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THOMPSON, RICHARD LEWIS
A HISTORICAL AND LEGAL ANALYSIS OF TEACHER
CERTIFICATION IN NORTH CAROLINA.

THE UNIVERSITY OF NORTH CAROLINA AT
GREENSBORO, ED.D., 1979

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A HISTORICAL AND LEGAL ANALYSIS
OF TEACHER CERTIFICATION
IN NORTH CAROLINA

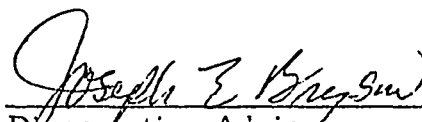
by

Richard L. Thompson

A Dissertation Submitted to
the Faculty of the Graduate School at
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of the Requirements for the Degree
Doctor of Education

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Approved by


Dissertation Advisor

APPROVAL PAGE

This dissertation has been approved by the following
committee of the Faculty of the Graduate School at the University
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THOMPSON, RICHARD L. A Historical and Legal Analysis of Teacher Certification in North Carolina. (1979)
Directed by: Dr. Joseph E. Bryson. Pp. 220.

The purpose of this study was to investigate and to analyze the historical and legal aspects of teacher certification in North Carolina. There are many forces affecting teacher certification at this time which previously have not been present in American society. The questioning attitude of the public, court decisions, legislative actions, struggles for power to certify and the increasing awareness of individual constitutional rights have led to much discussion and concern regarding teacher certification. As issues increase concerning what constitutes valid qualifications to teach and who determines whether or not an individual has appropriate qualifications, agencies and entities charged with the responsibility of teacher certification must be aware of the legal implications.

Historically viewed, the development of teacher certification in North Carolina closely paralleled the process as it evolved in other states. Each state has undergone an evolutionary process which led to a requirement that all teachers have a license or certificate, in order to protect children from those who do not meet appropriate standards of preparation, health and character.

An extensive study of certification issues revealed that emphasis on legal aspects of initial teacher certification requirements, revocation procedures, renewal requirements and application of

external criteria for certification purposes is increasing. Furthermore, persons and agencies who make certification decisions must develop policies and implement plans for all areas of teacher certification which will guarantee constitutional rights of individuals. To date, litigation of certification issues has been infrequent in North Carolina. However, there have been some periods of controversy, and major court decisions have been rendered in the areas of renewal, revocation and the right of the State Board of Education to certify teachers. A case involving North Carolina's use of National Teacher Examination scores as external criteria for certification is still in litigation.

A new quality assurance plan for preparation of teachers in North Carolina will be closely observed by certification officials of other states. While the plan has a primary focus on assuring quality of the product of teacher education programs, there is increasing potential for certification issues to become litigious in the future.

Research also indicated that periods of national crisis and supply and demand have had an effect on certification standards. When the supply of teachers has been low, standards have been lowered. Conversely, certification officials have raised standards when the supply of teachers exceeded the demand.

The investigation pointed out that teachers in non-public schools of North Carolina must meet minimum state requirements for certification. In the past, Church-State issues have not been

resolved easily, and the present United States Supreme Court has been on both sides of the issue. Thus, a clear constitutional mandate is needed.

While this work concentrates mainly on certification procedures and development in North Carolina, the value of the dissertation lies in the significant contribution provided within the extensive research and recommendations. By being cognizant of this representative work, educators throughout the United States now have a distinct source which can be viewed in terms of particular problems and which will provide enlightenment for all concerns regarding teacher certification.

ACKNOWLEDGMENTS

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CHAPTER I

INTRODUCTION

There are many forces affecting teacher certification at this time which previously have not been present in American society. The questioning attitude of the public, court decisions, legislative actions, struggles for power to certify and the increasing awareness of the constitutional rights of individuals have led to much discussion and concern regarding teacher certification.

A. W. Vandermeer stated:

. . . it has long been assumed that the state had the right to safeguard the education of children by assuring itself that only qualified persons would be allowed to teach. This principle seems secure, but the courts and legislative bodies have apparently become concerned about what constitutes valid qualifications to teach and who determines whether an individual has the appropriate qualifications.¹

As the issues increase, concerning what constitutes valid qualifications to teach and who determines whether or not an individual has the appropriate qualifications, the agencies and entities charged with the responsibility of teacher certification must be aware of the legal implications.

¹A. W. Vandermeer, "Legislatures, the Courts, and Teacher Education," School Review, 82, No. 2 (1974), 282.

Statement of the Problem

The purpose of this study was to identify and to analyze historical and legal aspects of teacher certification in North Carolina. The historical research was concerned with the chronological development of teacher certification from the colonial period until the present. Major legal aspects studied included National Teacher Examination scores, State Board of Education policies, North Carolina Statutes and the extent to which these have been challenged and litigated. The court cases pertaining to teacher certification were analyzed for the possible consequences and implications in this field.

Methodology

The basic research technique of this historical and legal study was to examine the available primary and secondary sources which pertain to the subject. The primary sources were applicable federal and state court cases, minutes of the North Carolina State Board of Education meetings, North Carolina Statutes, and manuals and documents from the State Department of Public Instruction and the General Administration Offices of The University of North Carolina. Secondary references included books, journal articles and newspaper articles. Information secured from personal interviews was utilized throughout the study.

Definition of Terms

Colleges and universities in every state offer teacher education programs, and in each location the terminology differs slightly. Performance-based, competency-based and approved program approach all refer to teacher education programs and/or certification requirements. For the purpose of clarification in this study, the following terms are defined.

Certificate

Certificate is a license granted by the state that enables a teacher to enter into a lawfully binding contract to teach. Because of the diverse usage of the term through the history of certification, certificate is used interchangeably with license.

Teacher Education

Teacher education refers to the process of preparing persons to become qualified to receive a teaching certificate or license. The investigator has largely focused on pre-service education.

Performance-Based Program

Performance-based program holds a teacher accountable for certain behaviors which can be assessed in teaching performance.

Criteria other than the completion of prescribed course work and/or a certain grade point average are employed.

Competency-Based Program

A competency-based program focuses on described competencies that a beginning teacher should be able to demonstrate. These competencies often evolve from individual and/or group participation in course work or related education experiences.

Approved Program Approach

Approved program approach is a plan whereby the State Board of Education approves a program that has been submitted by a college or university. Subsequently, students are recommended for state certification by the institution involved and are issued an appropriate teacher's certificate.

Quality Assurance Program

Quality Assurance Program is North Carolina's seven-point program designed to clarify expectations for prospective teachers. Criterion-referenced tests, and a partnership between local schools and higher education are paramount.

Public School

Public school is elementary or secondary in nature with approved educational programs. It is supported by taxation and is

supervised by city, county and/or state authorities.

Non-Public School

Non-public school is an institution established by individuals or groups for the purpose of education. It is not under the auspices of the State school system and is not supported by tax money.

Private Christian School

Private Christian school is in the category of non-public schools, not funded by taxes. Its stated purpose emphasizes religious and educational training.

Delimitations of the Study

The questions of how the present status of teacher certification evolved and legal implications of current methods employed were the focus of the survey of both primary and secondary sources of related literature. The investigator made no attempt to select a method of teacher certification as an alternative to present or past procedures. Teacher certification was examined historically and legally, with attention given to the changes which have occurred in the process. By utilizing actual court cases, the investigator examined legal questions regarding the National Teacher Examination (NTE). Teacher dismissal cases were not analyzed unless the element of certificate revocation was involved.

No attempt was made to devise instruments or to engage in complex statistical analyses. In order to illustrate visually some of the data, tables and figures were employed.

Significance of the Study

The public concern for quality and competence of teachers has led politicians and officials to develop policies and laws to control access to the teaching profession. The colleges and universities have not been completely trusted to develop persons who have valid qualifications to teach. The courts have concluded "the State cannot rely on all its teacher institutions to produce graduates and candidates for certification who possess minimal academic capabilities."² In addition, the Court has taken the position, "for the purpose of protecting the public from incompetency, the State may limit access to a vocation, here teaching, by establishing minimum standards of knowledge and acquired skills."³

²United States, et al., Plaintiffs v. State of North Carolina, et al., Defendants. United States District Court for the Eastern District of North Carolina, Raleigh Division, Memorandum of Points and Authorities in Support of Defendants' Motion for Summary Judgment, Civil Action No. 4476, p. 5.

³United States v. State of South Carolina, 455 F. Supp. 1094 (1977), p. 348.

David Bruton, Chairman of the North Carolina State Board of Education, has advocated that college sophomores should be tested in order to identify persons likely to fail the NTE.⁴ An acceptable score on this examination is currently one of the requirements for becoming a licensed teacher. Bruton stated that for a college student to prepare for four years and then to fail the NTE is unkind and inhumane. Moreover, the Chairman contended that to put that teacher into the classroom is even more inhumane.⁵

There seems to be a societal fear concerning minimum becoming maximum in competency testing for both students and teachers. The issue has been stated in other terms such as reducing standards, but the uncertainty surrounding testing for competence lingers on.

The National Education Association (NEA) is also concerned with the issue of what agency determines the qualifications of those entering the teaching profession. A model bill to transfer authority over teacher certification out of the state education agency to the professional association has been distributed by the NEA to certain state legislatures across the country. The rationale of this bill is

⁴Greensboro (North Carolina) Daily News, July 19, 1978, Sec. B, p. 1.

⁵Ibid.

to put control of entrance and retention in the profession into the hands of an organization of professionals as represented by the NEA. The implications of such a move are that elected public officials and their appointees in control of entrance into the teaching profession would be replaced and the influence of higher education on standards for teacher certification would be reduced.⁶

In some cases, State Boards of Education have concluded certain offenses or behavior warrant revocation of a teaching certificate. Revocation is more serious than refusal to hire or to dismiss a teacher because:

. . . revocation of a teaching certificate brings the full weight of a state's plenary power over public education to bear on the individual teacher by refusal to permit the teacher the right to pursue his or her profession in the state.⁷

This type of action by the State has as its purpose the protection of the public by eliminating those teachers not considered fit to teach. Such action cannot be taken without consideration of the rights of

⁶ Vandermeer, op. cit., 283-284.

⁷ Michael W. LaMorte, "Legal Rights and Responsibilities of Homosexuals in Public Education," Journal of Law and Education, 4, No. 3 (1975), 455.

due process, equal protection and privacy, "and the state cannot act in an arbitrary, capricious or unreasonable manner."⁸

The California Supreme Court established the doctrine that revocation of a teaching certificate must be related to unfitness to teach in Morrison v. State Board of Education. In this case, the California State Board of Education revoked Morrison's certificate for participating in behavior described as being of a homosexual nature. However, the California Supreme Court, in ruling that Morrison's certificate be reinstated, insisted there must be a relationship between terms such as "immoral or unprofessional conduct" and unfitness to teach.⁹ Consequently, the doctrine eliminated the threat of certificate revocation as a disciplinary action.

The State of North Carolina currently uses an approved program approach to teacher education and certification. This approach has been in effect since 1962, when the State Board of Education adopted standards and guidelines for implementing the program. In 1972, the approved program approach was expanded to include a competency-based program. The colleges and universities now have the responsibility of developing planned programs for future teachers rather than meeting specified state

⁸Ibid., 455.

⁹Morrison v. Board of Education, 461 p. 2nd, 375 (1969).

requirements through accumulation of individual college courses. After an institution's programs have been approved by the State Board of Education, students who successfully complete the requirements are recommended for state certification by the institution involved, and upon the successful completion of the NTE, are issued the appropriate teacher's certificate.¹⁰

There are, at this time, 43 colleges and universities in North Carolina which are qualified to recommend students for teacher certification. These 43 institutions have prepared 84,701 persons who have been employed in North Carolina's public schools at one time or another between 1971-72 and 1977-78.¹¹

The magnitude of these numbers implied the need for this study in order to gain insight for future directions based on the evolution of certification, court decisions, current trends and the continuing dilemma of who shall certify. The historical and legal significance of the study will be important to decision makers in public schools, state agencies, boards of education, universities

¹⁰Programs Approved for Teacher Education in North Carolina Colleges and Universities (Raleigh: State Department of Public Instruction, Division of Teacher Education, 1978), p. 1.

¹¹Ibid., p. 48.

and colleges, to certified teachers and future teachers. The literature seemed to be particularly lacking in teacher certification to date, and this study can serve as a guide for people in education who currently may be operating on their notions or experiences.

Organization of the Remainder of the Study

This study is organized into five major parts which will be presented as chapters. Chapter I is the introduction. Chapter II contains a historical overview of teacher certification from the colonial period through present-day practices. This section highlights the certification processes of selected states and summaries of legal cases pertaining to the subject matter. In Chapter III the writer discusses teacher certification in North Carolina from a historical and legal framework. The evolution of teacher certification will be traced in detail, and an analysis of the North Carolina Court cases is presented. Chapter IV covers the legal aspects of teacher certification as developed through an analysis of court decisions in the area. Chapter V presents a summary and conclusions from information offered in the previous chapters. There is a discussion of what is likely to happen in the future, and recommendations are made for decision makers to consider when dealing with this growing dilemma.

CHAPTER II

REVIEW OF RELATED LITERATURE

Introduction

The literature regarding the certification of teachers is conflicting in many areas. "No certification structure worthy of the name existed during the colonial period, or in fact, until well into the nineteenth century."¹ The state concern for certification during the colonial period was limited to religious and political conformity as a precautionary measure to reduce the influence of disloyal elements in key positions. The attitudes developed during this period did crystalize into traditions that definitely affected the development of certification. The individualism of the frontier created an attitude of resistance toward centralized control of the schools and consequently resistance to centralized control of certification. The practice of using teacher examinations as a means of identifying competence began very early in the United States. Although the

¹Lucien B. Kinney, Certification In Education (Englewood Cliffs, New Jersey: Prentice-Hall, Inc., 1964), p. 42.

validity of teacher examinations was questionable as a selective device, persons totally incompetent or illiterate were discouraged from teaching.²

Currently, some form of certification is required in all of the states even though the requirements for achieving certification vary greatly. The State Board of Education is generally endowed with the power to set the minimum standards required for certification. However, there are several states which grant the power of approval for certification of teachers to commissions composed primarily of educators.

The certification of teachers has evolved through a long and diversified process, and the historical accounts have been conflicting. There have been periods in the process which were quite dormant. At other times, controversy, legislative actions and litigation have appeared in flurries. The literature reviewed in this section includes materials which look at teacher certification from the legal and historical perspectives. An overview of these findings is included in order to provide information about the basic concepts of teacher certification so that discussions which follow, concerning North Carolina's certification process, and an analysis of major cases in the field can be understood more clearly.

²Ibid., pp. 42-43.

The related research is reported by topics as follows:

The Purpose and Nature of Teacher Certification
 State's Right to Certify
 Early Developments in Teacher Certification
 The State Assumes Responsibility
 Who Shall Control
 Current Trends

The Purpose and Nature of Teacher Certification

In order for educators to enter into legal contracts with school boards, there must be evidence that the parties involved are competent in order to be paid under the contract. A teacher's certificate has been defined as, "a license granted by the state."³ This license enables a teacher to enter into a lawfully binding contract to teach. Kinney defined certification as, "a process of legal sanction, authorizing the holder of a credential to perform specific services in the public schools of the state."⁴

The literature is not consistent in defining a teacher certificate. Some writers have correlated a certificate and license

³Daniel J. Gatti and R. Gatti, Encyclopedic Dictionary of School Law (West Nyack, New York: Parker Publishing Company, Inc., 1975), p. 45.

⁴Kinney, *op. cit.*, p. 3.

to be the same while others have made a distinction, reserving the term license for professions such as medicine and law. Thomas Holcomb, former teacher and current legislator in Michigan said,

Teaching is one of the few professions that does not have the recognizable and automatic recognition that a license carries with it. I think that when you can produce a license in . . . a profession, others realize that that person has achieved certain standards and has been recognized by the state as having done so.⁵

Regardless of language used to describe the State's endorsement of an individual to teach school, one of the main purposes for certifying teachers has been the protection of public schools from incompetent teachers.⁶

Each of the states has developed a system which requires teachers to have a license or certificate. This requirement has been established to protect children from teachers who do not meet appropriate standards of preparation, health and character. Since the license or certificate is a method to identify those who will be

⁵J. D. Heisner, "The Licensing of Teachers: Necessary or Nonsense?," Instructor, 86, No. 2 (1976), 184.

⁶Homer Coker, "Identifying and Measuring Teacher Competencies: The Carroll County Project," The Journal of Teacher Education, 27, No. 1 (1976), 56.

allowed to teach, and is not issued indiscriminantly to all who apply, it is not surprising to find that teacher certification is a subject of controversy and discussion.⁷

Benjamin W. Frazier, former Senior Specialist in Teacher Training for the United States Office of Education, wrote in 1938:

Teacher certification is related to most aspects of public education. The largest single item in State expenditures for education is for teachers' salaries, and teacher certification constitutes one of the most effective means available to the State for avoiding waste of public funds caused by the employment of incompetent instructors. Constant reminders are given in the literature of education that qualifications of teachers constitute the key to educational efficiency, and that the provision of competent teachers overtops in decisive importance all other State educational enterprises.⁸

Concerning the value of certification, Frazier concluded:

In determining the qualifications of teachers, certification requirements ultimately affect the educational welfare and advancement of pupils around whom all public-school educational activities revolve. The certification of teachers is therefore so directly related to important aspects of education that even slight improvements in certification requirements may have widespread and lasting effects in the educational advancement of a State.⁹

⁷Margaret Lindsey, ed., New Horizons for the Teaching Profession (Washington, D. C.: National Education Association of the United States, 1961), p. 141.

⁸Benjamin W. Frazier, Development of State Programs for the Certification of Teachers, U. S. Office of Education Bulletin 1938, No. 12. (Washington: Government Printing Office), p. 2.

⁹*Ibid.*, p. 3.

Furthermore, E. J. Ashbaugh in an article for School Life, observed:

The theory back of the certification of teachers is that some responsible individual or body should pass upon the qualifications of each candidate for a teaching position, in order to guarantee that the children should have a properly qualified instructor.¹⁰

Calvin Wiley, the first Superintendent of Public Instruction in North Carolina, saw the certificate as a means of promoting efficiency and uniformity in the educational system. Wiley prepared a certificate to be given to the teacher by the Committees of Examination which specified the grade and rank of the teacher. The grades were from one to five, with one designating the highest grade and five the lowest. Pleased with the plan, the Superintendent, regarding certificate purposes, stated:

. . . The following are part of the benefits of certificates exhibiting the grade or rank of the holder, viz: 1st. It will be a cause of just gratification to good teachers to find themselves ranked according to their merit. 2nd. Committees, and the public generally, will be enabled to tell by the face of the certificate the character of the person who holds it, and to decide whether the teacher suits them. 3rd. Emulation will be excited among teachers, and each one will wish, when he or she renews the certificate, to advance a grade higher. 4th. Committees, after a year's trial will feel compunctious

¹⁰E. J. Ashbaugh, "The Need of Uniformity in Certification of High School Teachers," School Life, 12, No. '8 (1927), 154.

in refusing licenses to those who took certificates with the lowest numbers, and have not improved.¹¹

The North Carolina Law of 1852 also authorized superintendents to refuse to pay any teacher who did not hold a regular certificate from the Committee of Examination for the county in which the teacher taught.¹² This legal concept holds true today, and a person performing teaching duties without a valid certificate is deemed to be a volunteer, and as such is not entitled to payment for services rendered.

