action was in agreement with that of the N.E.A. Representative Assembly which voted last summer "that all school district employees shall continue to be omitted from Federal Social Security".78

The reaction of fear that state retirement programs were going to be done away with and replaced by Social Security seems to have been prevalent among some teachers and their organizations. A similar view was again expressed nationally by the N.E.A. which in 1952 recommended state retirement systems alone as being preferable to Social Security.79

By 1953 the changes which had occurred made it seem likely that Social Security eligibility would be extended to the teachers. At this time, Jesse Pickerell, then professor at North Texas State University, and long active in seeking a better retirement program, concluded after an analysis of the Social Security and Texas Teacher Retirement programs that

...for 20 years of service at the $3,600 average, Social Security benefits at 65 are better than teacher retirement, even if there is no dependent partner. After 30 years of service, Social Security provides almost as much income to the family if the retired worker has dependent spouse.80

Pickerell pointed out that many retirement systems in industry combined a private plan with Social Security and suggested that

78Edna Rowe, "Amendment for HR 6,000," Texas Outlook, IVVI (February, 1950), 2.


80James Pickerell, "How Straight is the Way?," Texas Outlook, XXVII (August, 1953), 10.
the liberal survivor's benefits under Social Security should make the combined programs excellent for teachers. Should the cost of the two systems combined be considered too high, teacher retirement contributions could be reduced so that the combination would not be burdensome.

John E. Swanson, a Texas teacher and author of several articles on teacher retirement, also urged local school districts to consider the possibilities of combining the present teacher retirement program with federal provisions.

If Social Security is adopted, teachers and other employees who must leave the public service before retirement age are not punished too severely - they are afforded the same protection as covered by a combination Social Security-governmental unit plan will be larger for the same cost on the part of both the governmental unit and himself than under a governmental retirement plan alone or, for that matter, than under Social Security alone.

In short, the cost for the same level of benefits is reduced as far as the governmental unit of the necessity of providing for these features. Lastly, from the point of view of attracting qualified employees - one of the major objectives of a retirement system - school districts would gain in that they would be able to meet their competition, private industry, which already has Social Security and in many cases, supplementary plans.

By this time the T.S.T.A. was well aware of the implications for Texas teachers brought about by the legislative changes. At the 1954-55 T.S.T.A. convention, Henry Stillwell, chairman of the legislative committee reported that

the spread of OASI in Texas however, makes it necessary for us to consider the Old Age Survivors Insurance. For that reason we call attention to certain things that we think need study before we determine our course. It is easily possible that OASI benefits would add much to be

82 Swanson, "Can Our Schools," p. 18.
desired, providing we keep our own retirement benefits and improve them so that benefits may be made somewhat equal and just and well-balanced throughout. OASI may give us much to desire and we think we ought to proceed on grounds that are thoroughly secure from the very beginning. 83

In 1954, teachers in Port Arthur and other areas were asking for OASI. The T.S.T.A. definitely expressed interest in the possibility of including Social Security in the teacher retirement program as is indicated by the following report:

A survey of Social Security also is being made to determine the possibilities of Social Security as a supplement to Teacher Retirement, and whether desirable benefits of Social Security may be provided in Teacher Retirement at nominal cost to members and to the state. 84

The "survey" apparently refers to several studies of retirement systems that were undertaken by the T.S.T.A. Research Division in 1954. During this period, the T.S.T.A. sent questionnaires to all members of the retirement system (6,375 replied). Generally the questions asked referred to the benefits, age of retirement, and contributions to the system. Most members thought the benefits were too low and that the members deposit with the system should be increased. 85 Although no specific question was asked concerning Social Security, some members wrote definite statements on this subject

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in a space allotted for "comments". Of those commenting on Social Security, 84 were for integrating with Social Security and 14 against. 86

A study also was made comparing the various features of the Texas Retirement System and Federal Social Security plus a shorter general comparison of the Texas plan with that available in other states. This study claimed that in comparison to Social Security, "the Texas teacher retirement system still has many advantages that are favorable to teachers". Conversely it pointed out that "Social Security coverage has some desirable features that teachers do not get in Teacher Retirement". 87

By maintaining that retirement benefits were higher and available sooner; disability, survivor, and death benefits higher and more suitable to the profession, the summation of the comparison implied that the teacher retirement program was better suited to Texas teachers needs than Social Security. No mention was made of an integrated system or combination of the two programs. 88

An extensive study of public employee retirement in Texas by John E. Swanson and Francis A. Mikell, published in 1955 gave more attention to the relationship of Texas public employee retirement systems (including teacher retirement) and the federal Social Security program. This study points out the fact

that Social Security and most existing retirement plans, both public and private, were to a large extent complementary, and that, "Most large private concerns have taken advantage of this fact and built retirement systems on top of basic Social Security coverage". Swanson and Mirkell also state that, "from the point of view of attracting qualified employees--one of the major objectives of a retirement system--state and local governments would gain in that they would be able to meet their competition, private industry, which already has Social Security coverage and, in many cases, supplementary plans".

During the mid 1950's when Social Security was being reviewed by the T.S.T.A., James B. Atlee, director of the Social Security Division of the State Department of Public Welfare, provided information to T.S.T.A. officials. Mr. Atlee recalls that H. W. Stillwell and other T.S.T.A. representatives visited him shortly before making a public declaration on the position of the T.S.T.A. in regard to the Social Security program. After being informed on all facets of the Social Security program and its possible significance to teacher retirement, Mr. Stillwell stated that participation in the Social Security program would have to be "postponed". According to Mr. Atlee,

90 Mitchell and Swanson, Retirement, p. 106.
the T.S.T.A. officials were of the opinion that the state retirement system was "in bad shape" and that it must be improved before any consideration was given to Social Security. The T.S.T.A. leadership then apparently decided to oppose teacher participation in OASI on grounds that it might jeopardize the campaign to improve the state retirement program.91

Since this time, the general public attitude of the T.S.T.A. officers and committee members has been to express pride in a "superior" Texas Teacher Retirement System and not favor a change that would include Social Security in the program. This is illustrated by the report of the legislative committee in the 1956-1957 state convention, relating to the recent passage of the retirement amendment.

And so we can be excused, can't we, pardon us for saying that we probably brought home the whole hog in this case. We won. It was a glorious thing that we did win.

But on Page 23 I tried to put down for the Legislative Committee a little bit of a summary of what we did win. The first thing, of course, is that retirement system. The best system of any state in the union, and one that already is serving as a mark for other states to shoot at.92

The idea that the opposition to Social Security is at least partly ideological seems to be supported by the following statement issued in a 1956 legislative committee report.

91 Statement by J. B. Atlee, April 22, 1969, Austin, Texas.

...from every side of responsible authority we hear over and over again that Texas can take care of its schools and does not need and does not want federal aid. Repeat, 'does not need and does not want federal aid.' The importance of education to our state, nation, and the world has been so impressed upon the minds of our citizens, industrial leaders, and governmental officials to a degree that will insure adequate provision for an educational program. Your Legislative Committee respects in full the statements made by Governor Shivers and the Texas White House Conference in Austin, President Thomas B. Ramey of the State Board of Education, Dr. Edwin L. Rippey, Chairman of the Texas White House Conference Group, and all White House Conference committees who asserted in their reports at Austin that Texas must pay teachers better salaries and provide better retirement benefits and that Texas is able to do this without federal aid.  

In order to prevent the "onerous federal aid" from being used to improve teacher retirement, it was suggested that, "the Texas State Teachers Association should support with all its strength an adequate budget for the operation and administration of the Teacher Retirement System".  

