

## Chapter 2

### Employment and Tenure

TRUE/FALSE

1. Most states require some form of standardized test in order to receive certification as a teacher.
2. In cases involving whether an applicant has met the requirements for certification the courts will generally interpret the statutes loosely and give the applicant the benefit of the doubt.
3. Teachers may be tested for initial certification, but not for recertification.
4. School districts may require employees to undergo a medical examination to determine their fitness to perform their duties.
5. Teachers can be required to live in the district where they are hired.
6. School districts may require health and physical examinations for specific conditions and jobs, but may not require a psychiatric evaluation.
7. The most commonly used tests are customized state tests and Praxis.
8. In order for an employment contract to be valid, it must contain an offer by one party and acceptance by another.
9. Teachers may not be required to perform extracurricular duties that are not specified in the employment contract.
10. School districts may limit the outside employment of teachers if the rules are not arbitrary.
11. School districts are not required to continue the employment of a teacher who has successfully completed the terms of a contract.
12. The burden of proof in challenging a RIF is on the school board to show the reason it gave was rational.

13. Years of teaching in a subject matter may be more important than seniority in determining the order of release in RIF decisions.
14. The majority of teachers in the United States are not covered by collective bargaining agreements.
15. The awarding of tenure guarantees permanent employment.
16. Tenure requirements are generally determined by the school board.
17. "Good moral character" and the signing of a loyalty oath may be requirements for certification.
18. Challenges to teacher competency tests have been upheld when the cutoff scores were reasonable and connected with normal expectations of acceptable proficiency.
19. Most states require the school board give nontenured teachers who will not be rehired notice of the nonrenewal by December 31.
20. Tenure is a right conferred by the U.S. Constitution.

MULTIPLE CHOICE

1. Which of the following could NOT legally be required as a term or condition of employment?
  - a. The passage of a minimum competency test.
  - b. A pledge not to join a subversive organization.
  - c. The attainment of a specified age.
  - d. U.S. Citizenship.
  
2. In most states the initial certificate a teacher receives is typically good for
  - a. 3 years.
  - b. 5 years.
  - c. 10 years.
  - d. 25 years.
  
3. In *School Board of Nassau County v. Arline* the U.S. Supreme Court ruled that persons suffering from the contagious disease of tuberculosis
  - a. Should be dismissed from their job.
  - b. Are entitled to long term disability pay.
  - c. Are considered handicapped according to Section 504 of the Rehabilitation Act of 1973.
  - d. Should not be dismissed under any circumstances.
  
4. The Ninth Circuit Court applied the significant risk standard to a case involving the nature and transmission of AIDS in
  - a. *Chalk v. United States Court Central District of California.*
  - b. *Arline v. School Board of Nassau County.*
  - c. *Owen v. Board of Education of Kankakee School District No. 111.*
  - d. *Pittsburgh Federation of Teachers v. Aaron.*
  
5. As it relates to teacher contracts, consideration is
  - a. The awarding of tenure.
  - b. The teacher salary.
  - c. The terms of employment stated in the contract.
  - d. The form required by statute.
  
6. In order for a teacher employment contract to be valid it must
  - a. Contain an offer and acceptance.
  - b. Be entered into by a certified person.
  - c. Be extended by the board.
  - d. All of the above.

7. Although not specified in their contract, teachers can be required to do all of the following EXCEPT
  - a. Cafeteria duty.
  - b. Supervise extracurricular activities.
  - c. Drive a bus.
  - d. Go on a field trip.
  
8. Tenure
  - a. Is a constitutional right conferred upon teachers.
  - b. Provides teachers with a property right to continued employment.
  - c. Is a liberty right.
  - d. None of the above.
  
9. All of the following are true regarding tenure EXCEPT
  - a. Unless provided by statute, the courts have generally interpreted administrative and supervisory positions to be outside the scope of tenure.
  - b. If the school board has failed to follow state tenure laws, the courts have said it is the school district, not the teacher, which must bear the consequences.
  - c. In most states the provisions of tenure are set out in state statute.
  - d. A tenured teacher cannot be dismissed as a result of declining enrollments or financial exigencies.
  
10. Reductions in force (RIF) will not be supported
  - a. Unless provided for in state tenure statutes.
  - b. If they are being used to circumvent state tenure laws.
  - c. Unless hearings are held prior to dismissals.
  - d. All of the above.
  
11. In the recall of RIFed employees, which of the following is NOT true?
  - a. Tenured teachers have priority over nontenured teachers.
  - b. Certified teachers have priority of noncertificated teachers.
  - c. The order of recall should be the inverse of the release.
  - d. Seniority should be the first priority.
  
12. Regarding union activities, the courts have affirmed the rights of teachers to
  - a. Form and join a union.

- b. Negotiate conditions of employment.
  - c. Participate in union activities during school hours.
  - d. All of the above.
13. In regard to strikes by school employees, the courts have held that
- a. State law may prohibit teachers from striking.
  - b. Teachers may be dismissed for violating an injunction not to strike.
  - c. Teachers may be fined for violating an injunction.
  - d. All of the above.
14. Which of the following is typically NOT subject to collective negotiations?
- a. Certification requirements.
  - b. Salary and benefits.
  - c. Grievance/due process procedures.
  - d. None of the above.
15. All of the following are one of the basic elements of a contract EXCEPT
- a. Legally competent parties.
  - b. Offer and acceptance.
  - c. Specification of duties and responsibilities.
  - d. Legal subject matter.

## Chapter 2

### ANSWERS

#### TRUE/FALSE

1. T

2. F

3. T

4. T

5. T

6. F

7. T

8. T

9. F

10. T

11. T

12. T

13. F

14. F

15. F

16. F

17. T

18. T

19. F

20. F

MULTIPLE CHOICE

1. b

2. c

3. c

4. a

5. c

6. d

7. b

8. d

9. d

10. b

11. d

12. d

13. d

14. a

15. c