"A teacher cannot demand payment for his or her services unless he or she is certified to teach in the public schools. Without this license, the teacher lacks legal capacity."¹³ The certificate means that a person has met state minimum requirements for certification, but does not mean that one who is certified has a right to a teaching position. "It cannot be considered as a contract and carries with it no compulsion to employ. It is subject to the provisions of the statutes and can be revoked."¹⁴

¹¹First Annual Report of the General Superintendent of Common Schools (W. W. Harden, Printer to the State, 1854), p. 8.

¹² Ibid.

¹³ Gatti and Gatti, op. cit., p. 46.

¹⁴ Lawrence M. Douglas, "Legal Issues in Teacher Certification as Shown by an Analysis of American Court Decisions" (PhD dissertation, University of Pittsburgh, 1950), p. 16.

In 1925, the Court of Civil Appeals of Texas defined a certificate as:

A certificate to teach in the public schools is merely a license granted by the state, and is revocable by the state at its pleasure. It is not a contract protected by the due process provisions of either the state or federal constitution.¹⁵

The Court of Appeals of California, Second District, also spoke to the issue of a license not constituting a contract in Jones v. Oxnard School District. A certified elementary teacher sought injunctive relief against the school district and damages from school administrators for failure to hire the teacher for the 1960-61 and 1961-62 school years. The teacher alleged that the school district and officials caused statements of need to be filed in spite of a certified teacher having an application on file. The Court ruled that the action of the district and officials was a discretionary action within the scope of administrative authority, and under California law such action is privileged against tort liability.¹⁶

Clearly, from the literature teacher certification has a variety of purposes, and the process cannot be fully understood in isolation. There are other mechanisms which are institutionalized

¹⁵Marrs v. Matthews, 270 S. W. 586 (1925).

¹⁶Jones v. Oxnard School District, 75 Cal. Rptr. 836 (1969).

in order to assure competent school teachers; however, the core of such assurance lies in great part with the certificate. An appropriate statement concerning the purposes of certification might be as follows:

While teacher certification may serve a number of disparate purposes, including limiting entry into an already overcrowded profession, its primary function is to assure that every public school teacher meets at least some minimum standards of personal fitness and professional competence. Teacher certification is now almost exclusively a state function rather than a local or federal one and, in a sense, manifests a historical lack of confidence in the will or ability of local school districts to identify and select minimally competent teachers. Teachers, as a group, indirectly benefit from the existence of a certification system, since licensure is one of the identifying marks of professional status; but it is school children who are the primary intended beneficiaries of teacher certification.¹⁷

State's Right to Certify

The responsibility and authority to administer the public school system in this country is vested in the states. The Tenth Amendment of the Bill of Rights provides:

The powers not delegated to the United States by the Constitution nor prohibited by it to the States, are reserved to the States respectively, or to the people.¹⁸

¹⁷William R. Hazard and others, Legal Issues in Teacher Preparation and Certification, U.S., Educational Resources Information Center, Clearinghouse on Teacher Education, ERIC Document SP 010 917, June 1977.

¹⁸U.S. Constitution, amendment X.

The principle of the State's right to certify is well established. In the U.S. Supreme Court case of Adler v. Board of Education, the Court found the State may set reasonable terms for those who may work for a school system.¹⁹ Even though a later case found the law upheld in the Adler case unconstitutional, the Supreme Court of the United States has not rejected the concept of the State's right to set qualifications for those wishing to teach in the State's schools.²⁰

In Guthrie v. Taylor, the North Carolina Supreme Court upheld the State's right to certify and affirmed the decision by the trial court. Even though Guthrie's complaint was aimed at the regulation regarding teacher renewal and the authority of the State Board of Education to require such renewal, the Court clearly established the Board's authority in all areas of certification.²¹

The investment in public education has grown into one of America's greatest enterprises from the point of view of numbers involved and of importance of the product. In state constitutions or in early legislation, the mandate to create and maintain a public

¹⁹Adler v. Board of Education, 342 U.S. 485 (1952).

²⁰Guthrie v. Taylor, 279 N.C. 703 (1971). (See also Keyishian v. Board of Regents 385 U.S. 589 (1967).)

²¹Ibid.

school system in each state was directed to the State legislature. In order to carry out this responsibility, the legislature established a system of public education which still remains under the State's control.²² The 50 states have developed an administrative structure to deal effectively with the operation of public schools. The organization of the administrative structures is quite different in detail but very similar in terms of general structure. For example, Reutter noted:

Except in Hawaii the actual operation of the schools of the state is largely delegated to local boards of education carrying out their functions in school districts set up by the state. On the state level there are three distinguishable components concerned with education. These are: a state board of education, a chief administrative officer, and a state department of education.²³

The Supreme Court of the United States spoke to the importance of the State's interest in education in Brown v. Board of Education:

Today, education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in

²²Kinney, op. cit., p. 15.

²³E. E. Reutter, Schools and the Law (Dobbs Ferry, New York: Oceana Publications, Inc., 1970), p. 13.

the performance of our most basic public responsibilities, even service in the armed forces. It is the very foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education.²⁴

The states have the responsibility for all public education, and the certification or licensure of teachers is the public's guarantee that personnel who serve the schools in a professional capacity are qualified to perform their duties.²⁵ Charles B. Aycock, former Governor of North Carolina, said, "My obligation is to the State, and the State is all her citizens."²⁶ Commenting on the State's interest, Knight explained:

The teachers of children and of youth are by far the most influential instruments by which a state may control its future. The teachers determine very directly the extent and degree to which ideas pervade a commonwealth. How the state prepares its teachers is therefore very significant and important, because

²⁴Brown v. Board of Education, 347 U.S. 483 (1954).

²⁵Teaching in North Carolina: Certification, Employment Procedures, Salary Policies, Publication No. 357 (Raleigh: State Superintendent of Public Instruction, 1965), p. 11.

²⁶Edgar W. Knight, Notes on Education (Chapel Hill: The Seeman Press, Inc., 1927), p. 5.

the school is accepted as a proper and the most effective means of diffusing knowledge among the people.²⁷

The State's responsibility for education as determined by the Constitution of the United States, and the need to protect the State's compelling interest has led to a relationship between State responsibility, State interest and a State system of certification. The State's interest, and the relationship to a system of certification has been described as:

. . . The right and responsibility of the State to certify teachers is a legitimate, moral, and rational use of the political power of the State, only to the extent that teacher certification protects and promotes some demonstrably legitimate public interest of the people for whose welfare and benefit State accredited schools are established. Statutes, policies, and procedures which together constitute teacher certification are not authorized in order to protect special private interests, such as the desires of aspiring teachers for some official State acceptance of previous training and experience. Just as the State does not examine and license physicians in order to assist the graduate of a medical school in pursuing his special private interest of setting up a practice and making money, so the proper purpose of State procedures for teacher certification is not to assist the graduate of a school of education in pursuing his legitimate private goal of getting a job.²⁸

²⁷Ibid., p. 52.

²⁸Hazard and others, op. cit., p. 71.

The courts and legislative bodies have been prone to favor individual rights over societal rights and are questioning the requirements for the certification of teachers. There is also a questioning of, "the administrative personnel who administer these requirements at the state level."²⁹

In the Ambach v. Norwich case in which two aliens sued after they were denied teaching certificates for failure to apply for United States citizenship, further answers may be provided regarding the State's interest. The constitutionality of a New York statute requiring aliens to apply for citizenship in order to become teachers in the public schools was argued before the United States Supreme Court on January 10, 1979. Judith Gordon, New York's Assistant Attorney General, said, "The law is the most effective and least drastic means to advance the State's interest in teaching American values to public school children."³⁰

Justice John Paul Stevens questioned the law which was in effect for teachers in public schools but was not applied to teachers in private schools.

²⁹A. W. Vandermeer, "Legislatures, the Courts, and Teacher Education," School Review, 82, No. 2 (1974), 282.

³⁰School Law News, 7, No. 2 (1979), 8.

Gordon responded that the mission of public and private schools is not the same, and the state's interest in the two types of education is different. She said the state wants to insure that students learn certain basic materials in private school so that students can function in society, but public schools are more directly concerned with transmitting American values.³¹

The attorney for the aliens asked the Court to reject the law on grounds of lack of specificity and violation of the alien's constitutional right to equal protection under the law. There was hope the Court would be able to render a decision before the end of the spring term of 1979.³²

Some states have developed laws that prohibit denying a certificate on the grounds of judgments as to character and personality of the applicant. However, "In general such judgments are commonly exercised in decisions on admission to teacher education, student teaching, and recommendations for teachers' certificates."³³ A complicated case, Acanfora v. Board of Education, involving a student teacher who publicly acknowledged being a homosexual may have special significance to the issue of individual rights versus the State's compelling interest. The young

³¹ Ibid.

³² Ibid.

³³ Vandermeer, op. cit., 286.

man was removed from student teaching when the acknowledgment of homosexuality was made public. The University of Pennsylvania and the school system where the young man was doing a practicum were ordered to reinstate the student teacher. Basically, the Court held that a school system is not required to enter into a relationship with a student teacher. However, once a school system agrees to the relationship there can be no termination except for "documented relevant cause."³⁴ The cause of termination must be related to the student teacher's presence being disruptive or detrimental to the educational process.³⁵

The above case became more complicated in the spring of 1972, when Acanfora applied for a Pennsylvania teacher's certificate. The matter was turned over to John Pittenger, Secretary of Education of Pennsylvania, who was to decide whether Acanfora could be certified to teach in Pennsylvania without recommendation from the university concerning the applicant's good moral character and traits necessary for becoming a teacher. While the certification matter was under consideration, Acanfora signed a contract to teach in Montgomery County, Maryland. A news conference was held in

³⁴Ibid., 287.

³⁵Ibid.

Pennsylvania on September 22, 1972, by Pittenger who announced Acanfora would be certified to teach. No proof of criminal charges or evidence of conduct considered detrimental to the educational process had been found. Pittenger saw no reason to deny the certificate.³⁶

When the newspaper accounts of Acanfora's certification reached Donald Miedema, Deputy Superintendent of Montgomery County Schools, Acanfora was involuntarily transferred from a teaching position to a position in curriculum in the central office. Acanfora eventually lost the case on grounds of withholding information on the initial application filled out for Montgomery County officials.³⁷ However, the implications are clear that certification issues and the State's compelling interest are not easily resolved. La Morte offered the following thought regarding certification decisions:

Given the unavailability of sound empirical data by which to assess the impact of a homosexual, or any other "deviant," for that matter, on the school environment or those operating within it, folk

³⁶Acanfora v. Board of Education, 491 F. 2nd 498 (4th Cir., 1974).

³⁷Ibid.

wisdom steeped in antiquity often prevails. Such a process, does not insure justice under the law.³⁸

The Courts have been faced with the burden of weighing the constitutional rights of individuals against the societal need of effective school management and operation. The State's right to certify has involved a commitment to maintaining schools, "free from actions or persons which pose a material and substantial threat to the order and efficiency of the school system."³⁹ Concerning individual rights, the United States Constitution affirms that:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.⁴⁰

The First Amendment to the United States Constitution declares:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or

³⁸Michael W. La Morte, "Legal Rights and Responsibilities of Homosexuals in Public Education," Journal of Law and Education, 4, No. 3 (1975), 462.

³⁹Gatti and Gatti, op. cit., p. 63.

⁴⁰U.S. Constitution, amendment XIV, sec. 1.

abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for redress of grievances.⁴¹

In a landmark case, the United States Supreme Court has decreed that students and teachers do not "shed their constitutional rights at the schoolhouse gate."⁴² The often quoted doctrine brought forth in this case, and applied in others, was that students or teachers were entitled to the same rights as other citizens unless the exercise of those rights substantially and materially interfered with the educational process.⁴³ The Fourteenth Amendment has been applied quite often in educational litigation and administrative decision making. The certification of teachers must operate within the framework of the Constitution of the United States. The decision to certify Joseph Acanfora in Pennsylvania had roots embedded in the law of the land and not the whims of an educational agency or official.

A critical point of consideration in evaluating the State's right to certify is that original and basic authority of the State to establish and control public schools is found in the state constitutions.

⁴¹U.S. Constitution, amendment I.

⁴²Tinker v. Des Moines Independent School District, 393 U.S. 503 (1969), p. 506.

⁴³Ibid.

"Any provision of a state constitution which is in conflict with a provision of the federal constitution, as interpreted by the United States Supreme Court, is null and void."⁴⁴

Individual states have different concepts of the State's right to certify teachers in private education because of different constitutional and legislative provisions. "North Carolina is apparently one of the few states in the South to require all schools, both public and private to be licensed."⁴⁵ Georgia has some fire regulations which pertain to private schools but makes no effort to apply certification standards for teachers. Clarence Lambert, of the Georgia Department of Education stated, "They can use high school students for teachers, if they have a mind to pay for them."⁴⁶ Education officials in South Carolina, Florida and Alabama indicate there are no licensing or accreditation requirements in those states regarding private church related schools. Until recently, no question has been raised in North Carolina "about the State's authority to require annual reports, certify teachers, and to demand the

⁴⁴E. C. Bolmeir, The School in the Legal Structure (Cincinnati: The W. H. Anderson Company, 1973), p. 88.

⁴⁵Concord (North Carolina) Tribune, January 21, 1979, p. 25, col. 1.

⁴⁶Ibid.

⁴⁷Joe S. Maynor, "What Are State Rights in Christian Schools?" Liberty, 74, No. 1 (January-February, 1974), 26-27.

teaching of certain fundamental courses."⁴⁷ Andrew J. Vanore, Senior Deputy Attorney General of North Carolina, contends the reason for the current upheaval is that the teachers in church schools do not hold regular state teaching certificates. Many of the teachers in the Christian schools are graduates of fundamentalist Christian colleges that are not accredited and cannot recommend a teacher for certification under the policies now in force.⁴⁸

The State justifies its compelling interest, which encompasses the State's right to certify, on grounds that regulations must be administered by official agencies to ensure every child an adequate education in North Carolina. The Christian schools contend the First Amendment right to free exercise and expression of religion is violated by the regulations.⁴⁹

The vast differences in opinions between the parties have led to the most recent challenge to the State's right to certify. The case, State of North Carolina, et al. v. Columbus Christian Academy, et al., was tried in Superior Court of Wake County and is on appeal at the present time to the North Carolina Court of Appeals. The finding in this case supported the State's right to

⁴⁸Concord (North Carolina) Tribune, loc. cit.

⁴⁹Maynor, op. cit., 26.

certify teachers and reaffirmed the State Board of Education's authority to require minimum courses of study for teacher certification and curriculum in general.⁵⁰

The Constitution of North Carolina delegates the authority to regulate the certification of public school teachers to the State Board of Education.

Sec. 5. Powers and Duties of Board. The State Board of Education shall supervise and administer the free public school system and the educational funds provided for its support, except the funds mentioned in Section 7 of this Article, and shall make all needed rules and regulations in relation thereto, subject to laws enacted by the General Assembly.⁵¹

Chapter 115 section 11 of the General Statutes of North Carolina provides:

(14) Miscellaneous Powers and Duties. All the powers and duties exercised by the State Board of Education shall be in conformity with the Constitution and subject to such laws as may be enacted from time to time by the General Assembly. Among such duties are:

- a. To certify and regulate the grade and salary of teachers and other school employees.⁵²

⁵⁰State of North Carolina, et al. v. Columbus Christian Academy, et al., No. 78 CVS 1678. (1978).

⁵¹North Carolina Constitution, Art. IX, sec. 5.

⁵²Public School Laws of North Carolina (Charlottesville, Virginia: The Michie Company, 1976), p. 23.

The other North Carolina Statutes which pertain to teacher certification are listed below:

G.S. 115-152. Prerequisites for employment. All teachers, supervisors, and other professional personnel employed in the public schools of the State or in schools receiving public funds, shall be required either to hold or be qualified to hold a certificate in compliance with the provision of the law or in accordance with the regulations of the State Board of Education: Provided, that nothing herein shall prevent the employment of temporary personnel under such rules as the State Board of Education may prescribe: Provided further, that no person shall be employed to teach who is under 18 years of age.⁵³

G.S. 115-152.1. Discrimination against blind prohibited in training and hiring of teachers. No person otherwise qualified shall be denied the right to receive training for the purpose of becoming a teacher, or to engage in practice teaching in any school on the grounds he is totally or partially blind; nor shall any school district refuse to engage a teacher on such grounds, provided, that such blind teacher is able to carry out the duties of the position for which he applies in the school district.⁵⁴

G.S. 115-153. Certifying and regulating the grade and salary of teachers; furnishing to county or city boards available personnel information. The State Board of Education shall have entire control of certificating all applicants for teaching, supervisory, and professional positions in all public elementary and high schools of North Carolina; and it shall prescribe the rules and regulations for the renewal and extension of all certificates, and shall determine and fix the salary for each grade and type of certificate which it authorizes;

⁵³Ibid., p. 127.

⁵⁴Ibid.

provided, that the State Board of Education shall require each applicant for an initial certificate or graduate certificate to demonstrate his or her academic and professional preparation by achieving a prescribed minimum score at least equivalent to that required by the Board on November 30, 1972, on a standard examination appropriate and adequate for that purpose; provided, further, that in the event the Board shall specify the National Teachers Examination for this purpose, the required minimum score shall not be lower than that which the Board required on November 30, 1972. An applicant for certification making the required minimum score, and meeting such other requirements as may be established by the State Board, shall be issued a regular certificate. An initial applicant for certification failing to meet the required present minimum score, but meeting such other requirements as may be established by the State Board, shall be issued a probationary certificate, upon the same terms and conditions as regularly certificated personnel with comparable experience, which shall be effective for a period of two years. Any person previously denied certification because of failure to make the present minimum required score, but meeting such other requirements as may be established by the State Boards, upon application to the State Board shall be issued a probationary certificate, upon the same terms and conditions as regularly certificated personnel with comparable experience, which shall be effective for a period of two years. The classroom performance of a holder of a probationary certificate, particularly from the standpoint of knowledge of subject matter and the principles and methods of education, shall be regularly and systematically evaluated during the probationary period. Upon completion of the probationary period, the State Board shall review the classroom performance of the probationary teacher and determine whether the teacher has demonstrated that degree of knowledge of subject matter and the principles and methods of education necessary to teach in the public schools of this State. If the teacher has demonstrated sufficient academic competence, the State Board shall issue a regular certificate; if not the probationary certificate shall expire and such teacher shall not be eligible for employment in a teaching position in the public schools. The State Board is hereby

authorized, empowered and directed to enact rules and regulations and establish procedures to carry out the purposes of this section.