Although individuals and groups within the organization may have wanted further consideration for the inclusion of Social Security, the T.S.T.A. hierarchy had ostensibly closed the issue. There has been no serious consideration of a statewide combined system since this time, and no encouragement of local districts to adopt Social Security.

The Recent Trend of Individual School Systems to Adopt Social Security

The Social Security question has continued to be a constant concern of many local school districts. Under the procedure

established by the various statutes and basic agreement between the Federal Social Security Administrator and the Department of Public Welfare, local school districts wishing to participate in the Social Security System must conduct their negotiation and conclude their agreement for coverage with the Texas Department of Public Welfare. The Welfare Department then modifies its basic agreement with the Federal Social Security Administration to reflect the status of the school district in the program.95 A referendum by secret ballot must be held among the employees of the school system.96 This referendum must produce a majority vote in favor of Social Security coverage in order for the system to be eligible. The vote, however, is in no way binding on the district to enter such an agreement. If the local district does enter such an agreement, coverage usually extends to all its employees,97 but some school districts have contracted for coverage of non-professional workers only (excluding teachers).98

After all legal restrictions were removed, local districts did not immediately choose to participate in the Social Security Program. No local districts were participating in the 1956-57 year, and only one by the 1958-59 school year. It was not

95Mitchell and Swanson, Retirement, pp. 84-86.
96"Employees," includes auxiliary personnel, cafeteria workers, custodians, etc., as well as teachers.
until the 1960-61 school year, six years after eligibility for Social Security, that a substantial number of school districts chose to add Social Security.

As shown by Table IV the larger districts have been more likely to participate in the Social Security program than the smaller districts, although the percentage of participants among the smaller districts has shown more increase than the larger districts since 1962-63. There are some variations in the percentage of the larger school systems, but there are several possible explanations for this other than individual districts coming into and out of the Social Security program. (1) The number of districts in the larger classifications are relatively smaller, so a small change in absolute number makes a significant change in percent figures. (2) Districts change from one classification to another each year. Smaller districts grow and consolidate and move to a larger classification.

Perhaps the most significant fact illustrated by Table IV is the general lack of change in Social Security participation. The percentage of participation since the 1962-63 years has remained very stable. Apparently almost all those districts which were favorable to Social Security had come under the program by 1962-63. Since 1966-67, however, there may be an increased tendency to come under Social Security. Early 1969
**TABLE IV**

TExAS SCHOOL DISTRICTS PARTICIPATING IN SOCIAL SECURITY 1960-1967

<table>
<thead>
<tr>
<th>Year to</th>
<th>Number of Scholastics in District</th>
<th>All Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td>1960</td>
<td>15,000+</td>
<td>1105</td>
</tr>
<tr>
<td></td>
<td>10,000-15,000</td>
<td></td>
</tr>
<tr>
<td>Number of Districts</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1960</td>
<td>18</td>
<td></td>
</tr>
<tr>
<td>Number of Districts with Social Security</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1960</td>
<td>18</td>
<td></td>
</tr>
<tr>
<td>% of Districts with Social Security</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1960</td>
<td>5.5%</td>
<td></td>
</tr>
<tr>
<td>1961</td>
<td>3.7%</td>
<td></td>
</tr>
<tr>
<td>1962</td>
<td>5.5%</td>
<td></td>
</tr>
<tr>
<td>1963</td>
<td>5.5%</td>
<td></td>
</tr>
<tr>
<td>1964</td>
<td>5.5%</td>
<td></td>
</tr>
<tr>
<td>1965</td>
<td>5.5%</td>
<td></td>
</tr>
<tr>
<td>1966</td>
<td>5.5%</td>
<td></td>
</tr>
<tr>
<td>1967</td>
<td>5.5%</td>
<td></td>
</tr>
</tbody>
</table>

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**Notes:**
- b. 1 district did not report.
- c. 5 districts did not report.
- d. 5 districts did not report.
- e. 13 districts did not report.
- f. A total of 24 districts did not report.
- g. 1 district did not report.
- h. 9 districts did not report.
- i. A total of 10 districts did not report.
data indicated a 10.7 overall percentage of participating districts. One possible explanation of this is the addition of the Medicare program in 1965.99

Due to the higher percentage of larger districts participating in Social Security, the number of teachers actually covered is greater than would be indicated by the overall per cent of participating districts. However, this still leaves a majority of Texas teachers not covered under Social Security. This small overall percentage is perplexing to many teachers. Explanations by teachers and Social Security officials are often in agreement with the director of the Social Security Division of the Texas Department of Public Welfare Director, Mr. J. B. Atlee. He explains that since local school districts must match the Social Security contributions of the individual teachers, the issue becomes a matter of finance. The local school board trustees are reluctant to raise taxes to provide for additional revenue for teacher retirement. The state and the teacher share the burden for the state retirement system. The local district does not provide any retirement funds, and in many cases they prefer not to.100 A somewhat different explanation is given by Mr. White, public information director of the Texas Teacher


100Statement by J. B. Atlee, April 22, 1969, Austin, Texas.
Retirement System. Mr. White apparently holds the opinion that it is the teachers themselves who are unwilling to contribute their part of the additional cost of adding Social Security.\textsuperscript{101} If the teachers have analyzed the cost and benefits of the program and the ways in which it would supplement their existing retirement system, this explanation might seem questionable. However, if most teachers are uninformed and uninterested in their retirement program, this may be an important factor (although it does not exclude Mr. Atlee's explanation). Numerous personal interviews with teachers and previous studies indicate the latter may often be the case (although there is little data to support this).

The T.S.T.A. supposedly reflects the lack of interest of the teachers rather than representing their economic interests in this area. There is little evidence that either state or local T.S.T.A. units have attempted to educate or inform teachers of the relative merits of the state and federal system in an objective manner. A teacher in Deer Park School District, where school administrators are considering dropping Social Security coverage, reported that the T.S.T.A. had made little if any effort to inform teachers of the situation and the impact of this on their retirement program.\textsuperscript{102} A Fort Worth

\textsuperscript{101}Statement by W. White, September 16, 1968, Austin, Texas.
\textsuperscript{102}Statement by Rita Cuttine, March 24, 1969, Houston, Texas.
teacher (Fort Worth is covered under Social Security) thought the system adopted Social Security because the administrators favored it and the T.S.T.A. "went along". Both teachers thought most teachers in their system were poorly informed about their retirement program, and the Social Security system.

The deciding factor as to whether a local T.S.T.A. organization does or does not favor participation in Social Security often seems to be the attitude of the administration. The T.S.T.A.'s action as a "voice" or "extension" of the administration has been suggested by studies in 1949 and in 1953. An examination of the organization and operation of one local T.S.T.A. may not be untypical of other local T.S.T.A. organizations. The following account illustrates how a local T.S.T.A. unit can be dominated or controlled by local administrators.

The last election of the Irving T.S.T.A. was held May 13, 1969. On the day prior to the "election", teachers were informed by a notice sent to the T.S.T.A. representative in each school building within the system, that the installation

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of officers would be the following day. Thus far no election had been held. Total attendance from the system of approximately 1200 members was thirty to forty teachers. It was announced that the nominating committee had selected a slate of officers for the coming year. The nominations were read, seconded, and then the chairman announced that the new officers would be installed. No other nominations were presented, and no vote was taken. All officers were administrators or teachers reputed to be highly subservient to the administration.\footnote{Meeting of Irving T.S.T.A. Chapter, Irving, Texas, October 15, 1968.}

A meeting on retirement in October, 1968, by the Irving T.S.T.A. was concerned primarily with the support of constitutional amendment Nine to revoke the ceiling on retirement contributions. Such a ceiling would have affected few, if any, Irving classroom teachers, but would have major significance to the higher paid administrators. No mention was made of Social Security at this meeting.\footnote{Election Notice," unpublished notice issued by the Irving T.S.T.A. Chapter, Irving, Texas, 1969.}

As Mr. Atlee has implied, the support of Social Security by local T.S.T.A. units seems to depend on the attitude of the trustees. These public officials in turn influence the attitude of the administrators, who dominate the T.S.T.A. As Mr. White has suggested, teachers themselves probably give little local support to participation in Social Security.
Many teachers, possibly because of a lack of time or interest have accepted the leadership of the T.S.T.A. and have depended on this professional organization to seek their best interest in the area of retirement. The T.S.T.A. has done very little to inform the teachers concerning their right to participate in the Social Security program. As previously mentioned, the general attitude of the T.S.T.A. toward Social Security has been negative. This doubtlessly is reflected in the judgment of those teachers who unquestionably accept the judgment of the organization leaders.

Comparative Cost and Benefits

The tragic cost, to the teachers, of the failure to avail themselves of the federal Social Security program can be demonstrated by a discussion of the cost and benefits of the program. The weaknesses of the state program and the costs to those teachers not covered by Social Security become apparent by comparing the costs and benefits of the state program to those of a combined system of retirement.

This comparison is illustrated by Tables V and VI. To compute benefits from all three programs an average (mean) salary of $6,000, $8,000 and $10,000 for the past ten years is assumed. The figure of $6,000 is given as a typical example in the T.S.T.A. publication Teacher Retirement in Texas.108

Although the $8,000 figure is above what many teachers in Texas might expect as a salary "base", it is possible in some school systems. The $10,000 "base" is well above the maximum teacher salary allowable in many school districts at the present time, but is represented as a real possibility for the near future by T.S.T.A. The $10,000 salary "base" level is not, however, unrealistic for school administrators, who also come under the state system.

Average (mean) earnings are computed over the period from 1950 until the beneficiary reaches retirement age, becomes disabled, or dies. The maximum earnings creditable for Social Security are $3,600 for 1951-54; $4,200 for 1955-58; $4,800 for 1959-65; and $6,600 for 1966-67. The maximum creditable in 1968 and after is $7,800, but average earnings cannot reach this level until later. For purposes of illustration, the maximum earnings for 1958-1968 is assumed for the computations. This gives an average yearly earning after 1950 of approximately $5,400, which is used as the "base" salary.


111This is a slight variation in the computations on "base" salaries for the past ten years since teachers are paid on a basis of a scholastic year from September to September, and Social Security data is computed on the basis of January to January. This should not be a significant factor in comparing the various programs, however.

TABLE V

RETIREMENT BENEFITS AT AGE 65 WITH
30 YEARS PRIOR SERVICE

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>$ 6,000</td>
<td>$2,970 per yr. $247 per mo.</td>
<td>$1,980 per yr. $165 per mo.</td>
<td>$4,248 per yr. $354 per mo.</td>
<td>$4,950 per yr. $412 per mo.</td>
<td>$7,218 per yr. $601 per mo.</td>
</tr>
<tr>
<td>$ 8,000</td>
<td>$3,960 per yr. $330 per mo.</td>
<td>$1,980 per yr. $165 per mo.</td>
<td>$4,248 per yr. $354 per mo.</td>
<td>$5,940 per yr. $495 per mo.</td>
<td>$8,208 per yr. $684 per mo.</td>
</tr>
<tr>
<td>$10,000</td>
<td>$4,944 per yr. $412 per mo.</td>
<td>$1,980 per yr. $165 per mo.</td>
<td>$4,248 per yr. $354 per mo.</td>
<td>$6,924 per yr. $577 per mo.</td>
<td>$9,092 per yr. $766 per mo.</td>
</tr>
</tbody>
</table>

a. All social security benefits are computed on $5,400 base.

b. Minimum social security benefits are computed for one individual with no dependents.

c. Maximum social security benefits are maximum family benefits allowable at the $5,400 base.

d. All social security benefits are computed according to Your Social Security, pp. 13-18. The method of establishing a base of $5,400 was suggested by the Dallas Social Security office.

e. All teacher retirement benefits were computed by the methods given in Teacher Retirement in Texas, pp. 4-5.
for Social Security. Additional monthly payments can be made to certain dependents when an individual is eligible for retirement benefits under Social Security. These eligible dependents are as follows:

(1) Unmarried children under 18, or between 18 and 22 if they are full-time students.

(2) Unmarried children 18 or over who were severely disabled before they reached 18 and who continue to be disabled.

(3) A wife regardless of her age, if she is caring for a child under 18.

### TABLE VI

**RETIREMENT BENEFITS AT AGE 65 WITH 30 YEARS PRIOR SERVICE AFTER FEDERAL INCOME TAX**

<table>
<thead>
<tr>
<th>Salary Base</th>
<th>Teacher Retirement Annuity (per year)</th>
<th>Combined Minimum Social Security and Teacher Retirement (per year)</th>
<th>Combined Maximum Social Security and Teacher Retirement (per year)</th>
</tr>
</thead>
<tbody>
<tr>
<td>$ 6,000</td>
<td>$2,626</td>
<td>$4,606</td>
<td>$6,864</td>
</tr>
<tr>
<td>8,000</td>
<td>3,414</td>
<td>5,304</td>
<td>7,762</td>
</tr>
<tr>
<td>10,000</td>
<td>4,210</td>
<td>6,190</td>
<td>7,460</td>
</tr>
</tbody>
</table>

The $5,400 base was suggested by the Dallas Social Security Office. It should be noted that in future years, earnings up to $6,700 can be used and corresponding contributions and benefits will be greater.

(4) A wife 62 or older even if there are no children entitled to payments.

(5) A dependent husband 62 or over.\(^\text{115}\)

The Social Security payments given in Tables V and VI are for the retired individual (which can be considered a minimum payment) and the maximum possible family payment. Family income from Social Security can be in between these figures, however. Table VII below shows some possible payments to which the family of a retired person qualifying for maximum benefit amounts would be entitled.

**TABLE VII**

FAMILY BENEFITS FOR DEPENDENTS UNDER SOCIAL SECURITY

<table>
<thead>
<tr>
<th>Category</th>
<th>Payment Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wife, 65 or older</td>
<td>$82.50 per month</td>
</tr>
<tr>
<td>Wife, 62, no children</td>
<td>61.90 per month</td>
</tr>
<tr>
<td>Widow, under 65, one eligible child</td>
<td>165.00 per month</td>
</tr>
<tr>
<td>Widow, under 65, more than one child</td>
<td>up to $354.00</td>
</tr>
<tr>
<td>One child of Retired or Disabled Worker</td>
<td>354.00 per month</td>
</tr>
</tbody>
</table>


In much literature since 1966 an income level of $3,000, or $3,200, is regarded as a dividing line for poverty level income. These figures seem unrealistically low in view of recent inflation and do not take into consideration individual circumstances, but it seems reasonable to assume

\(^{115}\)D.H.E.W., Your Social Security, p. 15.
that an individual or family with a total income of less than $3,000 would in most cases be in or near a state of "poverty". An examination of Table IV reveals that a teacher retiring with a "base" income of $6,000 would have a retirement income of less than $3,000. Even with an $8,000 "base", retirement income is little above this level.

While Social Security benefits for an individual may also provide income below or near the poverty level, a combination of teacher retirement and Social Security payments provide retirement income well above $3,000 even at the "typical" $6,000 base.