Upon request the State Board of Education and the State Department of Public Instruction shall furnish to any county or city board of education any and all available personnel information relating to certification, evaluation and qualification including, but not limited to, semester hours or quarterly hours completed, graduate work, grades, scores, etc., that are on that date in the files of the State Board of Education or Department of Public Instruction.⁵⁵

G.S. 115-154. Local approval of certificate required. No certificate issued by the board shall be valid until approved and signed by the superintendent of the administrative unit in which the holder of said certificate resides, or contracts to teach, and the certificate when so approved shall be of statewide validity. Should any superintendent refuse to approve and sign any such certificate, he shall notify the State Board of Education and state in writing the reasons for such refusal. The said Board shall have the right, upon appeal by the holder of said certificate, to review and investigate and finally determine the matter.⁵⁶

G.S. 115-155. Employing persons not holding nor qualified to hold certificate. It shall be unlawful for any board of education or school committee to employ or keep in service any teacher, supervisor, or professional person who neither holds nor is qualified to hold a certificate in compliance with the provision of the law or in accordance with the regulations of the State Board of Education.⁵⁷

⁵⁵ Ibid., pp. 127-128.

⁵⁶ Ibid., p. 130.

⁵⁷ Ibid.

G.S. 115-156. Colleges to aid as to certificates. Each and every college or university of the State is hereby authorized to aid public school teachers or prospective teachers in securing, raising, or renewing their certificates, in accordance with the rules and regulations of the State Board of Education.⁵⁸

G.S. 115-256. Teachers must have certificates for grades they teach; instruction given must substantially equal that given in public schools. All nonpublic schools in the State and all teachers employed or who give instruction therein, shall be subject to and governed by the provisions of law for the operation of the public schools insofar as they apply to the qualifications and certification of teachers and the promotion of pupils; and the instruction given in such schools shall be graded in the same way and shall have courses of study for each grade conducted therein substantially the same as those given in the public schools where children would attend in the absence of such nonpublic school.

No person shall be employed to teach in a nonpublic school who has not obtained a teacher's certificate entitling such teacher to teach corresponding courses or classes in public schools.⁵⁹

The appearance of G.S. 115-154 in the school laws of North Carolina is an interesting phenomenon. This statute has not been used for at least twenty years, and the present North Carolina teaching certificate does not have a place for the local superintendent's signature.⁶⁰

⁵⁸Ibid., p. 131.

⁵⁹Ibid., pp. 187-188.

⁶⁰Statement by J. Arthur Taylor, North Carolina State Department of Public Instruction Official, personal interview, Raleigh, North Carolina, November 29, 1978.

The State's right to certify has played a vital role in the development of teaching personnel throughout the United States. In 1928, an Educational Commission on the public school system of North Carolina concluded, "the level of training of teachers has never gone beyond the minimum requirements for the certification of teachers."⁶¹

Early Developments in Teacher Certification

The role reversal of the Church and State regarding teacher certification has been a long and sometimes bitter dilemma. According to Frazier, "Certification of teachers in its rudimentary forms is almost as old as the school itself."⁶² The early rulers of the Roman Empire imposed requirements of persons wishing to open schools more than 1,500 years ago. "Licenses to teach and oaths of fidelity were required in song and grammar schools long before the 15th century."⁶³

⁶¹Consolidated Report of the State Educational Commission on the Public School System of North Carolina (Raleigh: Edwards and Broughton Company, 1928), p. 172.

⁶²Frazier, op. cit., p. 14.

⁶³Ibid., p. 15.

Since churches exercised control over most of the schools of Europe, prospective teachers had to meet the certification requirement of allegiance to the church.⁶⁴ The religious orthodoxy constituted the major qualifying factor for selecting teachers in England. "In 1553, for example, Queen Mary had required that all Protestant teachers be replaced by Catholics."⁶⁵

A teacher's tenure in Europe during that period of time was very similar to an appointed political position in the United States today. As political parties exchange positions of authority, appointed positions also change. For example, when Democrats are in control appointed positions usually go to Democrats, but the reverse is true when Republicans assume governmental power. In 1559, the certification prerequisite of loyalty to the church caused all Catholic teachers to be replaced by Protestants. Kinney stated "after 1581 all teachers in England had to be licensed by the Anglican Church."⁶⁶ As schools developed in early Colonial America, many regulations brought from England were imposed on persons

⁶⁴ Julius P. Freeman, "Relationship of the State Department of Education to Teacher Education" (PhD dissertation, George Peabody College for Teachers, 1957), p. 51.

⁶⁵ Kinney, op. cit., p. 39.

⁶⁶ Ibid.

wishing to teach or to establish schools. Teacher certification, or the equivalent, was described by Frazier as:

. . . likewise administered by the Church, usually through the ministers of the towns who assured themselves that candidates were of sound faith and knew at least a little about the elementary subjects they taught. During the last decade of the 17th century, record exists of that compulsory requirements that grammer (sic) school masters secure the approval of the minister of the town and of the two next adjacent towns, or two of them.⁶⁷

The license to teach in the colonies usually came from the Bishop of London or sometimes authority was delegated to the colonial governors. The aspiring teacher had to show evidence of conformity to the Anglican faith and to be in good standing with the Church. When Henry Dunster, the first president of Harvard, expressed opposition to the baptism of infants, he was criticized by the public and eventually forced to resign.⁶⁸

Cubberley stated the licensing of teachers was:

. . . carefully looked after in so far as religious faith was concerned, though private teachers usually were unlicensed. Where this was done locally, as in New England, the minister usually examined the candidate thoroughly to see that he was "sound in the faith and knew his Latin." Little else mattered. In the parochial

⁶⁷Frazier, op. cit., p. 15.

⁶⁸Edgar W. Knight, Education in the United States (Boston: Ginn and Company, 1934), p. 357.

schools to the southward, where there was a connection with a home church in continental Europe, a license to teach not infrequently came, in theory at least, from a Church Synod or bishop in the home land.

A modicum of learning was of course assumed on the part of the applicant, but this was not especially inquired into. The great consideration was that the teacher should adhere closely to the tenets of the particular Church, and should abstain from attendance upon the services of any other church. For example, the Bishop of London issued the license to teach in schools under the direction of the English Church in the Colonies. To hold such a license the applicant must conform to the Church liturgy, must have received the Sacrament in some Anglican Church within a year, and for attending any other form of worship was usually subject to imprisonment and disbarment from teaching.⁶⁹

In New Amsterdam, the control and supervision of schools was directed by the deacons of the church. "During the period of Dutch rule, no private teacher could follow this calling without a license from civil and ecclesiastical authorities."⁷⁰ Dexter wrote of the differences of certification requirements in the Dutch schools of New Amsterdam:

The exact character of the requirements imposed have, however, varied very greatly, both as to quality and quantity. In some instances they have been purely

⁶⁹Ellwood P. Cubberly, Public Education in the United States (Rev. and enl. ed.; Massachusetts: Houghton Mifflin Company, 1947), pp. 55-56.

⁷⁰Edwin G. Dexter, A History of Education in the United States (New York: The MacMillan Company, 1922), p. 15.

religious, orthodoxy in some special form of religion being the prerequisite: in others nationality was the determining factor, and in others-- and fortunately for the schools it was the larger number--academic proficiency was the desideratum.⁷¹

Hall and Knight described the qualifications of the master of a school in Charleston, South Carolina, in 1712:

. . . That the person to be master of the said school shall be of religion of the Church of England, and conform to the same, and shall be capable to teach the learned languages, that is to say, Latin and Greek tongues, and to catechize and instruct the youth in the principles of the Christian religion, as professed in the Church of England.⁷²

There were similar requirements in New Bern, North Carolina, in 1766.

. . . That no person shall be admitted to be master of the said school, but who is of the established Church of England; and who, at the Recommendation of the Trustees or Directors, or the majority of them shall be duly licensed by the Governor, or Commander in Chief for the time being.⁷³

Teacher certification or licensure during the colonial period lacked consistency; therefore, individuals with various qualifications,

⁷¹Ibid., p. 397.

⁷²Clifton L. Hall and E. Knight, Readings in American Educational History (New York: Greenwood Press, Publishers, 1951), p. 29.

⁷³Ibid., p. 36.

competencies and background became teachers. Discipline, being of primary importance in colonial schools, led to the qualification of the schoolmaster being able to control the children of the class. In other locales, teachers were selected because of some physical handicap on the assumption that teaching was basically an indoor occupation, and persons could be utilized who did not fit into society in general.⁷⁴ Accounts of boys in the schools putting out several schoolmasters were not uncommon as "more than 300 schools in Massachusetts were broken up by the insubordination of the pupils and the incompetence of the teachers to govern."⁷⁵ Cubberley described the teachers of private venture schools in the Southern and Central Colonies as being of the poorest quality. Many of these teachers were "of the so called 'indentured white servants' class."⁷⁶ Conditions in Europe were extremely difficult for the poor people, and many persons were sold for a number of years to pay for passage to the colonies. Individuals of this category who were fit to teach were allowed to open a school and to give the proceeds to the person

⁷⁴Mary L. Staton, "Trends in Teacher Certification in the South Since 1900" (PhD dissertation, University of North Carolina, 1954), pp. 11-12.

⁷⁵Kinney, op. cit., p. 40.

⁷⁶Cubberley, op. cit., p. 54.

who had paid for their passage to America. Numerous advertisements appeared in newspapers for the Central Colonies concerning teachers for let or teachers who had run away to escape monetary obligations.⁷⁷

The references to teachers possessing allegiance to the Anglican Church were documented in an original teaching certificate granted John Gottfried Arends in North Carolina, October 16, 1772.

Knight presented an abbreviated form of Arends' certificate:

Of his most serene Highness, . . . Lord George the Third, . . . certifies herewith that the bearer of this, John Gottfried Arends, in compliance with the desire of the Evangelical Lutheran Congregation in North Carolina, namely in Rowan County, to have a capable school teacher, and to this end . . . our most gracious Lord, has commanded us to be serviceable to them; offer due examination for such an office, found him to be experienced, he also having promised . . . to conduct his office with all fidelity and diligence, and manifest obedience, toward his pastor, modesty toward the congregation, and love for the children.⁷⁸

An earlier license granted to James Jeffray to teach school in the city of New York did not spell out as specific religious requirements as did the certificate issued to Arends. The license,

⁷⁷Ibid.

⁷⁸Edgar W. Knight, ed., A Documentary History of Education in the South Before 1860, I (Chapel Hill: The University of North Carolina Press, 1949), p. 727.

issued in 1706 by Governor Edward Cornbury, stated:

To Mr. James Jeffray Greeting. I do hereby authorize and impower you to keep and teach school within the city of New York and do instruct all children with whom you shall be intrusted in the art of writing and arithmetick (sic) for and during my pleasure. Given under my hand and seal at ffort (sic) Anne in New York this Seventeenth day of Aprill (sic) in the fifth year of the Reign of our Sovereign Lady Anne, by the Grace of God of England, Scotland, ffrance (sic) and Ireland Queen Defender of the faith, etc. --Annoque Domini 1706.⁷⁹

The instructions to George Burrington, Governor of North Carolina, in 1730 mandated that no person be permitted to go from England to North Carolina to teach school without being licensed by the Lord Bishop of London. The persons already in North Carolina or coming from other locations would have to secure licensure from the governor of the province.⁸⁰ Knight contended:

. . . the instructions to the governors, beginning with George Burrington in 1730 and continuing for many years proved retarding to educational development. By these instructions North Carolina, already under the ecclesiastical control of the English Church, was seriously hampered in the case of school teachers.⁸¹

⁷⁹Hall and Knight, *op. cit.*, p. 21.

⁸⁰William L. Saunders, ed., The Colonial Records of North Carolina, 3, 1728 to 1734. (Raleigh: P. M. Hale, Printer to the State, 1886), p. 111.

⁸¹Edgar W. Knight, Public School Education in North Carolina (New York: Negro Universities Press, 1969), p. 4.

Knight further defined the orders to the governors as follows:

These instructions to Burrington practically reproduced that tyrannical measure known as the English Schism Act of 1714, which deprived dissenters of the means of providing educational facilities for their own children. By it no one was allowed to teach in a public or private school or to give instruction in any form without first securing the privilege from the Bishop of London.⁸²

The inconsistency of standards for teacher certification served to prevent teaching from realizing a professional character or status. The scrutiny of applicants for "good moral character" and ability to maintain discipline conflict with "the old theory that almost anyone could teach almost any school subject"⁸³ One situation in North Carolina illustrated the irony of standards in some areas of the colonies. A man applied for a teaching position in a school and was having difficulty securing evidence of good moral character. Finally, a friend gave him "a certificate of good moral character during school hours. This satisfied the requirements, and the man was employed."⁸⁴ Perhaps James Conant summarized the plight of teacher certification best in the following statement.

⁸²Ibid., p. 5.

⁸³Knight, Education in the United States, p. 356.

⁸⁴Ibid., p. 357.

An inquiry into the history of certification reveals that this issue has long been a breeding ground of controversy. The struggle to control entrance to the teaching office is an old one, destined perhaps to continue indefinitely.⁸⁵

As local political governments became independent of church control, the local authorities also assumed responsibility for passing judgment on the qualifications of teachers.⁸⁶ Laws were passed providing for freedom of religious worship, and the attitude of individualism helped break down some of the old aristocratic customs and traditions brought from Europe. A gradual transition from religious town governments to civil town governments helped to lessen the power of the old religious doctrines. The lifestyles of the colonists changed rapidly as shipping, trade between colonies and secular interest replaced the early patterns of life revolving around the church.⁸⁷ The above conditions were paramount in certification requirements moving from church to local control. However, the control did not occur without problems. The bond between the mother country and the colonies was broken, and so was the financial support

⁸⁵ James B. Conant, The Education of American Teachers (New York: McGraw-Hill Book Company, 1964), p. 8.

⁸⁶ Frazier, loc. cit.

⁸⁷ Cubberley, op. cit., p. 59.

for education. Chase and Gwynn described the educational conditions after the War with England as "temporarily disastrous."⁸⁸ The move for local control began around 1750, but was to become a reality years later.⁸⁹ Conant observed:

. . . local secular authorities early established control, with respect to publicly supported schools, of the total process of certification, though of course, religious leaders sometimes acted as agents of the secular community. These authorities utilized two screening devices: character witnesses, and oral or written examinations. But since local boards were often hard pressed to find any teacher, they were sorely tempted to tailor the examinations to whatever candidate became available. Indeed in some rural areas the examiners themselves were too unschooled to develop and evaluate rigorous examinations even if they were inclined to do so. Finally, local ethnic or religious prejudices, personal favoritism on the part of some board members, and, it must be said simple graft often entered the process.⁹⁰

The feelings of an examiner in Ohio were presented by

Kinney:

It is an unpleasant duty, on the part of the Examiners to refuse certification to any one who may submit to their examination. Not infrequently, candidates who have made an exhibition of their ignorance and utter incapacity will importune in the most urgent and pathetic

⁸⁸John B. Chase and J. Gwynn, Curriculum Principles and Social Trends (London: Collier-Macmillan Limited, 1969), p. 6.

⁸⁹Cubberley, op. cit., pp. 59-61.

⁹⁰Conant, op. cit., p. 9.

way for certificates. Local directors, sometimes plead that a candidate be spared rejection, with an importunity like that of Abraham when praying for Sodom. A brawny brother has, more than once, intimated that a sad retribution would, on the first fit occasion, overtake the examiners if his sister should be without a commission; though that girl could not repeat the multiplication table, if it were to save her from the doom of Gomorrah. And, moved by these influences, there is danger that pity or fear will prevail over judgment and a sense of duty.⁹¹

As town halls were built separate from meeting halls, the separation of Church and State continued to broaden. The town authorities began to assume primary responsibility for teacher certification.⁹² In the State of New York, town commissioners determined qualifications of teachers from 1795 until 1812.⁹³

In 1812, New York became the first American state to create an office to exercise control and supervision over education with the appointment of a state superintendent of schools.⁹⁴ Provisions "were also made which required local authorities to examine all applicants to teach."⁹⁵ Town commissioners and three town

⁹¹Kinney, op. cit., p. 47.

⁹²Cubberley, op. cit., p. 74.

⁹³Kinney, op. cit., p. 46.

⁹⁴Dexter, op. cit., p. 78.

⁹⁵Freeman, op. cit., p. 53.

inspectors examined all applicants and determined who would be certified.⁹⁶ "Other states followed the lead of New York, and it soon became mandatory for local authorities to hold examinations."⁹⁷ Initially the examinations were oral in nature but gradually evolved to a written form. Accounts of examinations administered in California did not differ greatly in method or content from those administered in New Hampshire or Massachusetts. A favorite question in school examinations in New England was, "Give an analytical explanation of the reason for inverting the divisor in division of fractions."⁹⁸ The fact that local officials, who administered the test, often had very poor skills in reading and writing may explain the oral administration of the examinations.⁹⁹ Knight described the examinations required for certification, during the period of local control, and the individuals who were certified as:

Usually oral and nominal and never pretended to be more than an attempt to pass on the applicant's moral character

⁹⁶Kinney, loc. cit.

⁹⁷Freeman, loc. cit..

⁹⁸Kinney, op. cit., p. 48.

⁹⁹Dexter, op. cit., p. 398.

and his ability to conduct a school. And for these "adventure" and wandering teachers the minimum requirements in these respects were not difficult to meet. Ability to teach meant primarily the ability to maintain order in school, and high moral and intellectual standards were not often demanded or expected.¹⁰⁰

A major problem of local school districts was the lack of qualified school teachers from which to choose. Many times local examiners were forced to take almost any teacher available.

The following letter appeared in a Virginia newspaper in 1843 and portrayed the situation:

Good men deem it disreputable; think it too laborious; or that it pays too little; other men stay in it, because they can do nothing else; they outbid good teachers; they have some physical misfortune; and parents have to send their children to somebody to get rid of them In the schoolhouse . . . there is often installed a man with a heart of stone and hands of iron; too lazy to work, too ignorant to live by his wits in any other way, whose chief recommendation is his cheapness and whose chief capacity to instruct is predicted by his incapacity for other employment . . . of the progress of the pupils in these temples of indolence but little inquiry is made.¹⁰¹

The transformation from local to county control was a slow process. Although problems were numerous, with local or district

¹⁰⁰Edgar W. Knight, Public Education in the South (Boston: Ginn and Company, 1922), p. 294.

¹⁰¹Ibid., p. 295.

governance, the authorities of the smaller units were reluctant to relinquish authority over teacher certification. In some instances, a combination of methods existed in the counties. Towns retained a certain autonomy, and in some instances examining committees were appointed by the county superintendent. The office of county superintendent became well established by 1860 and was a tradition by 1880. One of the primary functions of the superintendent was to examine and to certify teachers. (See Figure 1.) Perhaps the major contributing factors for the development of a county system were the increasing recognition of the public that competent teaching candidates were not available locally, and a tremendous need for competent examiners.¹⁰²

The county system was not without flaws, and many of the practices of local control continued. The hurdles of too few competent teachers and examiners, county politics and very low teachers' salaries were a pestilence to teacher certification during the 1800's and early 1900's. A report by the State Education Commission of North Carolina in 1920 stated:

But with salaries low, with little distinction in pay or otherwise between the trained and the untrained, with

¹⁰²Kinney, op. cit., pp. 46-47.

Grade.

Teacher's County Certificate of Qualification.



THE STATE OF SOUTH CAROLINA,

County of Greenville No. 13



TEACHER'S GRADED CERTIFICATE

THIS CERTIFIES, That Mrs. M. P. Black having furnished sufficient evidence of good moral character and having passed a Satisfactory Examination in the following named Branches with the annexed results, is RECOMMENDED AND AUTHORIZED TO TEACH in the Free Public Schools of this County:

ORTHOGRAPHY,		GEOGRAPHY,			
READING,		ENGLISH GRAMMAR,			
WRITING,		HISTORY,			
ARITHMETIC,					

This Certificate to continue valid for the term of Three Years from the date hereof, unless sooner revoked.

GIVEN under our Hands and Seals, at Greenville on the 8 day of October A. D. 1887

C. D. Mayfield
W. H. [unclear]



COUNTY BOARD OF EXAMINERS FOR

Greenville COUNTY.

Note.—The figures against each of the branches denotes the grade of attainment in each branch, 10 being the highest and 1 the lowest.

South Carolina Teacher's Graded Certificate

Figure 1

teachers scarce, our certificating authorities have been able to do little to foster teacher training, while the conditions under which certificates were issued minimized even the little they could do.

Prior to 1917 there were 237 gateways to teaching. Certificates were issued by 100 county superintendents, 136 superintendents of specially chartered districts, and the old state board of examiners; and, of course, there were as many standards as there were certificating bodies.¹⁰³

The situation in North Carolina, as described above, was duplicated many times in the other states. "In 1910, Massachusetts had 333 examining boards that granted certificates, none of which were valid outside of the town or city in which issued."¹⁰⁴ The period of county control varied in length from state to state, but similarities existed. Certification by examination which was the primary tool for assessing qualifications and the development of the office of county superintendent were two of the prominent characteristics of this time. Although there were difficulties with the county system, the effect of bridging a gap between complete local control in the districts and towns to a centralized method of certification was quite useful. However, the need for improved teacher preparation, recognition of certificates across counties, and

¹⁰³State Educational Commission, Public Education in North Carolina (Raleigh: Edwards and Broughton Printing Co., State Printers, 1920), p. 49.

¹⁰⁴Frazier, op. cit., p. 17.

the ability for the teaching profession to express opinions on public education as a professional group made centralization a desirable goal. In addition, state superintendents were beginning to send out examinations to the county superintendents in order to make them more legitimate.¹⁰⁵

The State Education Commission of North Carolina, in 1920, made a strong argument for centralized control in the following statement:

Despite the large proportion of teachers thus certificated by local authorities, there is not now a single line of law or regulation governing the issuance of such certificates; that is, laws or regulations prescribing the subjects in which examinations shall be held, periods of validity, and conditions of renewal. Each superintendent is a law unto himself. The result is that certificates of these grades are often handed out by superintendents without even the semblance of an examination. When certificates can be had for the asking, obviously there is little incentive to thorough preparation. Quite properly the holders of such certificates are called the "lost third" of the teaching body, and they will doubtless remain "lost" until brought under the supervision of a central board.¹⁰⁶

The State Assumes Responsibility

The transfer of certification authority to a centralized state agency proceeded gradually in most states. The process developed

¹⁰⁵Freeman, op. cit., p. 57. (See also Biennial Report of the Superintendent of Public Instruction of North Carolina 1889-1890 (Raleigh: Josephus Daniels, State Printer and Binder, 1890), p. 29.

¹⁰⁶State Educational Commission, op. cit., p. 50.

according to numerous local conditions and the effectiveness of state educational leadership. The evolutionary pattern of certification followed the general trend of church, local, county and finally, state responsibility. There were some variances and combinations of methods, but sameness was prevalent in the trend.¹⁰⁷

Knight made the following observations regarding the shift of certification responsibility to the states.

. . . Only in the twentieth century did certification come to be assumed as a function of the state. Localism in this activity long resisted the intrusion by the state and made for a wide variety of confusing practices. There was little uniformity of practice in a given state, and often certificates in one county would not be considered good in another in the same state In 1898 only three states issued all teaching certificates. The number of states that did so was five in 1903; fifteen in 1911; twenty-six in 1921; thirty-six in 1926; thirty-nine in 1933; and in 1950 all states except Massachusetts seemed to do so. In that state, certificates were generally issued by local educational authorities. That state in 1951 began a program which provided for the state certification of teachers and for the gradual upgrading of certificates, so that by 1954 all teachers in Massachusetts would be required to hold a bachelor's degree. But even at mid-century the many ways of getting and keeping in force certificates to teach school were generally manifold if not mysterious.¹⁰⁸

¹⁰⁷Frazier, op. cit., pp. 17-20.

¹⁰⁸Edgar W. Knight, Fifty Years of American Education 1900-1950 (New York: The Ronald Press Company, 1952), p. 330.

A 1927 study concluded that there was a need for some form of national committee to develop a system of uniformity in certification practices. The study conducted by E. J. Ashbaugh stated that children in any given state should have a teacher whose certification requirements in scholarship and training were equal to a teacher's in any other state. Ashbaugh also found vast discrepancies in requirements between states regarding minimum age, amount of professional training and examination scores necessary for certification. In addition, nearly 600 different certificates were found in force in the 48 states.¹⁰⁹

Upon assuming responsibility for certification, the states instigated a pattern of eliminating examinations as the major qualification and began a period where emphasis was placed on training. During this period, certificates were granted in the various fields of service such as elementary, primary and high school. There was very little distinction made in the amount of training a teacher might have had. In North Carolina, a system evolved which classified certificates within a particular field. Classes were assigned to certificates based on the recipient's years of college work. In 1928, the following teachers' certificates were issued in North Carolina:

¹⁰⁹Ashbaugh, loc. cit.

1. High School Classes A, B, and C
2. Grammar Grade, Classes A, B, and C
3. Primary, Classes A, B, and C
4. Elementary, Classes A, B, and Provisional Elementary
5. Certificates of Nonstandard and Grade, Temporary and Provisional A and B.¹¹⁰

Class A represented the highest amount of professional and academic training. In order to obtain a class A certificate in North Carolina, an applicant had to graduate from a standard A grade college with 120 hours in academic or scientific courses, with a minimum of 18 in professional subjects.¹¹¹

The difference between other classes of certificates was the number of years of college work; three years were required for a B certificate and two for a C. Requirements for professional training varied greatly among states. Ashbaugh stated in 1927 that:

The other method of securing a certificate is on the basis of training. Thirty-one states make provisions for this method of certifying its secondary school teachers. Twelve require the completion of a four-year college course; five 3 to 3 1/2 years; thirteen 2 to 2 1/2 years; and one 1 year, though this year might be professional. A majority of these

¹¹⁰ Consolidated Report of the State Educational Commission on the Public School System of North Carolina, op. cit., p. 179.

¹¹¹ Ibid.

states specify not only the number of years of college work, but a definite amount of this work which must be in educational or professional subjects. The amount of this professional work definitely specified varies from 3 semester hours to as much as 20 semester hours.¹¹²

In 1923, Lowery's study of teacher certification found there were 35 different ways in which teachers could be certified for high school work in the United States. There were various combinations of experience, examination and scholastic preparation.¹¹³

Bachman described the certification system of most states as "a tangled skein which only a local expert can unravel."¹¹⁴ In 1923, Indiana offered an example of high school teacher certification. Teachers were certified on:

. . . the basis of (a) college graduation; (b) partial college course; (c) normal school graduation (two years course); (d) partial normal course; and (e) examination only.¹¹⁵

McKeag conducted a study in 1932 to determine the requirements for a state certificate to teach in high schools or

¹¹² Ashbaugh, loc. cit.

¹¹³ Millard L. Lowery, Certification of High School Teachers (Philadelphia: University of Pennsylvania, 1924), p. 11.

¹¹⁴ Frank P. Bachman, Training and Certification of High School Teachers (Nashville, Tennessee: Division of Surveys and Field Studies, George Peabody College for Teachers, 1930), p. 9.

¹¹⁵ Ibid., p. 10.

junior high schools. Data were gathered from the state educational offices and a number of tendencies were confirmed. Certificates were generally granted by State Boards of Education and were only issued to citizens of the United States. Most states required a number of education courses. In addition, there was a growing tendency to list the subjects on the certificate which the applicant was qualified to teach.¹¹⁶ The requirements for selected states from McKeag's study were:

VERMONT

A PROFESSIONAL PROBATIONARY HIGH SCHOOL CERTIFICATE, valid for one year, is granted to a graduate of an approved college or university, if the record includes at least twelve semester hours of professional education courses.

JUNIOR HIGH SCHOOLS. THE PROFESSIONAL PROBATIONARY HIGH SCHOOL CERTIFICATE may be validated for junior high school teaching.¹¹⁷

TEXAS

A HIGH SCHOOL CERTIFICATE OF THE FIRST CLASS, valid for six years, may be secured by a student who has graduated from a standard college (ranked as a first class

¹¹⁶ Anna J. McKeag, Laws and Regulations Concerning State Certification of Teachers in High Schools and Junior High Schools (Ann Arbor, Michigan: Edwards Brothers, Inc., 1933), p. ii.

¹¹⁷ Ibid., p. 45.

college by the State Superintendent of Instruction), provided that this work has included three courses in Education, one of which shall bear upon training for high school teaching, and one of which shall include a minimum of thirty-six recitation hours of practice teaching.

Note. A course of two semester hours' value in the Constitution of the United States and the Constitution of Texas is required of applicants for a certificate.¹¹⁸

SOUTH CAROLINA

HIGH SCHOOL TEACHER'S CERTIFICATE, valid for five years. This is granted to graduates of standard colleges who present a record of eighteen semester hours of approved courses in Education, and at least twelve semester hours in each subject to be taught.

JUNIOR HIGH SCHOOLS. THE HIGH SCHOOL TEACHER'S CERTIFICATE is valid in these schools.¹¹⁹

MICHIGAN

A COLLEGE LIFE CERTIFICATE may be granted to any person who has received a bachelor's, master's, or doctor's degree in an institution approved by the State Board of Education and who has included in his course, at least fifteen semester hours in Education in addition to at least five semester hours of practice teaching. This certificate, when filed with the certificating officer of the county or city in which the holder is to teach, is valid for life.

Note. Certificates are not granted to aliens unless these have declared their intention of becoming citizens of the United States.¹²⁰

¹¹⁸Ibid., p. 43.

¹¹⁹Ibid., p. 40.

¹²⁰Ibid., p. 22.

CALIFORNIA

GENERAL SECONDARY CREDENTIAL, valid for two years. The requirements for this credential are:

- I. A bachelor's degree, and one full year of postgraduate work of not less than twenty semester hours (six graduate semester hours in Education).

Eighteen semester hours in Education, including:

1. A course dealing with the aims, scope, and desirable outcomes of the secondary school.
 2. Directed teaching, four semester hours; or, directed teaching, four semester hours, in conjunction with a teacher's methods course not to exceed two semester hours.
 3. Other courses recommended and approved in Education.
- II. Two semester hours in the Constitution of the United States. This may be passed by examination, or postponed for one year.
- III. One major and one minor in subjects taught in high schools; or a major not commonly taught in high schools, with two minors.
- IV. A certificate of physical and mental health.
- V. A recommendation from the school of Education that the candidate shows promise of success as a teacher.

Note 1. Applicants must be citizens of the United States.

Note 2. A major course consists of not less than twenty-four semester hours of work, at least twelve of which are "upper division"

(junior and senior collegiate) or graduate courses. A minor consists of twelve semester hours of work, at least six of which are "upper division" or graduate courses.

- Note 3. College work, to be counted toward the requirements for the CREDENTIAL, must carry a grade of C average or better.

JUNIOR HIGH SCHOOLS. The GENERAL SECONDARY CREDENTIAL IS valid in these schools.¹²¹

NORTH CAROLINA

CLASS A HIGH SCHOOL CERTIFICATE, valid for five years. All candidates for HIGH SCHOOL CERTIFICATES must be graduates of a standard college and must present the following college credits in Education:

Educational Psychology	3 semester hours
Principles of High School Teaching	
or	
Problems in Secondary Education	3 semester hours
Materials and Methods (Two fields)	6 semester hours
Observation and Directed Teaching	3 semester hours
Electives	6 semester hours

- Note 1. If all requirements except those in Observation and Directed Teaching are met, a CLASS B HIGH SCHOOL CERTIFICATE will be issued.
- Note 2. The subject or subjects for which certification is granted will appear on the face of the certificate. It is desirable that each applicant meet the requirement in two or more teaching fields:

¹²¹Ibid., p. 4.

English - - - - -	24 semester hours
French - - - - -	18 semester hours
History - - - - -	24 semester hours
Latin - - - - -	24 semester hours
Mathematics - - - - -	15 semester hours
Science (Biology, Chemistry, Physics, Geography) - - -	30 semester hours

Note 3. No certificate is issued until the candidate has secured a position in the state.

JUNIOR HIGH SCHOOLS. North Carolina has seven grades in the elementary schools, and four in the high schools. It does not have a system of junior high schools. The HIGH SCHOOL CERTIFICATE is not valid below the eighth grade. ¹²²

Upon assuming responsibility for teacher certification, the states soon realized that requirements could not be imposed beyond a state's facilities for training teachers. So, in a sense, the states assumed responsibility for certification but delegated the training function to the institutions of higher learning. ¹²³

According to Meyer:

As preparation for teaching became more and more elaborate, so also did the requirements to practice in the public schools. In fact, the people chiefly responsible for the one were also chiefly

¹²²Ibid., p. 33

¹²³Consolidated Report of the State Educational Commission on the Public School System of North Carolina, op. cit., p. 174.

responsible for the other--namely, the professional teachers of teachers. ¹²⁴

The colleges and universities were able to provide training in regular sessions, summer school programs and extension work. The need was great for improving the qualifications of teachers who, certified prior to states' assuming responsibility, lacked appropriate training and scholarship. Summer schools were quite helpful in raising the level of competence of teachers who had achieved only a high school education. These persons were able to establish definite goals, and avenues were opened to raise the class of one's certificate. However, the states accepted college graduation as the highest general academic requirement for the highest class of teacher's certificate obtainable without experience. ¹²⁵

Knight summarized the trends of teacher certification during the first half of the twentieth century with the following observation:

In addition to the tendency of the state to issue certificates, with centralization in a bureau of the state department of education, reports on approved training in educational

¹²⁴Adolphe E. Meyer, An Educational History of the American People (New York: McGraw-Hill Book Company, 1957), p. 383.

¹²⁵Statement by James E. Hillman, retired North Carolina State Department of Public Instruction Official, Personal Interview, Raleigh, North Carolina, January 6, 1979.

institutions, and increasingly in summer session, came to be substituted for examinations; the abolition of "life" certificates; the giving up of blanket certificates, and making provision for certificates on the basis of educational preparation and the kind of work teachers were prepared to do; increasing the training for certificates, with a tendency toward four years of collegiate training or more.¹²⁶

The period from 1928 to 1961 provided some interesting developments as states made numerous changes in an effort to improve the quality of teachers who received certificates, although among the states there were great differences in course requirements for teachers. According to Gwynn and Chase, three major developments stood out:

- (1) The slow, but steady decrease in course requirements in terms of semester hours in professional education;
- (2) the steady growth in the requirement of practice teaching, full-time, in an actual teaching situation, for a longer period of time; and (3) the interesting fluctuations in the amount of subject-matter content required as various national crises, like World War I and II, the Depression, and Sputnik brought their full influence to bear.¹²⁷

A large number of teachers left the profession during and immediately after World War II, to engage in war work or to assume a higher paying job. In addition, potential teachers either went into service or into defense-related jobs; thus there were fewer teachers

¹²⁶ Knight, Fifty Years of American Education 1920-1950, p. 330.

¹²⁷ Chase and Gwynn, op. cit., p. 464.

trained. In 1939, there were 911,000 public school teachers, and administrators. In 1948, there were 883,000, with over 100,000 holding emergency certificates. During periods of national crisis, certificates have been issued to persons who did not meet the certification requirements of the various states.¹²⁸

Frazier conducted a study of teacher certification requirements employed in the states in 1946. The data collected indicated some significant changes in requirements during the period 1940 to 1946. The states had been quite successful in raising standards to unprecedented levels after World War I. This drive was able to maintain force until about 1942. There were 14 states requiring a minimum of four years of college work for a regular certificate for a new elementary school teacher in that year. This drive was halted because of the short supply of teachers, and war permits or temporary certificates became very prevalent for the next four years. The teacher shortage was geographically distributed over the United States with the states of California, Michigan, Alabama and Kentucky reporting over 5,000 temporary certificates in force. The study also indicated that as soon as the supply of teachers increased, certification requirements would be raised, and emergency certificates would be

¹²⁸Ibid., p. 465.

abandoned.¹²⁹ History has validated that when the supply of teachers was low the certification requirements were also lowered. World War I and World War II were prime examples of this fact.

The Depression of the Thirties had the opposite effect on the requirements for certification. Teachers, like most workers, exceeded the demand, and the states made an effort to give more dignity to the profession by raising the standards of certification.¹³⁰

A review of the effects of centralization of teacher certification revealed that states have generally followed a pattern similar to civil service practices. State education agencies have classified "personnel for purposes of defining duties and prescribing requirements."¹³¹ When classification of positions became detailed and specific, the preparation of teachers became more specialized. When states initially assumed responsibility for teacher certification, there was great reluctance on the part of local communities to give

¹²⁹ Benjamin W. Frazier, Summary of Teacher Certification Requirements, 1946, U. S. Office of Education Circular No. 233. (Washington: Government Printing Office), pp. 1-9.

¹³⁰ Meyer, op. cit., p. 383.

¹³¹ Kinney, op. cit., p. 95.

up control. However, the teaching profession did not offer opposition or try to challenge the States' assumption and execution of certification power until after World War II.¹³²

Who Shall Control

The state's responsibility and right to certify teachers is an issue which has been attacked on several fronts, but has not been challenged excessively until recently. The issue of control is another matter. The point was made earlier that a State's requirements for certification cannot exceed a state's facilities for training teachers. The colleges and universities that have performed the function of training teachers have conceded the State's right to certify but have, in a very real sense, maintained control over the programs which potential teachers must complete in order to become certified. The argument can be made that, for all practical purposes, the institutions of higher learning have been the controller of certification.

Lucas described the situation as follows:

Historically, professors in colleges or schools of education, together with their representatives in the American Association of Colleges for Teacher Education (AACTE), have enjoyed a controlling influence over both pre-service teacher training and inservice staff development. Classroom teachers and their national

¹³²Ibid.

professional organizations, the National Education Association (NEA) and the American Federation of Teachers (AFT), have played a far less prominent role. While state departments of education have exercised de jure if not always de facto responsibility for teacher certification, authority for determining entry and retention requirements in preparatory programs, the shaping of pre-service curricula, and the superintendence of clinical field experiences has reposed by and large in the hands of institutions of higher learning.¹³³

Drumheller said, "Most colleges could not survive in their present facilities if they lost their right and power to certify teachers."¹³⁴ This contention was based on the premise that "more than half the graduates of many colleges have teaching certificates."¹³⁵

In 1971, the AACTE conducted a national survey to determine what actions the various states were anticipating in regard to teacher education and certification. Even though teacher education and teacher certification are used almost interchangeably, the terms are not synonymous. Teacher certification deals more with the State's

¹³³Christopher J. Lucas, "Teacher Education and Its Governance," Educational Forum, 42, No. 4 (1978), 469.