Retirement income benefits are usually given as gross income figures, but since a retired person must use his disposable income to purchase necessary goods and services, his income after taxes is of primary concern. Social Security benefits are not subject to federal income tax, but those benefits received under Texas Teacher Retirement are subject to federal income tax just as a normal salary would be. The susceptibility of the Teacher Retirement Program to this erosion of income is of particular importance if it represents the total or near total income of the retired person. A cut of $357 from an already low figure of $2,970 could be


117 Computed using one dependent and standard 10% deduction, see U.S. Treasury Department, Internal Revenue Service, 1970 Federal Income Tax Form (Form 1040), Washington, 1969.
quite significant to an individual living on the marginal income provided by teacher retirement alone.

TABLE VIII

RATIO OF YEARLY CONTRIBUTION TO YEARLY RETIREMENT BENEFITS AT AGE 65

<table>
<thead>
<tr>
<th>Retirement Program</th>
<th>Yearly Salary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Teacher Retirement</td>
<td>$6,000</td>
</tr>
<tr>
<td></td>
<td>$8,000</td>
</tr>
<tr>
<td></td>
<td>$10,000</td>
</tr>
<tr>
<td>Minimum Social Security</td>
<td>1/8.2</td>
</tr>
<tr>
<td>Minimum Social Security plus Teacher Retirement</td>
<td>1/9.7</td>
</tr>
<tr>
<td>Maximum Social Security</td>
<td>1/20.7</td>
</tr>
<tr>
<td>Maximum Social Security plus Teacher Retirement</td>
<td>1/12.7</td>
</tr>
</tbody>
</table>

Federal retirement, survivors, and disability benefits, and hospital insurance benefits are paid for by the equal contributions of the covered employee and the employer based on earnings covered under the Social Security System. The maximum amount of earnings that can count for Social Security is currently $7,800 and the contribution rate is 3.8 per cent (1969).\textsuperscript{118} The cost to the teacher earning $6,000 per year

\textsuperscript{118}\textsuperscript{118}Department of Health, Education and Welfare, Your Social Security, p. 19.
for social security coverage would be $205 per year (1969). For state retirement the contribution rate is 6.0 per cent (1968). Using these figures, the cost to a teacher earning $6,000 per year for state retirement would be $365 (1969). The combined cost of state retirement and Social Security would be $570 per year ($6,000 per year salary in 1968). Table VIII shows the ratio of contributions to retirement benefits in these circumstances and in several retirement possibilities. The teacher retirement plan has the lowest contribution to benefit ratio of any of the possibilities illustrated. The retiring teacher would be getting less back from each dollar put into the state system than with Social Security. It is significant to note that since the Social Security System offers a better contribution to benefits

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119 Based on 3.8% of $6,000 for Social Security, plus 6% of $6,000, plus $5 for teacher retirement membership fee in the retirement system, see T.S.T.A., Teacher Retirement in Texas, p. 10.

120 Table VII is based on the 1970 rates of contributions (3.8% Social Security and 6.0% Teacher Retirement). For purposes of continuity the same salary "base" of $5,400 for Social Security and $6,000 used in Tables IV, V, and VI is retained. The ratio for Social Security is computed by taking 3.8% of $5,400 and dividing by the benefits (shown in Table IV). There would be slight, but not significant changes in the comparative benefits/contributions ratio for Social Security if higher "average earnings" were used. Technically only 3.8% contribution is for Retirement, Survivors, and Disability insurance. An additional 0.6% is for hospital insurance (covered under Medicare).

121 If 4.4% is used to compute the contribution, the benefit/contribution ratio becomes 1/7.9 (at minimum benefits). See D.H.E.W., Your Social Security, p. 34.
ratio, even when the minimum benefit is used, any combination of the two systems would result in a better return to the retiring teacher for his dollar contribution than the state system alone.

There are no refunds of contributions under the Social Security System for an employee who does not complete the minimum numbers of years (or quarters) of credit to qualify for benefits. In such a case the individual may not reclaim the "taxes" or "contributions" which he has contributed to the system. This fact has sometimes been criticized by those who oppose the inclusion of Social Security into the State Teachers Retirement Program. Under the current state teachers retirement program, teachers can reclaim their contributions with 2\% per cent annual interest.\(^{122}\) Regardless of this criticism, the privilege of reclaiming contributions also has the overall effect of weakening the retirement system since these refunds reduce the money available for providing the benefits for those who stay in the program until retirement. Granting refunds ultimately depletes the system and reduces benefits for those retiring in the program. Rather than grant refunds as the Texas State Teachers Retirement System does, the Social Security System has transferability of benefits which allow for changes in occupation or changes from employment

from one state to another without a loss in accrued retirement benefits. Since most occupations are now covered under Social Security, there are few movements out of the system regardless of occupational changes or geographic relocation.

In contrast to Social Security, the Texas State Teachers Retirement system is restricted to teachers and auxiliary employees of school systems. Credit for out-of-state teaching is limited and there is no transferability of credit accumulated under Social Security or other retirement systems (except for state employees under certain circumstances). A teacher covered only under Texas Teacher Retirement will lose his accumulated credit toward retirement if he leaves the profession. He cannot apply his accrued participation to Social Security or private retirement programs, generally made available in business and industry. If a teacher covered under teacher retirement moves out of state and continues to teach, he may lose all or part of the credit toward retirement that he has accumulated under the state system. (State retirement programs in other states vary on credit allowed for previous years of out of state teaching).

Social Security also offers broader disability allowances. Under Social Security these benefits vary with age and length

123Journal of the Senate of the State of Texas, 56th Legislature (Austin, 1939), p. 27.
of service, and are comparable to retirement income. They include family payments, and last as long as the disability. Under Texas State Teachers Retirement, the same annuity is granted as would be available if the person were to retire at the time the disability occurred (if permanent disability occurs after ten years of creditable service). Although the standard annuity is given for life, in cases of disability at an early age, it may be substantially less than normal retirement payment since it is computed at the time of disability.

For a teacher unfortunate enough to be permanently disabled with under ten years service, $50 per month, hardly more than token payment, is provided, and even this is retracted after a time equal to the length of service before disability.

Death benefits under the Teacher Retirement System are also less generous than Social Security payments. The beneficiary may choose from one of the following options:

a. One year's salary based on either the preceding or current year. (Maximum $8,400.)

b. Sixty monthly payments equal to the monthly benefits provided by the standard annuity.

c. An amount payable for life of beneficiary based on standard annuity reduced under "option 1." "Option 1" provides a reduced allowance, with the provision that upon

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124 If you become disabled before you are 24, you need credit for 1½ years of work in the three years before you became disabled. If you become disabled between 24 and 31, you need Social Security credits for half the time after you are 21 and before you become disabled. To get disability benefits if you become disabled at 31 or later, you must be fully insured and have credit for five years of work in the ten years just before you become disabled.
the death of the retired member, the reduced allowance is continued throughout the life of the designated beneficiary.125

Under Social Security, monthly family payments are made to qualified dependents when the covered member dies, which are the same as those that would be provided if the member received retirement or disability benefits. With the addition of Social Security to the Teacher Retirement Program, these benefits could supplement considerably the meager benefits offered by the state system. Maximum family payment (using the $5,400 base) is $354, which more than doubles that given under any of the Teacher Retirement options (based on the $6,000).126

A more recent feature of the Social Security Program and those retirement programs which incorporate Social Security is a broad program of health insurance, often called Medicare. Everyone who qualifies for monthly cash Social Security or Railroad Retirement benefits will have hospital insurance automatically at age 65. Even those who are still working at age 65 and not receiving cash benefits may still be eligible for hospital insurance protection.127 This insurance is financed from contributions before retirement, and there is no additional cost once benefits begin. The coverage provided is extensive;


126Your Social Security, pp. 15-17.