¹³⁴Sidney J. Drumheller, "The Implications of the 1970 NCATE Standards for Teacher Education in the Determining of Course Requirements for Certification in a Teaching Area of Specialization," The Journal of Teacher Education, 22, No. 4 (1971), 474.

¹³⁵Ibid.

authority to certify educational personnel and is usually carried out by a small group of persons in the state education office who issue certificates. Teacher education, by definition, deals with the process of preparing persons to become qualified to receive a teaching certificate. Because of approved program approaches to certification in existence in many states, the institutions of higher learning have almost totally dominated teacher certification. The approved program approach operates on the basis of the college or university having teacher education programs approved according to guidelines from the State. An individual who successfully completes one of the approved programs then receives a certificate upon the recommendation of the preparatory agency. Many of the states responded to the national survey by indicating an interest in moving through the approved program approach, therefore weakening the college and university control.¹³⁶

As many factions in the educational community become concerned, and demand involvement in decision-making, the potential exists for "a dramatic escalation of the struggle for control over

¹³⁶Theodore E. Andrews, "Certification Issues in Competency-Based Teacher Education," Educational Technology, 12, No. 9 (1977), 674.

teacher education."¹³⁷ The battle having begun, George Pomeroy, Executive Secretary of AACTE, said, "Let's face it. We're in the midst of a power struggle."¹³⁸ Teachers, citizen's groups, colleges and universities, state legislatures, professional organizations and local education agencies all want greater power and control in teacher education and certification. Since teachers are a majority in public schools, the NEA has proposed a system by which teachers would regulate the certification of individuals entering the teaching profession. The model bill, sponsored by NEA, and distributed to various legislatures across the country, has had enough success to keep the issue in the limelight. The NEA proposal is to place control over entrance and retention in the teaching profession into the hands of a Commission for Teacher Preparation and Licensing. There is legislation pending in a number of states, and some advisory commissions have been set up in others. Currently, the NEA is applying pressure to state legislatures to allow teacher-dominated advisory boards full regulatory authority. In the same states, AACTE has formed state units to apply pressure to legislatures in order to maintain higher education control. California and Oregon are the

¹³⁷Lucas, loc. cit.

¹³⁸Ibid., 470.

only two states to date that have established commissions with full regulatory power as called for by the NEA.¹³⁹

California's Commission for Teacher Preparation and Licensing is composed of fifteen members who are appointed by the governor in specified categories. Certified educational personnel constitute six positions, the largest number of appointees to the Board. Four of these six members must be regularly employed classroom teachers. Four positions are allotted to higher education; two members must be elected school board members, and three must be classified as "private citizens who are not practicing educators."¹⁴⁰ The California law is commonly referred to as the Ryan Act after its author, former State Assemblyman and recently deceased United States Congressman, Leo J. Ryan. The Commission has been in effect for eight years and is credited with reforming a confused certification system and responding to current needs of education through better teacher preparation programs.¹⁴¹

A task force in New York proposed a Professional Practices Board to make decisions regarding the teaching profession. The

¹³⁹Ibid., 470-471.

¹⁴⁰Peter L. LoPresti, "California: The Impact of the Commission for Teacher Preparation and Licensing," Phi Delta Kappan, 58, No. 9 (1977), 674.

¹⁴¹Ibid.

proposal recommended "that almost half of the Board ought to be teachers; the rest administrators and persons from higher education."¹⁴² A bill was introduced in the Pennsylvania Senate in 1972 which would transfer regulatory power of teacher certification standards from the State Board of Education to a professional standards board composed of 80 percent public school personnel.¹⁴³

In 1971, North Carolina appointed a Legislative Research Commission to study the regulation of preparation and licensing of persons in educational institutions of the State. The Committee stated that:

Certification of teachers and approval of teacher education programs is vested in the lay oriented State Board of Education. This distinction concerns many teachers. They feel that they have been singled out for discrimination; that the State is saying to them that they alone among the professions cannot be treated to regulate the quality and performance of their members.

This discrimination is not only an irritant tending to rob teachers of a sense of professionalism, it also robs the profession of the expertise which other professions benefit from in determining the standards which govern preparation for admission to and functioning within, those professions.¹⁴⁴

¹⁴²Heisner, op. cit., 184.

¹⁴³Vandermeer, op. cit., 283-284.

¹⁴⁴1973 Report of the Legislative Research Commission: Committee on Teacher Licensing and Practices (Raleigh: North Carolina General Assembly, 1973), p. 9.

Even though a proposed bill to enact into law the recommendations of the Commission did not have success in the Committee structure of the General Assembly, the feeling of the teaching profession was expressed quite clearly.

Since 1954, the AACTE has delegated the accreditation function of the organization to the National Council for Accreditation of Teacher Education (NCATE). The NEA has fought a long hard battle to gain equal representation with AACTE on the governing boards of NCATE. Higher education accreditation by NCATE is voluntary, but indirect pressure is applied through such means as interstate certification being "contingent upon the NCATE seal of approval."¹⁴⁵ Approximately four years ago the NEA did win equal representation with AACTE in NCATE, with the result being greater numbers of public school personnel on NCATE's visiting teams and evaluatory boards.¹⁴⁶ Conant advocated the struggle for control begun in 1946 when the NEA established the National Commission on Teacher Education and Professional Standards (TEPS). The conflict has been intense, and the results to date indicate a major gain in control for NEA.¹⁴⁷

¹⁴⁵Lucas, op. cit., 470-471.

¹⁴⁶Ibid.

¹⁴⁷Conant, op. cit., pp. 16-17

Drumheller stated, "Teacher education programs must be revised if the university and college are to stay in the certification game, let alone maintain a monopoly over it."¹⁴⁸ However, barriers exist to reform, and one of these is "university politics."¹⁴⁹

Each department is an organism, either struggling for survival, defending the status quo, or empire building. Rarely is one department willing to give up any of its sovereignty to another.¹⁵⁰

The arguments advocated are filled with emotion, and issues of control are politicized and polarized by both sides. Obviously, the issue of control of teacher education programs has reached a level where "reasoned discourse is practically impossible."¹⁵¹

Current Trends

Descriptive terms for current trends in teacher certification vary from state to state just as do certification standards. A number of such labels are being used with a frequency which indicates a very active period in teacher certification. There is a general assumption

¹⁴⁸Drumheller, loc. cit.

¹⁴⁹Ibid., 475.

¹⁵⁰Ibid.

¹⁵¹Lucas, op. cit., 471.

that present methods of certifying teachers could be improved or are inadequate. The states have devised a plan for handling the mechanics and administration of certification efficiently. The dissatisfaction centers on the individuals who receive the certificates and the preparatory education institutions which recommend certification.¹⁵² The concept of accountability has been discussed in education circles for a number of years. Terms such as performance-based, competency-based, and quality assurance are labels currently attached to teacher education and certification as a form of accountability.¹⁵³

William Donny conducted a study to analyze the rise of competency-based teacher certification and education programs in the United States. The results, published in 1973, indicated that 32 states were actively involved in some form of competency-based program. The forces and rationale for moving toward a competency program were described as follows:

A number of developments at this time have converged to make teacher competencies the logical means of

¹⁵² Andrews, loc. cit.

¹⁵³ Robert A. Roth, "Certifying Teachers: An Overhaul Is Underway," The Education Digest, 38, No. 8 (1973), 101.

improving teacher education while at the same time responding to the demands for accountability. Teacher competency approaches also may be adapted to the need for career-long teacher education programs. Other factors essential to the rise of the teacher competency movement have been federal funding, sophistication of evaluation, proliferation of media, ascendancy of behavioral psychology, advances in systems management and the need for alternate routes to teaching.

In contrast to conventional teacher education programs, competency-based ones are more student centered, activity centered and flexible.¹⁵⁴

The terms competency-based and performance-based teacher education and certification are sometimes used interchangeably. A review of the professional literature indicated the nearly synonymous use of the two labels.¹⁵⁵

Craig Phillips, State Superintendent of Public Instruction in North Carolina, described competency-based process as, "The preparation program is focused on a catalog of competencies that beginning teachers should be able to demonstrate."¹⁵⁶ Phillips

¹⁵⁴William F. Donny, Competency-Based Teacher Education/Certification Developments in the United States (Pennsylvania: Pennsylvania Department of Education, 1973), p. 1.

¹⁵⁵Ibid.

¹⁵⁶Standards and Guidelines for Approval of Institutions and Programs for Teacher Education (Raleigh: North Carolina Department of Public Instruction, Division of Teacher Education, 1977), p. v.

defined the performance-based program as "the development of techniques for assessing students in pre-service programs and teachers on the job."¹⁵⁷ Roth wrote:

. . . performance-based denotes holding a teacher candidate accountable for certain behaviors. A divergence occurs in specifying the class of behavior for which he is held accountable.

Performance-based certification is a process which relies on the direct demonstration of specified behaviors as the criteria for judging competence. These criteria replace lists of courses and grade point average as a basis for certification.¹⁵⁸

Fantini reported in 1973 that performance-based certification could become a major strength in teacher reform in New York. The new certification process would reassess "teacher preparation, thereby establishing a new minimum standard for quality control of teacher entry into the profession in New York State."¹⁵⁹ In 1977, Spencer and Boyd reported that New York's 102 institutions of higher education with teacher preparation programs were revising to a competency-based concept. The plan has had success and cooperation between local teacher unions and colleges

¹⁵⁷Ibid.

¹⁵⁸Roth, op. cit., 24.

¹⁵⁹Mario D. Fantini, "The Reform of Teacher Education: A Proposal for New York State," Phi Delta Kappan, 53, No. 8 (1972), 477.

has been excellent. The unions, "representing the professional staffs, had a firm role in establishing the standards and mechanisms by which future practitioners would be certified."¹⁶⁰

North Carolina has developed a Quality Assurance Program for professional personnel to be implemented over a period of years. The seven-point program will clarify expectations for future teachers, develop a series of criterion-referenced tests, and develop a partnership between local schools and higher education.¹⁶¹

The focus of performance and competency-based teacher certification has been on teacher candidates performing certain teaching functions at a designated level of competence. "It requires the specification, in precise terms, of the behaviors deemed essential to teach a given subject area or age group."¹⁶² The concepts have not come into being without scrutiny and criticism. Adams and Shuman have indicated there are potential dangers in competency-based instruction. The danger of narrowing teacher education

¹⁶⁰ William E. Boyd and R. Spencer, "CBTE is Succeeding in the State of New York," Phi Delta Kappan, 58, No. 9 (1977), 678.

¹⁶¹ North Carolina Association of School Administrators, Carolina Comment, 1, No. 2 (1979), 8-9.

¹⁶² Roth, op. cit., 125.

programs to include only experiences which can be measured in terms of a person's performance of actions deemed appropriate at a given time could be damaging to the teaching profession. Other concerns include employment of individuals regardless of formal preparation, loss of academic freedom by colleges and universities and the legal implications of exit criteria which might deny certification to potential teachers on the basis of incompetence.¹⁶³ The critics concluded by comparing competency-based instruction to:

. . . a bandwagon which is possibly in danger of running out of control.

No responsible educator is opposed to competency, but to legislate stereotypical means of achieving competency and to impose these means upon all higher institutions engaged in teaching training involves dangers that must certainly be given full consideration.¹⁶⁴

A survey of the 50 states in 1973 indicated that 30 of the 50 states either were engaged in some form of competency-based teacher certification requirements or were planning to move in that direction. A follow-up study in 1976 found that only 16 states

¹⁶³Anne H. Adams and R. Shuman, "Reflections on Competency-Based Instruction," Contemporary Education, 46, No. 4 (1975), 266-268.

¹⁶⁴*Ibid.*, 268.

were using the competency approach or planned to move toward it. There was a noteworthy occurrence during the three-year interval in Ohio, California, Texas and Wisconsin. In 1973, all of these states were using competency-based programs. The 1976 survey revealed that none of the above four states were using competency programs, nor did they intend to do so. The states using competency-based requirements in 1976 were Minnesota, Montana, New Hampshire, New Mexico, New York, North Carolina, Oregon, Tennessee, Utah, Vermont and Washington.¹⁶⁵

This investigator has concluded that a ruling by the Attorney General in the State of Texas may be a primary reason for the decline of competency-based teacher education and certification requirements by the states. In 1974, the Commissioner of Education in Texas asked the Attorney General to rule on the legality of competency-based programs as the sole mode for preparation of teachers. This request was initiated because a college president had threatened to bring legal action against the Commissioner over the issue. The Attorney General researched the situation and concluded

¹⁶⁵Melvin G. Villeme, "The Decline of Competency-Based Teacher Certification," Phi Delta Kappan, 58, No. 5 (1977), 428.

the State may not mandate competency programs as the only method of certification. According to the legal opinion, competency programs can be utilized as one of several alternatives. An Attorney General's ruling in Texas carried the force of administrative law; therefore, Texas discontinued use of competency programs as the only method of certifying teachers.¹⁶⁶

The impact of the Texas decision has put the departments of education of some states "in a holding pattern." There will be a great deal of interest in the North Carolina Quality Assurance Program and Georgia's performance-based program which utilizes a weighted index containing components external to the institution of higher education. If these two programs are successful, there is almost certain to be a resurgence in the competency concept.¹⁶⁷

Several court decisions since 1975, have given some states the inclination to move toward certification practices which were not acceptable prior to that time. A 1971 case, Griggs v. Duke Power Co., established the doctrine of a test given for determining

¹⁶⁶Statement by Edward M. Vodicka, Educational Program Director, Texas State Department of Education, Telephone conversation, February 5, 1979. (See also Attorney General of Texas, Opinion No. H-197 (Austin: January 4, 1974). (Mimeographed.))

¹⁶⁷Statement by J. Arthur Taylor, North Carolina State Department of Public Instruction Official, Telephone conversation, February 5, 1979.

eligibility for employment or promotion must be a "reasonable measure of job performance."¹⁶⁸ In Washington v. Davis the Supreme Court of the United States established the doctrine of intent versus extent. The results of a test may have a disparate racial impact, but unless intentional discrimination is evident, neither constitutional nor statutory liberties are violated.¹⁶⁹ This often quoted case has been instrumental in a revival of external criteria, such as the NTE, in teacher certification.

In National Education Association v. South Carolina, the United States Supreme Court affirmed the United States District Court of South Carolina's decision that use of NTE scores for certification purposes did not have a racially discriminating purpose. The State had justified the test despite a disparate racial impact. The District Court referred to Washington v. Davis in upholding the validation of the test in terms of an applicant's training rather than just job requirements.¹⁷⁰ Michael Rebell stated:

Whether any actual CBTE program would pass muster under judicial review is a question that cannot of course

¹⁶⁸Griggs v. Duke Power Co., 401 U.S. 424 (1971), p. 436.

¹⁶⁹Washington v. Davis, 426 U.S. 229 (1976).

¹⁷⁰National Organization on Legal Problems in Education, Nolpe Notes, 13, No. 2 (1978), 1.

be answered in the abstract without analyzing the specific details of the particular program . . . predictive validation of credentialling requirements may not need to be established, and content validation standards will be applied more flexibly, designers of CBTE programs would still be well advised to substantiate carefully the job-relatedness of each component of their program.¹⁷¹

The courts will be watching competency-based programs and the certification process as states strive to improve standards and quality. However, "a credentialling process which fairly measured basic knowledge and skills reasonably shown to be related to the job at issue should pass muster with the Court."¹⁷²

There have been numerous movements or trends in teacher certification across the country in the past year. The State Board of Education in Louisiana has chosen the NTE as the test to be used for certification and has established a minimum score of 1,052. Montana has adopted a rule change in certification which requires credits for renewal of certificates to be graduate credits. The director of certification indicated that many teachers had been

¹⁷¹Michael A. Rebell, Recent Developments in Equal Employment Opportunity Law and Their Effect on Teacher Credentialling Practice, U.S. Educational Resources Information Center, ERIC Document ED 134 564, 1977, p. 11.

¹⁷²Ibid.

presenting credits for renewal or reinstatement that were earned at junior colleges. New York is continuing a study of the problem of licensure, and Minnesota conducted a study and found the number of teacher education graduates had declined by 50 percent during the last five years. Montana will take steps to insure a better supply and demand situation for new teacher education graduates.¹⁷³

North Carolina has also found a decline in teacher education graduates.

As students get the message of surplus teachers, fewer and fewer may choose teaching as a vocation. While 39.9 percent of all baccalaureate degree recipients had a major in education in 1966-67, the proportion of education majors in the 1976-77 class will drop to 23.4 percent. This trend in student choice of a vocation will likely continue in North Carolina.

Reduction of the size of teacher education programs and increased qualifications for entering education programs in the teacher-preparing institutions could also moderate future oversupply of teachers.¹⁷⁴

Certification standards have been altered in some states to require preservice training in the teaching of reading at the

¹⁷³American Association of Colleges for Teacher Education and the Association of Colleges and Schools of Education in State Universities and Land Grant Colleges and Affiliated Private Universities, Legislative Briefs, 4, No. 10 (1978), 4-5.

¹⁷⁴Teacher Supply and Demand in North Carolina (Raleigh: State Department of Public Instruction, Division of Standards and Certification, 1978), p. 24.

elementary and secondary level. Kentucky and Florida have included reading preparation in the certification process, and Virginia and New York have specified training in reading as a prerequisite to certification.¹⁷⁵

A regulation recently adopted by the Wyoming State Board of Education will be closely scrutinized for legal aspects in the future. This regulation to take effect for the 1979-80 school year "would allow revocation of certification for contract breaking."¹⁷⁶ Although the doctrine established in Marrs v. Edwards indicates that a certificate is revocable at the pleasure of the state and is not protected by due process of law, the courts have not upheld it. Numerous court decisions have supported that revocation of a certificate must be related to unfitness to teach, and that due process must be adhered to.¹⁷⁷

¹⁷⁵ Curtis L. Englebright, "The Kentucky Certification Success Story," The Reading Teacher, 25, No. 8 (1972), 736-738.

¹⁷⁶ American Association of Colleges for Teacher Education and . . . , *op. cit.*, p. 4.

¹⁷⁷ Morrison v. Board of Education, 461 P. 2d, 375 (1969) (See also Pettit v. State Board of Education, 513 P. 2nd 689 (1973); Huntley v. North Carolina State Board of Education, 493 F. 2nd 1016 (4th Cir. 1974).)

A review of the certification requirements in the various states indicated the approved program approach, in some form, was the primary method of preparing and certifying teachers. North Carolina and Georgia may provide answers as to what will happen in the future.¹⁷⁸

¹⁷⁸For a complete listing of certification requirements in the United States see Elizabeth H. Woellner, Requirements for Certification (42nd ed.; Chicago: The University of Chicago Press, 1977.)