127U. S. Department of H.E.W., Health Insurance for People 65 or Older, p. 2.
in addition to benefits to help pay for hospitalization, other payments provide for skilled nursing care after hospitalization, out-patient hospital diagnostic services and home health services, or other services, after hospitalization.\textsuperscript{128}

This health care is not available to Texas Teachers lacking Social Security coverage. The Texas Teachers Retirement Program makes no provisions for hospital insurance or any kind of medical aid. The retiring teacher must make provisions for his own medical care. In view of the probability of the need of medical care after the age of retirement and the high cost of private hospitalization insurance, this could present a serious problem to some retiring teachers. A retired teacher, who has Texas Teacher Retirement benefits as his only or principal source of income, must either spend a substantial portion of this on health insurance or rely on savings, family, or charity in the case of serious illness.

Some Texas teachers apparently believe they will be covered for hospitalization under Medicare when they reach age 65 even though they are not under Social Security.\textsuperscript{129} A possible explanation of this misconception is that they are confusing the hospitalization insurance portion of Medicare

\textsuperscript{128}H.E.W., \textit{Health Insurance}, pp. 3-4.

\textsuperscript{129}Personal interviews with approximately 100 Texas Teachers have indicated some teachers believe they will receive Medicare hospital insurance at age sixty-five, even though they are not under Social Security.
with the medical insurance program for which every one who is 65 is eligible. The medical insurance program under Medicare is voluntary and financed jointly by the monthly premiums of those individuals who choose this protection and the Federal Government. It helps pay physicians' services and a number of other medical services and supplies which are not covered by hospital insurance. Although a retired Texas Teacher, not under Social Security and over 65, may participate in the medical insurance program, he is still left with a very great need for hospitalization insurance.

The Cost of Delay

The cost in lost benefits to those retiring teachers without Social Security benefits is considerable. Although teachers in Texas have been eligible for Social Security since 1954, only a relatively small number are now covered under the program. In order to better evaluate the costs to those teachers who are denied participation in the Social Security Program, two hypothetical examples are used.

A typical case of a retired teacher could be represented by the following assumptions:

(1) The retiring teacher's age is 65.
(2) Years creditable service under Texas Teacher Retirement - 30.

130 H. E. W., Health Insurance, pp. 8-9.
(3) Years covered under Social Security - 14.

(4) Teacher Retirement Base - $6,000.

(5) Social Security Base - $5,000.

(6) The retiring teacher is an unmarried or widowed woman with a life expectancy of ten years beyond retirement (to age 75).

The retiring teacher would receive benefits from Texas Teacher Retirement of $2,970 per year or $29,700 total.\textsuperscript{131} The cost to the teacher by being excluded from the Social Security System would amount to the benefits she would have received under the program. These benefits would have been as follows:

(1) $1,980 per year or $19,800.

(2) Hospital insurance provided under Medicare.\textsuperscript{132}

While this hypothetical case is not unusual, other situations could raise the cost of exclusion from the Social Security program. If the retiring teacher had a dependent spouse over 65, Social Security would provide additional payments which would raise the cost in lost benefits from $19,800 to $29,700.

In coming years, as the "base" increases, so will the benefits and the cost in lost benefits to those teachers retiring without Social Security coverage.

\textsuperscript{131} T.S.T.A., Your Teacher Retirement, pp. 5-6.

\textsuperscript{132} Your Social Security, p. 12.
An even greater cost in lost benefits is suffered by a teacher who suffers permanent disability at a relatively early age. For an example of this situation, the following assumptions are made:

(1) Permanent disability occurs at age 32.

(2) Teacher is male head of household with one dependent spouse (age 29) and two children (ages 5 and 8).

(3) The disabled teacher has 8 years of creditable service.

(4) Contributions are computed on the $5,400 base for Social Security benefits.

(5) No new dependents are added to the family.

(6) The two children are eligible dependents until age 18.

(7) The teacher lives to age 70; his spouse to age 75.

Benefits for the family of this disabled teacher under Texas Teacher Retirement would be $50 per month for 8 years ($4,800 total). The cost to the teacher who could not participate in the Social Security Program will be the following lost benefits:

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133 Your Teacher Retirement, p. 6.
(1) Maximum family payment until oldest child reaches age 18 (assumed to be exactly ten years, age 8 to 18) $42,480
(2) Payment to disabled teacher plus wife under 65 with one child (three years or until youngest child reaches 18) $11,880
(3) Payment to disabled worker until wife reaches 62 (20 years) $39,600
(4) Payment after wife reaches age 62, but before age 65 (3 years) $8,168.40
(5) Payment to disabled teacher and wife over age 65 until the death of the teacher (2 years) $5,940
(6) Benefits to widow (8 years) $13,075.20

Total $121,135.60

In addition to the $108,068.40 in family and disability benefits, (total (1)(2)(3)(4) and (5)) the widow of the disabled teacher would be eligible for $13,075.20 after his death. Another additional benefit, after age 65, would be the hospitalization insurance under Medicare. 134

Hypothetical cases, could be cited which vary considerably above or below the two presented. The number of eligible dependents could be larger, death could occur at an earlier or later age, and other variables could effect Social Security benefits. From this illustration, however, it appears that

the head of a family disabled at an early age could very easily lose over $100,000 in benefits through failure to qualify for Social Security.

Recent Retirement Legislation and T.S.T.A. Action

A revision of the Teacher Retirement Act was signed into law by Governor Smith on March 31, 1969, incorporating changes which had been advocated by the T.S.T.A. for several years. The retirement bill was introduced by Senator Aiken in the Senate and Representative Hinson in the House of Representatives. It received support from the T.S.T.A. publications Texas Outlook and Texas Schools, but a statewide publicity program and political pressure for the passage of such a law was not strongly advocated by the T.S.T.A.

Even without a major publicity campaign, in November, 1967, Texas teachers secured voter-approval of amendment number Nine, which removed the $8,400 salary limit on which teachers could make contributions and compute retirement benefits. The establishment of a new ceiling was a matter of speculation. The old $8,400 ceiling may have been low considering recent and proposed salary increases. However, a ceiling above what the higher paid teachers are achieving or expect to achieve

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in the next several years might also be undesirable from the teacher's standpoint. Such a change would be of value only to the higher paid administrators. Ceilings which were discussed at T.S.T.A. meetings were often about $10,000 or $12,000. This was cited as about the maximum a teacher could expect to receive within the next several years. Some administrators opposed this viewpoint taking the position that no ceiling should be established and, therefore, the T.S.T.A. would not have to be bothered by asking the legislature to raise the ceiling again at some future date.  

The new retirement law raises the annual salary limit to $25,000 (effective September 1, 1969). This ceiling appears to be established for the benefit of administrators. Few, if any, public school teachers in Texas receive such a salary or can reasonably expect to within the next few years. By allowing high salaried administrators to retire with such a high salary "base" on which to compute retirement benefits, the cost to the state and the retirement system is greater; thereby using funds which could potentially provide greater benefits for classroom teachers.

The new law also increases retirement benefits. Retirement benefits have been increased periodically six times since the inception of the program. The latest increase provided by

the new law would change the retirement formula. In computing benefits the 1.5 per cent for each year of creditable service has been increased to 1.65 per cent. The standard annuity for a $6,000 "base" salary retiring in 1971 with 38 years of service, under the old law would have been $3,300 per year. Under the new law it is $3,600 (an increase of $300 per year). Annuities of members already retired are increased 10 per cent effective immediately by the new law.138

The plans for future action in the area of retirement at this time seem vague. The Texas Association of College Teachers reports that

Retirement officials are studying with their consulting actuary the possibilities for future legislation that will: (1) Reduce the waiting period. (2) Provide automatic post retirement increases based on the cost-of-living increase. (3) Provide other improvement which actuarial studies indicate are desirable and can be funded.139

The T.S.T.A. position as stated in the official publication The Texas Outlook calls for a re-examination of the goals and purposes of the T.S.T.A. in the area of retirement in light of the new law.140

CHAPTER IV

SUMMARY AND CONCLUSIONS

This study is an effort to describe and evaluate the role of the Texas State Teachers Association in two areas, tenure and retirement. Tenure has been generally supported by teacher organizations throughout the nation since the turn of the century. Various state and national educational societies have advocated effective tenure legislation as the best method of protecting the competent teacher against unfair treatment and arbitrary dismissal. Tenure is usually justified by maintaining that it benefits the entire community. As academic and personal freedom of teachers is increased, the community is provided with an atmosphere more conducive to the educational process, and a more effective educational system is the end result.