CHAPTER III

A HISTORICAL AND LEGAL ANALYSIS OF TEACHER CERTIFICATION IN NORTH CAROLINA

Introduction

Historically viewed, the development of teacher certification in North Carolina closely paralleled the process as it evolved in other states. The periods of development occurred on a different time sequence than was the case in other states, but the general pattern of certification moving through control of the church, local officials, county school authorities, and finally, centralized state responsibility was the same.

In October, 1978, the North Carolina State Board of Education embarked on a venture in certification that is certain to affect practices and procedures across the country. The new concept of quality assurance consists of seven key points that will affect all individuals or institutions involved in the certification process.¹ These points will be discussed later in this chapter.

¹North Carolina Association of School Administrators, Carolina Comment, 1, No. 2 (1979), 6-13.

The focus of this chapter is to present a sequential development of the certification process in North Carolina with emphasis on time frames and events or categories of special significance. The information is reported in topics as follows:

Beginning of Schools and Teachers in North Carolina
 Developments in Teacher Certification from 1825 to 1920
 Course and Hour Method (1921-1962)
 Approved Program Approach (1962-1972)
 Competency-Based Approach (1972-)
 Periods of Controversy
 Issues of Reciprocity, Renewal and Revocation
 Quality Assurance Plan

Beginning of Schools and Teachers in North Carolina

The first permanent settlements in North Carolina were made by Englishmen about 1660 along the shores of the Albemarle Sound. These settlers possessed a high degree of individualism, and the province was occupied by families scattered throughout the area known as the tidewater section of North Carolina. No town was established until Bath was located in 1704.²

The Episcopal missionaries soon followed the first settlers into North Carolina and came representing the established Church of

²Charles L. Smith, The History of Education in North Carolina (Washington: Government Printing Office, 1888), p. 16.

England. The primary purpose of these missionaries was to organize and nurture the Church of England in the province. Requests for schoolmasters and financial aid to establish schools were received in England from the clergymen. The schoolmasters were "not only to teach the usual secular branches but also give instruction in the church catechism and the forms and ceremonies of the established church."³ Smith wrote:

The earliest account that we have of teachers in North Carolina is the report of Dr. John Blair, who came as a missionary to the colony in 1704. He states that the settlers had built small churches in three precincts, and had appointed a lay reader in each, who were supplied by him with sermons. We know that these lay readers were school masters, from the evidence of Dr. John Brickell, a naturalist of note who had traveled through the settlements in North Carolina in the early part of the eighteenth century, and published in Dublin, in 1737⁴

The first school of record in North Carolina was established in Pasquatank in 1705 by Charles Griffin. Letters sent to the secretary of the Society for the Propagation of the Gospel substantiated this fact. James Adams settled in Pasquatank

³M. C. S. Noble, Teacher Training in North Carolina (Raleigh: Published by the State Superintendent of Public Instruction, 1929), p. 4.

⁴Smith, loc. cit.

and soon assumed control of that school. At the same time, Charles Griffin was elected lay reader of the Chowan Vestry and established another school. Later Griffin left the Episcopal Church and joined the Quakers. Schools were neglected for a long period of time, and no provisions for them were made by the government. There were libraries established in Bath and Edenton which were the extent of thought of the government toward the promotion of public education.⁵

The first mention of certification or licensure in North Carolina was found in the instructions to George Burrington, governor of the Province, in 1730. The eighty-second section of the instructions stated:

And we do further direct that no school master be henceforth permitted to come from this Kingdom and to keep school in that our said Province without the license of the Lord Bishop of London and that no other person now there or that shall come from other parts shall be admitted to keep school in North Carolina without your license first obtained.⁶

As noted in Chapter II, Knight contended the instructions to the governors were a deterrent to educational development for many years. Knight alleged that:

⁵Ibid., pp. 16-17.

⁶William L. Saunders, ed., The Colonial Records of North Carolina, 3, 1728 to 1734 (Raleigh: P. M. Hale, Printer to the State, 1886), p. 111.

This requirement, which proved so exasperating to the colonists, permitted no one, under penalty of imprisonment for three months, to keep a private or public school or to act as tutor or usher, unless he first obtained license from the Bishop of London and conformed to the Anglican liturgy.⁷

The major qualification for teaching in North Carolina prior to the American Revolution was a religious one. However, in some instances, teachers did manage to teach without a license. The Scotch-Irish were noted for having taught in Middle and Western North Carolina without sanction of the Anglican Church. These people began migrating to North Carolina about 1736 and continued until 1776. Smith stated, "There was no marked educational advancement manifested till the arrival of the Scotch-Irish."⁸

The Presbyterian Church was instrumental in the development of schools in North Carolina. As soon as the Presbyterians established a church in a community, they also began a school. These schools were deemed necessary to the survival of the Church as members' sons needed to know how to read Latin and Greek for purposes of Christianity, as well as to know mathematics and science.⁹ The teachers of the Presbyterian

⁷Edgar W. Knight, Public School Education in North Carolina (New York: Negro Universities Press, 1969), p. 37.

⁸Smith, op. cit., p. 22.

⁹Ibid., p. 23.

schools migrated to North Carolina from New Jersey, and the influence of Princeton College was great. However, teachers who taught in schools chartered by the General Assembly of the Province had to meet the religious and denominational requirements established by the Church of England.¹⁰

The first account of legislative action to promote schools in North Carolina occurred in Edenton. A bill in 1749 authorized "the town of Edenton to keep in repair the town fence, and to erect and build a pound bridges public wharf and to erect and build a school house in the said town."¹¹

North Carolina's original Constitution adopted in December, 1776, contained the following provision for schools:

That a school or schools shall be established by the legislature, for the convenient instruction of youth, with such salaries to the masters, paid by the public, as may enable them to instruct at low prices; and all useful learning shall be duly encouraged and promoted in one or more universities.¹²

No provision was included for financing the schools, nor was there mention of qualifications for teachers. Schools, while

¹⁰M. C. S. Noble, A History of the Public Schools of North Carolina (Chapel Hill: The University of North Carolina Press, 1930), p. 204.

¹¹Smith, op. cit., pp. 21-22.

¹²Edgar W. Knight, Notes on Education (Chapel Hill: The Seeman Press, Inc., 1927), p. 7.

breaking away from church control, were primarily local community or volunteer endeavors. Teachers were migratory and possessed few educational qualifications. Discipline was extremely severe, and methods of teaching were "often wasteful."¹³

James Hillman, retired North Carolina State Department Public Instruction official stated:

While the denominational test was not applied to teachers after the American Revolution, moral and religious traits were perhaps the chief characteristics of the teacher well into the beginning of the nineteenth century.¹⁴

Other descriptions of early North Carolina teachers were even more derogatory as illustrated by Charles L. Coon's statement:

Is a man constitutionally and habitually indolent, a burden upon all from whom he can extract support? Then there is one way of shaking him off, let us make him a schoolmaster. To teach a school is, in the opinion of many, little else than setting (sic) still and doing nothing He is destitute of character and cannot be trusted, but presently he opens a school and the children are seen flocking into it, for if he is willing to act in that capacity, we shall all admit that as he can read and write, and cypher to the square root, he will make an excellent school master.¹⁵

¹³Ibid., pp. 7-8.

¹⁴James E. Hillman, "Teacher Certification," North Carolina Education, 2, No. 6 (1936), 206.

¹⁵Charles L. Coon, The Beginnings of Public Education in North Carolina, 1 (Raleigh: Edwards and Broughton Printing Company, 1908), p. xii.

There was an interval of 63 years between the mandate of the first Constitution and public schools becoming a reality. During this interval, North Carolina schools were decreasing in number. Children of wealthy parents were sent to private academies or educated abroad. The local country schools could no longer exist on tuition generated by the remaining patrons. North Carolina schools were predominately staffed by out-of-state teachers, and the emphasis in the state was on earning a living instead of going to schools.¹⁶

In 1817, Archibald D. Murphy was appointed chairman of the committee to develop a system of public education. The General Assembly could not have chosen a better person to attempt the task. Murphy was described as "a thinker so far ahead of his day that although nothing which he proposed was done at the time, yet the essentials of his dreams are in the foundation of our present educational structure."¹⁷

Murphy's report called for the establishment of a Board of Public Instruction, primary schools and a plan for financing public education. Moreover, Murphy gave attention to a plan for organization of the schools, methods of instruction, courses of study

¹⁶Noble, A History of the Public Schools . . . , p. 40.

¹⁷Ibid., p. 36.

and provision for the education of poor children. Hearing-impaired children were also included in the plan at public expense. The seed that Murphy planted was to sprout eventually into a public school system for North Carolina. For his many contributions, various writers have awarded this creative thinker the title of "Father of the Common Schools."¹⁸

Developments in Teacher Certification
From 1825 to 1920

North Carolinians have a history of disliking State taxation, and without a thrust for financial support, public education was slow to come to North Carolina. The stimulating report of Archibald Murphy and the creation of a school fund which did not require taxation provided the impetus for a system of "state school support."¹⁹

Charles A. Hill reported a bill on December 22, 1825, that was to change the course of education in North Carolina:

It was called 'an act to create a fund for the establishment of common schools,' and on January 4, 1826, it passed the Senate and became a law. It is generally called 'The Literacy Fund Law of 1825.' . . . as a fund for common schools 'the dividends arising from the stock which is

¹⁸Ibid.

¹⁹Knight, Notes on Education, pp. 9-10.

owned by the state in the banks of New Bern and Cape Fear . . . stock which is owned by the state in the Cape Fear Navigation Company, and the Clubfoot and Harlow Creek Canal Company; . . . all monies paid to the State for entries of vacant lands (except Cherokee land).²⁰

Again there was no provision for teacher qualifications in the bill to create common schools.

The first common school law was ratified January 8, 1839. William W. Cherry was author of the bill, and provisions were made for five to ten superintendents to be elected in each county and counties to be divided into school districts covering an area no more than six square miles. There was also a provision for the Boards of Superintendents to appoint school committee men in each district.²¹ In Cherry's report to the Senate, great emphasis was placed on the value of qualified teachers, but the bill's title revealed almost completely what the act contained, "An Act to Divide the Counties of the State into School Districts and for Other Purposes."²² Cherry

²⁰Noble, A History of the Public Schools . . ., pp. 45-46.

²¹Laws of the State of North Carolina Passed by the General Assembly at the Session of 1838-39 (Raleigh: J. Gales and Son, Office of the Raleigh Register, 1839), pp. 13-14.

²²Senate Report of the Committee on Education (Raleigh: North Carolina General Assembly, 1838), p. 6.

stated in the report:

It is idle to talk of every man who can read and write, being of qualified to teach and instruct. It requires study and experience to succeed in any occupation or profession. No mechanic could be employed who had never served at his trade, and is as many by intuition, prepared to discharge the most important of all duties, to train properly the minds of our children.²³

The law of 1840-41 stated that school committees were to be elected by the people and gave power to the local committees to "contract with some suitable teacher."²⁴ In 1844-45, the committees were to take into consideration the qualification and moral character of any person employed in the schools.²⁵ In 1846-47, a law was passed which gave the Board of County Superintendents the power to establish examining committees of not more than five members to determine the mental and moral qualification of persons wishing to teach. In addition, the law provided that:

Hereafter, no person shall be employed as a teacher in any of the common schools in any county of the State, in which an examining committee is appointed unless he obtain from a majority of the committee of examination for the county in which he seeks employment

²³Ibid.

²⁴Noble, A History of the Public Schools . . . , p. 70.

²⁵Hillman, op. cit., 206.

a certificate of his good moral character and sufficient mental qualifications as such teacher.²⁶

An act of the General Assembly creating the office of Superintendent of Common Schools was ratified on December 4, 1852. The Act also charged the Chairman of County Superintendents to make a report to the State Superintendent regarding the number of certificates issued to teachers during the preceding year and to include the names of the examining committee. The Act of 1846-47 was amended to require Boards of County Superintendents to appoint an examining committee of not more than five persons. Certificates issued under the 1852 law were valid only in the county in which issued and were good for only one year.²⁷

The law stated further that:

. . . the chairman of the boards of county superintendents are authorized to refuse to pay drafts drawn upon them in favor of teachers for compensation for teaching common schools, unless said teachers exhibit a regular certificate of mental and moral qualifications from the majority of said examining committee, dated not more than one year from the exhibition thereof.²⁸

²⁶Laws of the State of North Carolina (Raleigh: Thomas J. Lesmay, Printer to the State, 1847), p. 238.

²⁷Laws of the State of North Carolina, Session of 1852 (Raleigh: Wesley Whitaker, Jr., Printer to the State, 1853), pp. 59-60.

²⁸Ibid., p. 61.

Calvin H. Wiley was elected by the General Assembly, as North Carolina's first State Superintendent of Public Instruction in 1852 and served with distinction until 1866. Noble described conditions in North Carolina at the time of Wiley's election:

. . . many men were still writing letters with goose-quill pens; they were still sprinkling sand on the freshly written sheet to absorb the undried ink instead of using blotting paper; There were no general means of communication save by letter, and the mails were slow and unreliable in their schedules. Wiley had no office, no official residence, no clerk. In fact, he lived near Greensboro and used his private residence as his public office for years. When he left home on official business, he went on his own expense. Out in the state the schools were in hopeless confusion, with few teachers whether good or bad, without any kind of supervision²⁹

Despite the many obstacles, Wiley believed that a good system of certification by examination would do much to eliminate problems in North Carolina education. In State Superintendent Wiley's report of 1854, he stated the certificate devised which gave grade and rank of teachers would help promote a uniform and efficient school system. Wiley expressed pleasure at the anticipated results and said, "Above all, uniformity and consistency--hope and expectation are beginning to take the place of despondency and confusion."³⁰

²⁹Noble, A History of the Public Schools . . . , p. 135.

³⁰Calvin H. Wiley, Common-Schools in North Carolina (Raleigh: Holden and Wilson, Printers to the State, 1857), p. 7.

Wiley's report of 1862 summarized some of the superintendent's letters to the examining committees. Emphasis was placed on moral character and examination grades. Suggestions were to increase the difficulty of examinations and to make the examination process as public as possible. Where the supply of teachers was greater than the demand, Wiley recommended that certificates of the lower grades not be issued.³¹ (See Figure 2.)

The Civil War brought the common school movement to a halt in North Carolina, and the office of State Superintendent was abolished. However, a new Constitution adopted in 1868 provided for a system of free public schools for children between six and 21, established a State Board of Education, provided for an elected State Superintendent and assigned duties formerly delegated to the Board of County Superintendents to a Board of County Commissioners.³²

The School Law of 1869 established the office of County Examiner, and in 1873, "First Grade certificates were issued if the applicants were qualified to teacher the higher branches of English."³³

³¹Report of the Superintendent of Common Schools of North Carolina for the Year 1862 (Raleigh: W. W. Holden, Printer to the State, 1862), pp. 35-36.

³²Noble, A History of the Public Schools . . . , pp. 301-302.

³³Hillman, loc. cit.

Figure 2

Teacher's Second Grade Certificate

Teacher's Second Grade Certificate

ARTICLE

I, County Superintendent of Schools for Davidson County, North Carolina, certify that I have in accordance with Section 39 of the School Law of 1899 and Section 41 of Chapter 199, Laws of 1899, thoroughly and fully examined Miss Annie Hargrave an applicant for a Teacher's Certificate on the several branches of study named below and that her true grade of scholarship in each is indicated by the number annexed to it, 100 indicating the highest:

Spelling (including sounds of letters)	<u>84</u>
Defining	<u>82</u>
Reading	<u>84</u>
Writing	<u>90</u>
Arithmetic (Mental and Written)	<u>80</u>
English Grammar	<u>82</u>
Geography	<u>82</u>
Elementary Physiology and Hygiene	<u>80</u>
History of North Carolina	<u>80</u>
History of the United States	<u>80</u>
Theory and Practice of Teaching	<u>80</u>
Civil Government	<u>80</u>

The said applicant has also furnished satisfactory evidence of good moral character, and has certified that during the examination she has not received help from any source and has given none to anyone else.

This Certificate will, therefore, authorize the said Annie Hargrave to teach in the Public Schools in Davidson County during one year only from date hereof.

This 13th day of October 1900.

J. L. Ledford
County Supt. of Schools

Applicants who were only qualified to teach ordinary branches were issued second grade certificates, and those only able to teach primary classes were issued third grade certificates. Hillman noted that:

Beginning with 1881, the county superintendent examined applicants for teaching. To be certified the applicant must make not less than fifty per cent on any subject, and an average of ninety per cent for the first grade, eighty for the second, and seventy for the third. Certificates were valid for one year in the county in which issued.³⁴

Section 3, Chapter 108 of the laws of 1897 enabled teachers who did not wish to take the county examination each year to apply for a first grade life certificate. This was a giant step forward as "life certificates" were to be honored in any county of the state and were renewable at five-year intervals on the basis of an affidavit from the teacher stating the individual had actively engaged in teaching since issuance or last renewal. The law also provided for a state board of examiners, which consisted of three professional teachers and the State Superintendent of Public Instruction.³⁵

The State Superintendent's report of 1889-1890 indicated there were instructions and suggested questions for examinations sent to

³⁴Ibid.

³⁵Public Laws and Resolutions of the State of North Carolina (Winston: M. I. and J. C. Stewart, Public Printers and Binders, 1897), pp. 149-150.

the county superintendents. S. M. Finger, Superintendent of Public Instruction in 1890 stated, "I cannot send examination papers for all your examinations during the year, and these are sent with the hope that they may be a guide to some extent to uniform the examinations through the state."³⁶

An act to provide for county institutes throughout the state was ratified in March, 1889. The work of former normal schools was to be assumed by the county institutes with the hope of reaching every teacher in the State. Edwin A. Alderman and C. D. McIver were elected to serve as full-time institute conductors and were to hold county institutes, conduct examinations of teachers, and perform "other work for the instruction of teachers as may be deemed advisable in the various counties of the State."³⁷

The State Superintendent in 1890, reported that 300 state certificates were issued by Institute conductors in connection with county superintendents. The Institutes had reached about 4,000

³⁶Biennial Report of the Superintendent of Public Instruction of North Carolina 1889-1890 (Raleigh: Josephus Daniels, State Printer and Binder, 1890), p. xxx.

³⁷Noble, A History of the Public Schools . . . , p. 428.

teachers since created by the Legislature and were considered by Finger to be an excellent method of increasing uniform standards of training and certification.³⁸

Significant certification changes occurred in 1905, 1907 and 1915 that led to a uniform system of state certification of teachers. A five-year certificate was begun in 1905. In order to secure this certificate the applicant must have passed an examination, prepared and graded by the State Board of Examiners, and hold a first grade certificate with one year teaching experience. Also in 1905, the law gave the State Superintendent of Public Instruction authority to classify teacher's certificates into primary, intermediate, and high school. In 1907, the State Board of Examiners assumed complete control of certification of teachers in state-aided high schools. An examination was required to secure this certificate. In 1915, the State Board of Examiners was given power to grant certificates on the basis of academic and professional training from approved institutions of higher learning and successful experience "in lieu of an examination."³⁹

³⁸Biennial Report of the Superintendent of Public Instruction of North Carolina 1889-1890 . . . , p. lviii.

³⁹Hillman, op. cit., p. 267.

A State Board of Examiners and Institute Conductors was established in 1917, by the General Assembly, to replace the State Board of Examiners. The law specified:

Said Board of Examiners and Institute Conductors shall have entire control of examining, accrediting without examination, and certificating all applicants for the position of teacher, principal, supervisor, superintendent and assistant superintendent in all public elementary and secondary schools of North Carolina, urban or rural, and no person shall be employed or serve in said schools as teacher . . . who shall not be certificated for such position by said board under the provisions of this act.⁴⁰

Applicants for second and third grade certificates were examined and certified by county or city superintendents. Although not a system of complete centralized state control, the law of 1917 did much to improve the process of certification. The change was to establish

The following classes of first grade certificates:
(1) Superintendents' and assistant superintendents';
(2) high school principals'; (3) high school teachers';
(4) elementary school teachers'; (5) elementary supervisors'; and (6) special.⁴¹

⁴⁰Public Laws of North Carolina, Session 1917 (Raleigh: Edwards and Broughton Printing Company, State Printers and Binders, 1917), p. 273.

⁴¹L. P. McGehee, ed., Consolidated Statutes of North Carolina (Raleigh: Edwards and Broughton Printing Company, 1920), p. 302.

Teachers and other certificated personnel experienced a period of adjustment from 1917-1921. Plans were made to certify permanently all personnel who held temporary certificates prior to creation of the State Board of Examiners and Institute Conductors. The six member board and the State Superintendent spent many hours trying to develop a plan to meet the requirements of the law. Confusion and dissatisfaction were abundant with teachers across the state. Certificates continued to be issued on the basis of training and examination.⁴² A report issued in 1920 called for the certification of all teachers to be placed under centralized control and suggested a division of certification within the State Department of Education.⁴³

Course and Hour Method (1921-1962)

The North Carolina State Board of Education approved a plan to create a Division of Certification within the State Department of

⁴²Biennial Report of the Superintendent of Public Instruction of North Carolina 1916-1917 and 1917-1918 (Raleigh: Edwards and Broughton Printing Co., 1919), pp. 85-86.

⁴³State Educational Commission, Public Education in North Carolina (Raleigh: Edwards and Broughton Printing Co., 1920), pp. 52-53.

Public Instruction on March 15, 1921. A. S. Brower was named director of the new division at an annual salary of \$3,500. The Division of Certification was to have direction of certification practices and procedures, and the certification of teachers was finally centralized in the authority of the State Board of Education.⁴⁴ The State Board of Examiners and Institute Conductors was abolished, and North Carolina entered into a long period of course and hour-based teacher education. This period was marked by specified requirements for each certification area which was to be met through courses and hours accumulated by the applicant. Colleges and universities developed teacher education programs accordingly. An evaluation and analysis was made in the state certification office of individual transcripts to determine if the prospective teacher had fulfilled the requirements.⁴⁵

James E. Hillman assumed responsibility as certification director in December, 1923. Hillman had been employed at Appalachian

⁴⁴North Carolina State Board of Education, Minutes, 4 (Raleigh: State of North Carolina, Division of Archives and History), p. 80.

⁴⁵"Teacher Education in North Carolina" (Raleigh: State Department of Public Instruction, Division of Teacher Certification, n.d.), p. 1. (Mimeographed.)

State Teachers College and possessed an earned doctorate from George Peabody College for Teachers. The influence of Hillman was dominant in certification procedures until 1959. The Director faced many problems upon assuming responsibility for certification and developed a plan to bring the many teachers of the state, who were certified provisionally, up to standards established by the State Board of Education. Hillman's plan for improving the quality of teachers and upgrading certification standards revolved around the colleges and universities. In 1923, Hillman was elected Chairman of the Committee on Standards of the State Association of North Carolina Colleges and Universities. The Committee's first task was to determine what constituted a college. Basically, Southern Association standards were applied to local situations. Duke, Davidson, Wake Forest and The University of North Carolina were considered accredited institutions, and graduates of these schools were issued A certificates by the Certification Division. Graduates of some institutions were recognized as receiving three years of college credit, even though in attendance four, and received a B certificate.⁴⁶

⁴⁶Statement by James E. Hillman, retired North Carolina State Department of Public Instruction Official, personal interview, Raleigh, North Carolina, January 6, 1979.

The rise of summer schools was phenomenal during the early 1920's. An analysis of the enrollment of teachers in summer schools during 1921 provided a picture of the training level of North Carolina's teachers. Over 11,000 teachers were in attendance during the summer of 1921, and only 3.5 percent of these were graduates from standard colleges. Teachers in attendance who were not high school graduates totaled 13.5 percent. The most encouraging part of the analysis was the 37.6 percent of the teachers in summer school attendance for 1921 had taught in the public schools for three or more years.⁴⁷

Some certification by examination existed in North Carolina until 1926. After that date, college training was the only basis for the issuance of a certificate. Teachers who were without formal college training were forced to participate in summer schools in order to raise certificates to the C level which indicated that a person had two years of college work.⁴⁸ A uniform curriculum was developed and disseminated to colleges and teachers which specified the courses

⁴⁷Publications of the State Superintendent of Public Instruction 1921-22, No. 31-60 (Raleigh: Capital Printing Company, 1922), pp. 5-9.

⁴⁸Hillman, "Teacher Certification," . . . , p. 280.

that teachers needed to take in summer school in order to meet the minimum state requirements. Noble reported in 1929:

When, as has been shown, North Carolina reached the point where high school graduation was the entrance requirement to the teaching profession in the State the institutional summer school became the logical successor to the county summer school. Obviously enough, this transition step marked simply another achievement along the highway of higher professional standards. In the institutional summer school, teachers can build up, even while in-service, credit towards college graduation.⁴⁹

Certification clerks usually evaluated individual transcripts and developed extensive card files of information to assist in this function. Accredited colleges were indexed along with the most current rules of the State Board of Education. Examples of information contained on these files follows:

Practice Teaching

Never let out-of-state experience, had prior to the degree, count as practice teaching requirement.

Extension Regulations

- (1) The 40% extension restrictions never enforced.
- (2) Extension credit earned after Oct. 1, 1931, may not be used on an adm. certificate.⁵⁰

⁴⁹Noble, Teacher Training in North Carolina, p. 9.

⁵⁰State Department of Public Instruction, "Historic Files" (Raleigh: Division of Teacher Certification, n. d.).

The process for raising standards during the course and hour period usually began with James Hillman and was sounded out with the colleges through the Committee on Standards. If a recommendation were to be made, Hillman's responsibility was to convince the State Superintendent who would then make the recommendation to the State Board of Education.⁵¹

North Carolina, moving with the trends of the country, changed the high school certificate to a subject certificate. There were also regulations enacted to force people into the proper field. Teachers doing more than 50 percent of work outside the field of certification would have the certificate reduced to the next lower class.⁵²

The improvement of standards was tremendous from 1930 until 1940. The plan for certification called for a continued emphasis on college training, and a goal was set for all teachers to have a degree from an accredited institution of higher learning. Beginning teachers should be college graduates by 1940. Deadlines for upgrading

⁵¹Hillman, personal interview, January 6, 1979.

⁵²North Carolina State Board of Education, Minutes, Vol. 4 (Raleigh: State of North Carolina, Division of Archives and History), p. 484.

certificates were established. Regulations regarding training in Health and Physical Education were imposed as were courses in professional education. North Carolina was moving rapidly toward a uniform system of certification with college courses as the core to ensure qualified teachers.⁵³

World War II greatly affected teacher certification in North Carolina. The deadlines established in the 1930's were pushed forward in order to secure teachers during a critical shortage of qualified personnel. Reduced standards were put into effect, and penalties for teaching out-of-field were reduced. Renewal requirements were reduced, and the requirements for principals to hold a master's degree were extended. In 1942, the State Board issued the following regulation:

That where legally certified teachers, and graduates of standard senior colleges are not available, one who has had at least two years of college credit, but less than a degree be employed for 1942-43 on a "war permit basis."⁵⁴

⁵³For specific regulations see North Carolina State Board of Education, Minutes, Vol. 2 (Raleigh: State Department of Public Instruction, Education Building), pp. 5, 41, 103, 139, 149, 171, 172, 173.

⁵⁴*Ibid.*, p. 195.

The war was over in 1945, but the shortage of teachers continued for a number of years. The State Board of Education was able to cope with the situation by continuing to extend deadlines until such time as the supply of teachers would warrant more stringent certification requirements. A report by Freeman in 1958 indicated there were still 2, 076 teachers in North Carolina who did not meet the highest certification standard. (See Table 1.)

James E. Hillman left the certification area in 1959 to direct a special project for the State Superintendent of Public Instruction. The name of the Certification Division was changed in 1934 to the Division of Professional Service and again in 1959 to the Division of Professional Services. However, a major responsibility of the Division since inception has been to provide a centralized mechanism for certifying teachers. Hillman's involvement with higher education served the state well during the course-and-hour period.⁵⁵ J. P. Freeman assumed responsibility for the Division of Professional Services in 1959, and soon the certification process was to embark in another direction.

⁵⁵J. P. Freeman, "Descriptive Outline of the History, Organization, Functions, Personnel Responsibilities, and Policies of the Division of Teacher Education and Certification," (Raleigh: State Department of Public Instruction, Division of Teacher Education and Certification, 1970), pp 1-2. (Mimeographed.)

Table 1

Certificate Status of 1957-58 Teachers Below
Class A Certificates Compared With
1951-52 Teachers

Personnel	Certificate					Total
	Class B	Class C	Elem. A	Elem. B	N.S.	
High School Teachers						
1951-52	141	7		3	66	207
1957-58	199	5	1	1	24	230
Elementary Teachers						
1951-52	1,444	363	122	66	66	2,061
1957-58	1,478	227	55	24	62	1,846
Total						
1951-52	1,585	370	122	69	122	2,268
1957-58	1,677	232	56	25	86	2,076

*Adapted from North Carolina Department of Public Instruction, Certificate Status of the Teaching Personnel 1957-58 (Raleigh: 1958), p. 4.

Approved Program Approach (1962-1972)

Forces were mounting to bring about changes in the certification process as Freeman took over responsibility of the Division in 1959. A desire to improve teacher education and a recently completed dissertation led Freeman to explore the concept of an approved program approach. The NEA was also pushing the idea, and an opportunity was presented for the State Department of Public Instruction to assume a leadership role in the development of teacher education, and consequently teacher certification. The Department's role to date had been a regulatory function with the clerks analyzing each individual transcript. Freeman also hoped the new plan would increase flexibility for the institutions of higher learning.⁵⁶

Craig Phillips, State Superintendent of Public Instruction, stated:

. . . The preparation of teachers is perceived in terms of planned programs by colleges and universities, rather than accumulation of individual college courses and hours to meet specified State requirements.

⁵⁶Statement by Julius P. Freeman, Executive Director of North Carolina Association of Colleges and Universities, personal interview, Raleigh, North Carolina, December 20, 1978.

. . . After programs are approved by the State Board of Education, students who complete them successfully and are recommended for State certification by the institution involved are issued the appropriate teacher's certificate.⁵⁷

The process for obtaining approval of an institution's program for teacher education involved a number of steps, and the authority and responsibility for approval was vested in the State Board of Education. The State Board of Education made a decision in the following manner:

- 2.1.1 Institution makes known to the Division of Teacher Education its desire to be approved.
- 2.1.2 Institution is supplied with the state's evaluative criteria by the Division of Teacher Education.
- 2.1.3 Institution engages in a self-study using the evaluative criteria.
- 2.1.4 Report of the institution's self-study is filed with the Division of Teacher Education.
- 2.1.5 Institution is visited and examined by an appointed visitation committee.
- 2.1.6 Report of the visitation committee is made through the Division of Teacher Education to the State Evaluation Committee on Teacher Education.

⁵⁷ Programs Approved for Teacher Education in North Carolina Colleges and Universities (Raleigh: State Department of Public Instruction, Division of Teacher Education, 1978), foreword.

- 2.1.7 Report of the Evaluation Committee is referred to the State Board of Education.
- 2.1.8 The State Board of Education acts upon the request.⁵⁸

Programs were approved for five years if full approval were awarded. Shorter periods, from one to three years, of approval were awarded if all conditions had not been met. If an institution were not approved at all, the institution was informed of the areas deficient. An institution could appeal a decision to the State Board of Education.⁵⁹

The approved program approach was intended to increase colleges' and universities' commitments to teacher preparation and to increase the admission standards into teacher education programs. In addition, there was also hope that cooperation between public schools and institutions of higher education would be increased, thus enhancing the student teaching experience for potential teachers. Academic preparation was emphasized, and it was suggested that 80 percent of the program for elementary education be directed to that phase with the remaining 20 percent on the art of teaching.⁶⁰

⁵⁸Standards and Guidelines for Approval of Institutions and Programs for Teacher Education (Raleigh: North Carolina Department of Public Instruction, Division of Teacher Education, 1977), pp. 143-144.

⁵⁹ibid., p. 142.

⁶⁰J. P. Freeman, "Current Process Leading to Certification," (Raleigh: State Department of Public Instruction, 1972), p. 1. (Mimeographed.)

Freeman's dream had become a reality, but there were some obvious weaknesses in the plan. There was a need to increase emphasis on the product. Also, under the approved program approach, teacher education curricula had become discrete, and courses came into existence "for their own sake apart from individuals."⁶¹

During the approved program approach to teacher education and certification, the Division of Professional Services underwent several name changes. In 1967, the title was changed to the Division of Teacher Education, and in 1969, to the Division of Teacher Education and Certification.⁶²

Competency-Based Approach (1972-)

The umbrella of North Carolina's approved program approach to teacher education and certification was broadened and expanded to include a new approach referred to as the competency-based approach. The State Board of Education on September 7, 1972, adopted the new program with hopes of putting more emphasis on accountability and output. Over 600 people had been involved in the developmental

⁶¹"Competency-Based Approach in Teacher Education in North Carolina" (Raleigh: State Department of Public Instruction, Division of Teacher Education, n. d.), p. 1. (Mimeographed.)

⁶²Freeman, "Descriptive Outline of the History . . . ,"
p. 3.

process and had served on various ad hoc committees under the general supervision of the State Advisory Council on Teacher Education and Staff Development.⁶³ A committee composed of 20 to 25 people representing different backgrounds and interests was assigned to each of the certification areas. Freeman reported the charge to the committees as follows:

(1) develop a statement of purpose for the area of instruction involved, (2) identify, through a research of the literature and/or on the basis of a professional judgment, the competencies needed by professional personnel to serve effectively in the teaching or service areas, and (3) develop preparation guidelines that optimally provide for the acquisition of the competencies identified.⁶⁴

A shift in emphasis from program to product highlighted the competency movement, and preparation programs were to be developed to meet specified competencies needed by teachers. A State Department of Public Instruction report in 1972 described the competency approach as an attempt to prepare teachers:

. . . to bring about appropriate behavioral responses from students. This assumes that the teaching

⁶³Standards and Guidelines for . . ., p. v.

⁶⁴"Competency-Based Approach in . . .," p. 2.

competencies to be demonstrated are role-derived and used in setting up programs on an individual basis. It is further assumed that all prospective teachers are not forced to fit into a single pattern of courses, but provision is made for personalized programs of study that recognize individual differences. Thus, the competency-based approach is characterized by such terms as self-pacing, individualization, independent study and personalization.⁶⁵

The new program called for colleges and universities to develop exit policies to ensure competence. In addition, the institutions of higher learning were to develop "a systematic and comprehensive follow-up of graduates and use results in further development and improvement of programs."⁶⁶ The State Department of Public Instruction provided a catalog of competencies and guidelines to aid the institutions in developing programs. This catalog was designed to give direction to the institutions and not to prescribe the instructional program. Perhaps one of the biggest changes from tradition in the competency-based approach was the concept that time frames and years completed were not the criteria upon which an individual was to be certified to teach. Rather, the individual was

⁶⁵Ibid.

⁶⁶Freeman, "Current Process Leading to Certification," . . . , p. 2.

recommended for certification by the institution only upon demonstration of competencies identified for a particular role.⁶⁷

Colleges and universities in North Carolina seeking approval of programs from the State Board of Education, under the competency-based plan were to hold membership in the Southern Association of Colleges and Schools. In addition, institutions were to follow the same procedure as outlined in the approved program approach. The State Board of Education made the final decision.

Periods of Controversy

Proposed Teacher Licensing

North Carolina experienced several issues which proved to be quite controversial. On July 13, 1971, the General Assembly of North Carolina passed a joint resolution calling for a Legislative Research Commission to study professional regulation of teacher licensing and practices. The Commission was to report its findings to the 1973 General Assembly. The resolution, in part, said:

Whereas, education is the only occupational field which has not been legally assigned the responsibility for self discipline; and whereas, members of the profession are

⁶⁷"Competency-Based Approach in . . . ," pp. 4-5.

showing increasing interest in assuming responsibility for setting standards for attracting, training, licensing, advancing and disciplining professional personnel in education.⁶⁸

A seven-member committee was appointed, chaired by Representative Ernest B. Messer, by the Commission to study the issue and to make recommendations. A survey was sent to teacher training institutions in the state, and a series of public hearings and committee meetings were held.⁶⁹

The committee drafted a report and recommended the establishment of an Advisory Commission on Teacher Preparation and Licensing. The 16-member committee was nominated by the Governor from names submitted by the professional organization. Eight of the members were to be teachers, and the remaining positions were to be filled by administrators and personnel from higher education. The proposed duties of the Commission on Teacher Preparation and Licensing were to develop standards and procedures for certifying teachers and accrediting teacher education programs of colleges and

⁶⁸1973 Report of the Legislative Research Commission: Committee on Teacher Licensing and Practices (Raleigh: North Carolina General Assembly, 1973), Appendix A.

⁶⁹*Ibid.*, pp. 1-3.

universities. The commission also was to establish standards of professional practice and performance of persons performing educational responsibilities.⁷⁰

A central question of this controversy was, should the authority of the State Board of Education regarding teacher certification be assumed by a commission representing the teacher profession?

Craig Phillips did not think so, and in a letter, dated August 23, 1972, to Ernest Messer stated:

We do not believe the adoption of this Act by the General Assembly creating the Professional Practices Commission would be in the best interest of the public schools of this State. We feel strongly that the public schools of North Carolina are essentially public in nature and that they exist to serve the public. Therefore, we feel that the State Board of Education, constitutionally authorized by the people of the State with complete and final authority in the area of certification, should retain this authority.

. . . professionals serving in the public schools are serving the public in public institutions and are paid from public funds. The elements of free enterprise do not directly apply. In the second place, the number of people involved is tremendously different. In 1972, approximately 350 lawyers passed the bar examinations and were admitted to the practice of law in North Carolina. During the same period of time, approximately 15,000 people submitted credentials to the State and were licensed to teach in the public schools . . .

⁷⁰Ibid., Appendix B.