In Texas the practically unlimited power of school boards and administrators to "hire and fire" arbitrarily has often resulted in unfair dismissal, discrimination, and harassment of public school teachers. Fear of such reprisals has caused many teachers to be restricted in what they teach in the classroom. Often objective teaching of certain controversial
subjects is restricted. Pressure groups have been able
to bring their influence into the classroom to promote the
teaching of their brand of "the truth" or to repress certain
subjects which they find objectionable.

The personal conduct of Texas public school teachers
outside the classroom has also been limited in many cases.
In some instances teachers have suffered disciplinary action
or dismissal for participating in activities which are perfectly
acceptable for other "respectable" members of the community.

Without the protection of an effective tenure law Texas
teachers have very limited job security and are subjected to
the whims of the administrators and school boards. Because
of this situation and the resulting limitations on academic
and personal freedom there is a strong need for effective
tenure legislation in Texas.

The T.S.T.A., which represents both teachers and adminis-
trators, was slow in recognizing the obvious needs of its
members for tenure protection. Only after the enactment of
tenure laws in other states, a vigorous campaign by the N.E.A.,
pressure from the Texas Classroom Teachers Association (which
excludes administrators from membership), and a greater awareness
by Texas teachers of the need for tenure protection, did the
organization respond.

The T.S.T.A. first officially recognized the needs for
such legislation thirty years ago. Since that time its
activities have followed a consistent pattern. The state conventions have passed official resolutions urging the passage of a tenure law, committees have been appointed to make recommendations, and "model" tenure laws have been developed and presented to the legislature. Paradoxically, no effective tenure legislation ever has been passed in Texas.

The T.S.T.A. does claim credit for the recently enacted "Continuing Contract Act". This law generally follows the "model" legislation developed by the T.S.T.A. except in the critically important provisions for an adequate public hearing for dismissed teachers. However, it has been ruled permissive legislation and the real effect on teacher tenure in Texas is negligible.

The Continuing Contract Act seems to represent the real attitude of the T.S.T.A. toward teacher tenure. T.S.T.A. leaders, while giving "lip service" to tenure measures, actually have done little to insure passage of an effective law giving Texas teachers adequate protection. Apparently the state leadership usually has found it expedient to assign a low priority to tenure legislation and concentrate its work and political pressure in other areas. (This is well illustrated by the greater relative effectiveness of T.S.T.A. activities on behalf of teacher retirement.) Salary increases and other measures have been whole heartedly and effectively guided
through the legislature by the T.S.T.A. In contrast, teacher tenure bills have experienced thirty years of failure.

Thus the T.S.T.A.'s attitude toward tenure appears to have been one of reluctant public approval, combined community forces stressing strong "local control" of school, pressure groups using political pressure to influence school systems, and administrators seeking to maintain their traditional power to "hire and fire" arbitrarily, appear to have been deterrent factors. These factors apparently have influenced the T.S.T.A. to a greater extent than the needs of its members. Although T.S.T.A. officials have not publically advanced the argument of some administrators, that in order to operate an "efficient" school system the teacher must be under the threat of summary dismissal, their lack of effective support for tenure seems to indicate acceptance of this position.

T.S.T.A. activities in retirement, the other major area of discussion in this study, have been relatively more successful. The T.S.T.A. first began publically voicing support for teacher retirement in the 1920's, but effective action in this area was delayed for almost twenty years. During the 1920's and early 1930's there were major differences of opinion as to the best approach to the problem of teacher retirement. One faction supported a plan to amend the constitution, while another group advocated only legislative
change. This lack of agreement among supporters of retirement legislation, combined with a lack of effective organization for dealing with the problem, resulted in very little action being taken until the mid 1930's. Finally, under a more favorable political climate the T.S.T.A. did mobilize its efforts in support of the passage of a constitutional amendment and legislation, which brought into being the state teacher retirement system in 1937.

The T.S.T.A. officially claims full credit for securing the passage of the retirement program and ignores the fact that retirement legislation came during the "New Deal" era when numerous other items of social legislation were being passed at state and national levels. The simultaneous enactment of retirement legislation for Texas state employees and similar retirement programs throughout the United States indicates the importance of the political climate. Texas was not a leader in developing retirement legislation and passage came after twenty years of T.S.T.A. proclamations and resolutions which were productive only in the educational sense.

The T.S.T.A. has recognized the inadequacy of the retirement program from time to time. It has sponsored periodic reforms in the program, but these have lagged behind increasing costs of living. At present, retirement benefits provide a typical retiring teacher with little more than a "poverty level" income.
Low benefit payments have not been the only deficiencies of the program. Provisions for disability and death benefits have been very inadequate, and arrangements for geographic and occupational transferability have been lacking.

These weaknesses were partly remedied by major reform in the system in 1956, which was initiated by the T.S.T.A. There are implications, however, that opposition to Social Security influenced the strong support of the T.S.T.A. for reform in the state retirement program.

Texas teachers became eligible for participation in the Federal Social Security Program in 1955. Apparently T.S.T.A. leadership regarded this as a threat to the state program and opposed the participation of Texas teachers in the national system. It was at this time that they launched a major campaign for improvement of the state program.

The revision of Federal and State law to permit school systems to combine their state retirement program with Social Security has resulted in only a fraction of the state's teachers being covered under Social Security. The T.S.T.A. has done little or nothing to educate its members regarding Social Security, and has, in some instances, opposed the program.

The T.S.T.A. has failed to inform Texas teachers concerning the advantage of teacher participation in both state and federal retirement. The Social Security program
offers a lower cost benefits ratio than the Teacher Retirement program, and includes additional benefits such as medicare and geographic and occupational transferrability as well as generous disability benefits.

A combined state and federal retirement program would result in a far superior teacher retirement for Texas teachers. The two programs complement each other in many ways as they now exist, and efforts by the T.S.T.A. supporting a combined program would result in a much improved retirement system.

There is evidence that opposition to Social Security has been due partly to the ideology of leaders in the T.S.T.A., and partly to the reluctance of local tax-paying interests to pay matching taxes. This opposition has denied many teachers their right to participate in a system to provide retirement benefits that is available to almost all employed men and women in the United States, and which would undoubtedly be to their benefit.

Teachers have attempted to work primarily within the framework of the T.S.T.A. to secure support for tenure and retirement programs since the 1920's, but have met with opposition from within the organization. A principal source of internal conflict in these areas appears to be the domination of the T.S.T.A. leadership by administrators who do not necessarily see the needs for teacher retirement and tenure from the same viewpoint as classroom teachers. A good illustration of this
point is the recent amendment which removed the constitutional limit for retirement contributions and benefits. This amendment received very strong support from the T.S.T.A. even though it benefited administrators rather than classroom teachers.

A comparison between T.S.T.A. activities in the area of retirement and the area of tenure further illustrates this. In contrast to the lack of effective support for tenure, administrators appear to have generally supported retirement measures (which would benefit them as much or more than classroom teachers). This may be one reason why the T.S.T.A. has been more successful in its support of legislation in an area which costs the tax payer (retirement), than in an area that costs nothing in money (tenure).

Thus the structure of the T.S.T.A. itself appears to contribute to its relative ineffectiveness in certain areas. The major inherent weakness of the T.S.T.A., as an organization to represent the state's teachers, appears to be this inclusion of administrators as members. There is evidence that the T.S.T.A. is controlled by a hierarchy composed of administrators who decide what is "good" and what is not "good", for Texas teachers from their own frame of reference.

After reviewing the available information, it seems evident that in its existing form, the T.S.T.A., as an organization, is ineffective in representing the needs of Texas
public school teachers where their interests conflict with goals of school administrators. Tenure and Social Security are two such areas. The result has been limited success in the development of an adequate retirement program, and almost total failure in the area of tenure.
APPENDIX I

A SUMMARY OF THE 1939 TEACHER TENURE BILL

I. Definition. The following words and phrases as used in this Act, unless a different meaning is plainly required by the context, shall have the following meanings:

A. "Teacher Tenure", as employed in this measure, shall mean security of position during efficient service. It means the right of a teacher to continuous employment within a school district until such teacher resigns, elects to retire or is retired pursuant to Section 5 of Article 2922-1 of the Teacher Retirement System Act, or is dismissed as provided by law.

B. The term "teacher" as used in this act shall mean any individual regularly employed by boards of education in a supervisory, administrative, or instructional capacity.

C. The term "Board of Education" shall mean a majority of the membership of any official body having jurisdiction and control over the management of any public school in Texas.

II. Probationary Period.

A. There shall be a probationary period before tenure becomes effective.
   1. For teachers new in a local school system, two years.
   2. For administrators or supervisors in a new type of position or new in the system, two years.
   3. Teachers regularly employed in a school system for two consecutive years or more immediately prior to the effective date of the tenure law shall be considered as having met probationary requirements when reelected.

III. Causes for Dismissal.

A. The statute shall provide reasons for dismissal in general terms.
   1. For inefficiency.
   2. For immoral conduct.
   3. For physical or mental disability.
4. For persistent violation of or refusal to obey state school laws, regulations of the State Board of Education and the State Department of Education, and/or reasonable rules and regulations of the local board of education.

5. For refusal of a teacher to meet the minimum educational requirements necessary to permit such a school system to raise its standards to meet accredited and affiliation requirements.

IV. Procedure for Dismissal.

A. Charges shall be in writing, signed and verified.

B. Charges shall be presented to the accused in writing.

C. The accused may have a hearing before dismissal, except in case of flagrant immorality.

D. The hearing shall be private unless accused desires a public hearing.

E. The dismissed or demoted teacher may appeal to a State Tenure Committee.

1. There shall be appointed by the State Board of Education, from its membership, a state tenure committee composed of three members.

F. The dismissed or demoted teacher shall have the right to appeal his case to civil authorities.

V. Miscellaneous Provisions.

A. In case of illness a teacher's tenure shall be protected for one year. This period may be extended at the discretion of the employing board.

B. A teacher on leave of absence shall have his tenure protected during the period for which the leave of absence was granted.

C. School boards shall have the right to reduce the number of teachers where such reductions are necessary to natural causes, as decrease in enrollment, elimination of departments, consolidations, and/or reorganization of the school plan.

1. In such cases teachers shall be eliminated according to the inverse order of seniority.
2. These eliminated teachers shall be reemployed according to the inverse order of their elimination.

D. School boards shall have the right to reduce the salary of any teacher provided that such reduction becomes necessary because of lack of funds, and further provided that such reduction shall apply generally to other teachers of the district.
APPENDIX II

HOUSE BILL 116

CONTINUING CONTRACT

Sec. 2. Teachers to be employed by either probationary contracts or continuing contracts. Each teacher hereafter employed by any school district in this State shall be employed under, and shall receive from such district, a contract that is either a "probationary contract" or a "continuing contract" in accordance with the provisions of this Act if the school board chooses to offer such teacher a "probationary contract" or a "continuing contract." All such contracts shall be in writing, in such form as may be promulgated by or approved by the State Commissioner of Education of the State of Texas, and shall embody the terms and conditions of employment hereinafter set forth, and such other provisions not inconsistent with this Act, as may be appropriate.

Sec. 3. Probationary contracts

(a) Any person who is employed as a teacher by any school district for the first time, or who has not been employed by such district for three (3) consecutive school years subsequent to the effective date of this Act, shall be employed under a "probationary contract," which shall be for a fixed term as therein stated; provided, that no such contract shall be for a term exceeding three (3) school years beginning on September 1st next ensuing from the making of such contract; and provided further that no such contract shall be made which extends the probationary contract period beyond the end of the third (3rd) consecutive school year of such teacher's employment by the school district, unless the board of trustees determines and recites that it is in doubt whether the particular teacher should be given a continuing contract, in which event a probationary contract may be made with such teacher for a term ending with the fourth (4th) consecutive school year of such teacher's employment with the school district, at which time the employment of such teacher by such school district shall be terminated, or such teacher shall be employed under a continuing contract as hereinafter provided.
(b) The board of trustees of any school district may terminate the employment of any teacher holding a probationary contract at the end of the contract period, if in their judgment the best interests of the school district will be served thereby; provided, that notice of intention to terminate the employment shall be given by the board of trustees to the teacher on or before the 1st day of April preceding the end of the employment term fixed in the contract. In event of failure to give such notice of intention to terminate within the time above specified, the board of trustees shall thereby elect to employ such probationary teacher in the same capacity, and under probationary contract status for the succeeding school year if the teacher has been employed by such district for less than three (3) successive school years, or in a continuing contract position if such teacher has been employed during three (3) consecutive school years.

(c) In event a teacher holding a probationary contract is notified of the intention of the board of trustees to terminate his employment at the end of his current contract period, he shall have a right upon written request to a hearing before the board of trustees, and at such hearing, the teacher shall be given the reasons for termination of his employment. After such hearing, the board of trustees may confirm or revoke its previous action of termination; but in any event, the decision of the board of trustees shall be final and non-appealable.

(d) The requirement set out in this section for the serving of a probationary period shall not apply to any teacher who has previously completed a probationary period under a contract with the school district where presently employed and who is considered on the effective date of this Act to be on a permanent contract status as defined by the school district in which he or she is employed.

Sec. 4. Continuing contracts.

(a) Any teacher employed by a school district who is performing his third (3rd) or where permitted, fourth (4th) consecutive year of service with the district under probationary contract, and who is elected to employment by the board of trustees of such district for the succeeding year, shall be notified in writing of his election to continuing contract status with such district, and such teacher shall within thirty (30) days after such notification file with the board of trustees of the employing school district notification in writing of his acceptance of the continuing contract, beginning with the school year following the conclusion of his period
of probationary contract employment. Failure of the teacher to accept the contract within such thirty (30) day period shall be considered a refusal on the part of the teacher to accept the contract. Each teacher with whom a continuing contract has been made as herein provided shall be entitled to continue in his position or a position as defined in Subsection (c), Section 1, with the school district at a salary authorized by the board of trustees of said district complying with the minimum salary provisions of the foundation aid law, for future school years without the necessity for annual nomination or reappointment, until such time as the person:

(1) resigns, or retires under the Teacher Retirement System;

(2) is released from employment by the school district at the end of a school year because of necessary reduction of personnel as herein defined;

(3) is discharged for lawful cause, as defined in Section 5 below, and in accordance with the procedures hereinafter provided;

(4) is dismissed at the end of a school year for any reason as set out in Section 6, and pursuant to the procedures hereinafter provided in such cases; or

(5) is returned to probationary status, as authorized in Section 6 of this Act.

(b) The board of trustees may grant to a person who has served as superintendent, principal, supervisor, or other person employed in any administrative position for which certification is required, at the completion of his service in such capacity, a continuing contract to serve as a teacher as defined in Subsection (c) of Section 1 above; and the period of service in such other capacity shall be construed as contract service as a teacher within the meaning of this Act.

Sec. 5. Discharge during school year. Any teacher, whether employed under a probationary contract, or under a continuing contract, may be discharged during the school year, for one or more of the following reasons, which shall constitute lawful cause for discharge, viz.: immorality; conviction of any felony or other crime involving moral turpitude; drunkenness; repeated failure to comply with official
directives and established school board policy; physical or mental incapacity preventing performance of the contract of employment; and repeated and continuing neglect of duties.

Sec. 6. Dismissal or return to probationary contract status at end of school year. Any teacher employed under a continuing contract may be released at the end of any school year and his employment with the school district terminated at that time, or he may be returned to probationary contract employment for not exceeding the three (3) succeeding school years, upon notice and hearing (if requested) as hereinafter provided, for any reason enumerated in Section 5 above or for any of the following additional reasons:

(a) inefficiency or incompetency in performance of duties;

(b) failure to comply with such reasonable requirements as the board of trustees of the employing school district may prescribe for achieving professional improvement and growth;

(c) willful failure to pay debts;

(d) habitual use of addictive drugs or hallucinogens;

(e) excessive use of alcoholic beverages; or

(f) necessary reduction of personnel by the school district (Such reductions shall be made in the reverse order of seniority in the specific teaching fields.);

(g) for good cause as determined by the local school board, good cause being the failure of a teacher to meet the accepted standards of conduct for the profession as generally recognized and applied in similarly situated school districts throughout Texas.

Sec. 7. Charges and hearings by board of trustees; appeals from administrative orders.

(a) Before any teacher shall be discharged during the year for any of the causes mentioned in Section 5 above, or before any probationary contract teacher shall be dismissed at the end of a school year before the end of the term fixed in his contract, or before any teacher holding a continuing contract shall be dismissed or returned to probationary contract status at the end of a school year for any of the reasons mentioned in Section 6 above, he shall be notified in writing by the board of trustees or under its direction of the proposed
action and of the grounds assigned therefor. In the event the grounds for the proposed action relate to the inability or failure of the teacher to perform his assigned duties, the action shall be based upon the written recommendation by the superintendent of schools, filed with the board of trustees. Any teacher so discharged or dismissed or returned to probationary contract status shall be entitled, as a matter of right, to a copy of each and every evaluation report, or any other memorandum in writing which has been made touching or concerning the fitness or conduct of such teacher, by requesting, in writing, a copy of the same.

(b) If, upon written notification of the proposed action, the teacher desires to contest the same, he shall notify the board of trustees in writing within ten (10) days after the date of receipt by him of the official notice above prescribed, of his desire to be heard, and he shall be given a public hearing if he wishes, or if the board of trustees determines that a public hearing is necessary in the public interest. Upon any charges based upon grounds of inefficiency, or inability or failure of the teacher to perform his assigned duties, the board of trustees may in its discretion, establish a committee of classroom teachers and administrators, and the teacher may request a hearing before this committee prior to hearing of the matter by the board of trustees.

(c) Within ten (10) days after request for hearing made by the teacher, the board of trustees shall fix a time and place of hearing, which shall be held before the proposed action shall be effective. Such hearing shall be public unless the teacher requests in writing that it be private.

(d) At such hearing, the teacher may employ counsel, if desired, and shall have the right to hear the evidence upon which the charges are based, to cross-examine all adverse witnesses, and to present evidence in opposition thereto, or in extenuation.

(e) If the proposed action be discharge of the teacher for any of the reasons set forth in Section 5, the teacher may be suspended without pay by order of the board of trustees, or by the superintendent of schools if such power has been delegated to him by express regulation previously adopted by the board of trustees, but in such event the hearing shall not be delayed for more than fifteen (15) days after request for hearing, unless by written consent of the teacher.

(f) If the teacher upon notification of any such proposed action fails to request a hearing within ten (10) days thereafter,
or after a hearing as hereinabove provided, the board of trustees shall take such action and shall enter such order as it deems lawful and appropriate; if the teacher is reinstated, he shall immediately be paid any compensation withheld during any period of suspension without pay. No order adverse to the teacher shall be entered except upon majority vote of the full membership of the board of trustees.

(g) If the board of trustees shall order the teacher discharged during the school year, pursuant to Section 5, the teacher shall have the right to appeal such action to the State Commissioner of Education, for review by him, provided notice of such appeal is filed with the board of trustees, and a copy thereof mailed to the Commissioner, within fifteen (15) days after written notice of the action taken by the board of trustees shall be given to the teacher; or, the teacher may challenge the legality of such action by suit brought in the District Court of any county in which such school district lies within thirty (30) days after such notice of the action taken by the board of trustees has been given to the teacher.

(h) If the board of trustees shall order the continuing contract status of any teacher holding such a contract abrogated at the end of any school year and such teacher returned to probationary contract status, or if the board of trustees shall order that any teacher holding a continuing contract be dismissed at the end of the school year, or that any teacher holding a probationary contract shall be dismissed at the end of a school year before the end of the employment period covered by such probationary contract, the teacher affected by such order by filing notice of such appeal with the board of trustees may appeal to the Commissioner of Education by mailing a copy of the notice of appeal to the Commissioner within fifteen (15) days after written notice of the action taken by the board of trustees has been given to the teacher.

(i) Either party to an appeal to the Commissioner shall have the right to appeal from his decision to the State Board of Education, according to the procedures prescribed by the State Board of Education. The decision of the State Board of Education shall be final on all questions of fact, but shall be subject to appeal to the District Court of any county in which such school district, or portion thereof, lies, if the decision of the State Board (1) is not supported in the record by substantial evidence, (2) is arbitrary or capricious, or (3) is in error in the application of existing law to the facts of the case. Trial procedure in the district court shall be the same as that accorded other civil cases on the docket of said court, with the decision of the trial court to
be subject to the same rights of appeal under the Texas Rules of Civil Procedure as is accorded other civil cases so tried.

Sec. 8. Resignations by teachers; when permitted; penalty for failure to fulfill contract obligations.

(a) Any teacher holding a continuing contract with any school district, or holding a probationary contract with an unexpired term continuing through the ensuing school year, may relinquish the position and leave the employment of the district at the end of any school year without penalty by written resignation addressed to and filed with the board of trustees prior to the 1st day of August preceding the end of the school year that the resignation is to be effective. A written resignation mailed by prepaid certified or registered mail to the superintendent of schools of the district at the post office address of the district shall be considered filed at time of mailing.

(b) Any teacher holding a continuing contract or such unfulfilled probationary contract may resign, with the consent of the board of trustees of the employing school district, at any other time mutually agreeable.

(c) A teacher holding a probationary contract or a continuing contract obligating the employing district to employ such person for the ensuing school year, who fails to resign within the time and in the manner allowed under Subsections (a) and (b) above, and who fails to perform such contract, shall be ineligible for employment by any other Texas school district during the ensuing school year covered by such contract, and his teaching certificate shall be suspended for that school year only.

Sec. 9. All rights and privileges granted by this Act shall be cumulative of existing law, and should any portion hereof be found to be in conflict with any provision of existing law, the provisions hereof shall prevail.

Sec. 10. Emergency clause. The crowded condition of the calendar, and the need to make this legislation effective prior to the 1967-68 school year, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days be suspended, and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.
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