We feel that the certification operation is the execution of a public function and the control of this operation should rest with the duly constituted authority which is the State Board of Education.⁷¹

A review of Guthrie v. Taylor indicated the source of Phillips' strong constitutional language used in the letter to Messer. The Supreme Court of North Carolina stated in the fall of 1971:

We look only to the Constitution to determine what power has been delegated. Where, as here, power to make rules and regulations has been delegated to an administrative board or agency by the Constitution, itself. The delegation is absolute, except insofar as it is limited by the Constitution of the State, by the Constitution of the United States or by the Legislature, or some other agency, pursuant to power expressly conferred upon it by the Constitution.⁷²

The Court concluded the power of the State Board of Education was derived from the Constitution and the General Assembly. The people of the State had, in essence, delegated power to the State Board of Education directly through the Constitution. The effect of Guthrie v. Taylor was also noticeable in the final recommendations of the Committee on Teacher Licensing. The Commission on Teacher Preparation and Licensing was to act as an agency to the State Board of Education. Actions and recommendations of the Commission were

⁷¹Letter from A. Craig Phillips, State Superintendent of Public Instruction, to Ernest Messer, August 23, 1972.

⁷²Guthrie v. Taylor, 279 N.C. 703 (1971).

to be forwarded to the State Superintendent who would then submit these proposals as recommendations to the State Board of Education.⁷³

This attempt for professional control of certification was not successful with the General Assembly, and the controversy passed, at least for the moment.

The Standards Controversy

On December 7, 1972, the North Carolina State Board of Education took action to change the teacher certification process. The new regulations were to take effect July 1, 1973, and certification would be based on:

1. Successful completion of an approved course of study
2. Taking the NTE
3. Certification by the approved college or university that the individual candidate for teacher certification is measured by the institution in not one but three areas of the individual's capabilities as they relate to his effectiveness in teaching. These include:
 - a. Academic achievement, determined by the score on the NTE and the rank in his institution's total graduating class.
 - b. A rating scale used to measure the individual's effectiveness in his professional performance.

⁷³ 1973 Report of the Legislative Research Committee
. . . . , Appendix B.

- c. A rating scale used to measure his personal and social characteristics.⁷⁴

The rating scale to be utilized by the colleges and universities placed a 50-point value on the academic preparation area. The scale for personal-social characteristics carried a 50-point value as did the scale for professional performance. An applicant had to score 100 out of a possible 150 points in order to be certified. The minimum 950 score required on the NTE was eliminated. Instead, a person was required to take the NTE, and points were accumulated up to 25, which were applied in the academic preparation area. (See Table 2.)

Many educators in the State saw the new regulations as a drastic reduction in standards and objected to the subjective exit criteria and elimination of a required score on the NTE. Craig Phillips strongly supported the new policy, while Dallas Herring, Chairman of the State Board of Education, spoke out forcibly against it. Under mounting criticism and pressure the State Board of Education held a public hearing on January 12, 1973, to provide persons an opportunity to speak for and against the new policy.⁷⁵

⁷⁴Statement by Craig Phillips on Teacher Certification, " (Raleigh: State Superintendent of Public Instruction, 1972). (Mimeographed.)

⁷⁵Statement by J. Arthur Taylor, North Carolina State Department of Public Instruction Official, telephone conversation, February 5, 1979.

Table 2

Exit Criteria As a Basis for Recommending Teacher
Education Graduates to the State for Certification

Item 1

Academic Achievement (50 Points)

Including general education, professional education and subject-field specialization as measured by the NTE composite scores and rank in class.

1. NTE (25 Points)

NTE Composite Score

1, 050 and above	25 points
950 - 1, 049	20 points
850 - 949	15 points
849 and below	20 points

2. Rank in Class (25 Points)

Percentile

75 and above	25 points
50 - 74	20 points
25 - 49	25 points
24 and below	10 points

Table 2 (Continued)

Item 2

Professional Performance (50 Points)

1. Ability to diagnose student needs
2. Oral language skills
3. Working relationships with others
4. Use of learning reinforcement
5. Classroom management skills
6. Interest in teaching area
7. Use of applicable teaching methods and media
8. Exhibits ability to plan teaching-learning activities
9. Demonstrates ability to be flexible in teaching plan
10. Utilizes student responses appropriately

Table 2 (Continued)

Item 3

Personal-Social Characteristics (50 Points)

1. Personal magnetism
2. Willingness to improve
3. Emotional stability
4. Ability to relate to others
5. Quality of voice
6. Professional ethics
7. Self-discipline
8. Empathy for students
9. Physical qualities
10. Recognition of dignity and worth of each individual

To qualify for a certificate, one must rate at least 100 points on the 150 scale.

*State Superintendent of Public Instruction, attachment to memo from Craig Phillips to Members State Board of Education (November 17, 1972). (Mimeographed.)

James E. Hillman spoke against the policy stating, "Surely the personal-social characteristics are not as important in making a teacher as the academic achievement, which is the four years of college preparation."⁷⁶ A total of 44 persons presented arguments during seven hours of testimony. The News and Observer (Raleigh) reported on January 13, 1973, statements of individuals as follows:

Robert O'Kane, dean, School of Education, UNC-Greensboro: 'If we think of teaching as just a craft in which a prospective teacher must make a certain score on a test, then we're going down the wrong road.'

John Taylor, administrative assistant, Pitt County Schools: 'The NTE was originally adopted for certification purposes in the state, to keep to a minimum the number of black teachers teaching white children.'

John B. Chase, dean, College of Human Development and Learning, UNC-Charlotte: 'Effective teaching is not only knowing but feeling . . . perceiving . . . communicating . . . caring'

John Wasik, professor of statistics and psychology, NCSU: 'Do we want to emphasize the school's educational role or their socializing role? I am a traditionalist. Schools are to educate.'

⁷⁶James E. Hillman, "Report of Appearance Before the State Board of Education on the Recently Adopted Certification Requirements for North Carolina Elementary and Secondary School Teachers," (Raleigh: North Carolina State Board of Education, 1973), p. 1. (Mimeographed.)

Harold Hulon, chairman, Education Department, UNC-Wilmington: 'We are concerned about what appears to be a reduction of academic standards.'

George S. Willard, superintendent, Wilson City Schools: 'A teacher cannot teach, regardless of his other attributes, if he does not know his subject matter.'⁷⁷

The controversy continued to escalate until April 19, 1973.

On that date "the General Assembly overturned the action of the State Board by amending G.S. 115-153 to require a minimum NTE composite score of 950."⁷⁸ Thus, for the first time in history, the General Assembly overruled the State Board of Education, and North Carolina had a certification statute instead of a regulation. With a major portion of the plan aborted, the State Board of Education chose not to implement the remaining parts. The certification process then reverted to an applicant's receiving a recommendation from a college or university with an approved program and a minimum composite score of 950 on the NTE.⁷⁹

⁷⁷The News and Observer (Raleigh), January 13, 1973, p. 9.

⁷⁸"National Teacher Examinations: Sequence of Events" (Raleigh: State Department of Public Instruction, Division of Certification, n. d.), p. 1. (Mimeographed.)

⁷⁹Taylor, telephone conversation, February 5, 1979.

The Dilemma of the National Teacher Examination

The NTE has had a rather complicated history in North Carolina education. Listed below is the sequence of events from inception until the present day.

1. Resolution 73 adopted by the North Carolina General Assembly June 20, 1959.
2. Board of Education accepted the grant of \$15,000 from "The Fund for the Advancement of Education" for expenditures within the provisions of Resolution 73, September 3, 1959.
3. Teacher Evaluation, Rating, and Certification Advisory Committee appointed by Board on October 1, 1959.
4. Study Committee Director appointed by Board on November 5, 1959.
5. NTE contract with Educational Testing Service adopted by Board on April 9, 1960.
6. NTE minimum score requirements adopted by Board on January 9, 1964 (Weighted Common Examinations only).
7. NTE minimum score requirements amended by Board on June 2, 1966 (Teaching Area Examinations added).
8. NTE regulations revised to accept composite score adopted by Board on March 7, 1968. Board declined to drop the NTE score at the graduate level.
9. NTE regulations revised to require NTE Teaching Area only when adding another subject or area to an existing certificate at the same level on April 4, 1968.

10. Revised policy to issue a certificate (temporary permit Class A level or below) for one year for individuals not meeting the minimum score or for individuals not having taken the test on February 6, 1969.
11. NTE dropped except for initial entry into the teaching profession on August 10, 1972.
12. Evaluation instrument for initial entry into the teaching profession adopted by Board on December 7, 1972.
13. On April 19, 1973, the General Assembly overturned the action of the State Board by amending G.S. 115-153 to require a minimum NTE composite score of 950.
14. October 10, 1973, the U. S. Department of Justice filed suit (Civil Action 4476) against the State's use of NTE.
15. On June 19, 1975, the General Assembly amended G.S. 115-153 to provide for a two (2) year probationary certificate for anyone not meeting the minimum NTE score requirement. This amendment expired June 30, 1977.
16. On August 27, 1975, the U. S. District Court ruled G.S. 115-153 unconstitutional. The NTE requirement was discontinued. The second part of the court suit relating to damages remained before the court.
17. The Attorney General's Office requested the State Board of Education to enter into a contract with Educational Testing Service to conduct a validation study of the NTE. This process was completed in 1976.
18. The U. S. Federal Court on January 27, 1977, rescinded its decision of 1975.
19. The North Carolina Attorney General gave the State Board a written opinion on April 7, 1977,

on the legal implications of the January 27, 1977, action of the courts. This legal action reinstated the NTE as a part of the certification process on April 7, 1977.

20. On April 12, 1977, the U. S. Federal Court in South Carolina upheld that state's use of the NTE in a suit similar to the North Carolina suit.
21. The North Carolina suit is still before the Federal Court.
22. The State Board on June 2, 1977, directed the Special Test Committee of the State Advisory Council to study the NTE situation and make recommendations to the State Board.⁸⁰
23. The State Board on February 1, 1979, adopted the report of the Special Test Committee. The recommendations provided for an increase in minimum score requirements to be phased in by 1982.⁸¹

Since the development of a required minimum score, the NTE has been a continuing dilemma for North Carolina. The controversy of 1972 has been alluded to, and the action of the General Assembly was without precedent. However, the 1973 action of the General Assembly did not reduce the controversy which has become a trademark of the NTE.

When North Carolina reinstated the 950 minimum score in 1973, figures showed that 31.08 percent of the black candidates for certification scored below the 950 score, while only 1.36 of the white

⁸⁰ "National Teacher Examinations . . . ," p. 2.

⁸¹ Taylor, telephone conversation, February 5, 1979.

candidates failed to meet the minimum requirement. Also, Educational Testing Service had advised the State Board of Education that academic preparation of prospective teachers was the only measure the NTE was designed to produce.⁸²

On June 19, 1975, the General Assembly amended G.S. 115-153 to provide for a temporary two-year permit for individuals who met all requirements for a certificate except the minimum NTE score. Provisions for the temporary permit were also made retroactive for persons who had not been certified in the interim of the 1973 and 1975 amendments. The Court case against the State's use of the NTE was not going well, and the potential for large damage claims was facing the State. An effort to reduce the impact of an adverse Court decision was a prime cause of the 1975 amendment. The General Assembly included an expiration date of June 30, 1977, for the amendment.⁸³

The United States District Court, Eastern District North Carolina, ruled on August 27, 1975, that failure to validate the 950 minimum score constituted denial of equal protection under the

⁸²United States v. North Carolina, 400 F. Supp. 343 (E D N. C. 1975), vac. on other grounds 425 F. Supp. 789 (E D N. C. 1977).

⁸³Taylor, personal interview, November 29, 1978.

Fourteenth Amendment. G.S. 115-153 was ruled unconstitutional, and the minimum score was discontinued. The Court found the State had the right to use a test to determine competence of prospective teachers; however, the arbitrary use of 950 as a minimum score was not acceptable. The decision also instructed "counsel to agree as to the form of an appropriate judgment and submit it."⁸⁴

Shortly after the suspension of NTE scores as a requirement for teacher certification, a major change occurred in a similar legal case. The element of intentional or purposeful discrimination was required to show that constitutional rights had been violated.⁸⁵

North Carolina contracted with Educational Testing Service to prepare a validity study of the State's use of the NTE. The validation report was submitted to the State Board of Education on August 18, 1976, and:

. . . concluded that the NTE did in fact fairly measure the knowledge thought to be imparted by teacher training institutions in North Carolina, and that the minimal level of academic competence North Carolina educators believed was necessary to teach in North Carolina

⁸⁴United States v. North Carolina, 425 F. Supp. 789 (E D N. C. 1977).

⁸⁵Washington v. Davis, 426 U.S. 229 (1976).

public schools was represented by scores ranging from 1111 to 1340, depending upon the subject area involved.⁸⁶

The State sought relief from judgment of the 1975 decision, based on the results of Educational Testing Service Validation Study and the findings of the United States Supreme Court in Washington v. Davis. Upon review of all materials submitted by both parties, the United States District Court, Eastern District North Carolina, ordered on January 27, 1977, that:

1. . . . the Court's opinion of August 27, 1975, as reported in 400 F. Supp. 343 is withdrawn and vacated;
2. That the Court's order and judgement No. 1, including injunction issued therein, is vacated; and
3. That discovery in this action shall be re-opened and extended for a period of five months from this date.⁸⁷

After the Federal Court's decision in United States v. North Carolina, in 1977, the State Board of Education, acting on an Attorney

⁸⁶United States, et al., Plaintiffs v. State of North Carolina, et al., Defendants, United States District Court for the Eastern District of North Carolina, Raleigh Division, Memorandum of Points and Authorities in Support of Defendants' Motion for Summary Judgment. Civil Action No. 4476. p. 3.

⁸⁷United States v. North Carolina, 425 F. Supp. 789 (E D N. C. 1977).

General's written opinion of legal aspects of the Court action, reinstated the minimum 950 score on the NTE as a part of the certification process.⁸⁸ The one-year temporary permit in effect prior to the revision of G.S. 115-153, in 1973 was also reinstated.

On February 1, 1979, the State Board of Education adopted the Special Test Committee's recommendations regarding minimum NTE scores. The recommended minimum scores would require potential mathematics teachers to score 600 on the mathematics portion of the examination and 539 on the general area by 1982. Data collected nationwide indicates that 62 percent of all mathematics majors who have taken the NTE have scored below the minimum requirement.⁸⁹ The recommendations also call for temporary permits to be discontinued. This would mean a person employed without the minimum NTE score would have to be paid on the substitute teacher salary level and could not work more than 30 days without successful completion of the NTE. Persons employed in teaching positions more than 30 days without a minimum NTE score would be in violation of G.S. 115-155.⁹⁰

⁸⁸"National Teacher Examinations . . . ," p. 2.

⁸⁹"Report of the Teacher Examination Committee to the North Carolina State Board of Education" (Raleigh: State Department of Public Instruction, 1979), p. 9. (Mimeographed.)

⁹⁰Ibid, p. 13.

North Carolina's Federal Court case, United States v. North Carolina is still at rest. The discovery period has long been over, and a final disposition is awaited with anticipation.

Certification Issues and the Private Schools

The number of students enrolled in private schools in North Carolina has increased significantly during recent years. Statistics indicated that during the period from 1968 to 1974 enrollments in private schools increased from 21,802 to 54,000. The number of private schools increased from 174 to 274 during the same time frame.⁹¹

The State Department of Public Instruction published a proposal in the spring of 1974, that would have discontinued all teaching certificates with emergency ratings. Persons employed without qualifications for a standard certificate would be issued an emergency rating, but would be required to enroll in a college or university with an approved teacher education program and make progress each year toward a regular certificate. This proposal would make it much more difficult for Private Christian Schools

⁹¹Report of the Legislative Commission on Public and Private Schools (Raleigh: North Carolina General Assembly, 1975).

to employ teachers that fit the criteria demanded by many such schools.⁹² Potential teachers in Christian Schools were required to be:

. . . a born again Christian of the fundamentalist Christian faith and reflect Christian attitudes and values in his or her conduct both on the school premises and in his or her personal life.⁹³

Bible colleges were chief producers of potential teachers for the Christian Schools. Since Bible colleges are not approved for teacher education programs and affiliation with a public institution might be in conflict with a teacher's religious values, a controversy developed.⁹⁴

On April 13, 1974, a resolution was ratified in the General Assembly of North Carolina establishing a commission on public and private schools. The commission was to conduct a study of the relationship between public and private schools "and of the certification of teachers teaching in private schools."⁹⁵

⁹²Ibid., pp. 14-21.

⁹³State of North Carolina, et al. v. Columbus Christian Academy, et al., No. 78-CVS-1678 (1978).

⁹⁴Report of the Legislative Commission on Public and Private . . ., p. 30.

⁹⁵Ibid., Appendix A.

A written report was to be filed with the Governor before January 1, 1975. The report was to contain information gathered during the investigation and to make recommendations about administrative and legislative actions deemed in the public interest. The Governor was then to transmit the report to the General Assembly.⁹⁶

The State Board of Education adopted the recommendations of the Commission on Public and Private Schools on February 6, 1975. The new policies gave the private schools a temporary certification rating for graduates from Bible colleges and other persons who had accumulated 90 semester hours of work from an accredited institution. A mechanism for upgrading these temporary certificates to a standard rating was also provided. A Bible college graduate would now be granted a temporary B certificate, valid for one year. At the end of a year of successful teaching experience the temporary status would change to a provisional status. Individuals with B certificates would have the option of entering into an agreement with the State Department of Public Instruction to upgrade certificates to Class A upon completion of a program outlined to meet the individual's assessed needs. All temporary and provisional certificates were good for one

⁹⁶ Ibid.

year and were renewable upon completion of one year of successful teaching experience.⁹⁷

The controversy was not over, however, and in 1978 some of the private Christian schools refused to file the completed annual fall reports as required by the State. The State Board of Education instigated legal action, and the case was decided on September 1, 1978, in the Superior Court of Wake County.⁹⁸

The controversy arose because the private Christian schools felt the State did not have a right to regulate sectarian schools, and to do so was an infringement of rights of freedom of religion as guaranteed by the First Amendment of the Constitution of the United States. The State contended that all students should be provided a basic education and that State statutes authorized use of rules and regulations to insure that end.⁹⁹

The Court found that rules and regulations governing private Christian schools did not violate constitutional rights of the defendants. Defendants were ordered to comply with regulations requiring the

⁹⁷Ibid., Appendix G.

⁹⁸State of North Carolina, et al. v. Columbus Christian Academy, et al., No. 78-CVS-1678 (1978).

⁹⁹Ibid., p. 8.

furnishing of certain information, including certification of teachers, to the State Board of Education. Authorization of State statutes relating to "teacher certification and curriculum apply only to the minimum courses of study approved or required by the State Board of Education."¹⁰⁰

A non-standard rating appears in the salary schedule as a mechanism for paying individuals who do not fit into an exact certification status. This non-standard rating was made available to private schools in 1977. The rating is not a valid certificate, and there is no regulation or status which authorizes the use of such an instrument. Usually this procedure was transacted by letter, and the intent was not for rating to be treated as a certificate. The Court ordered the non-standard rating could no longer be issued. At the conclusion of the 1978-79 school year, the salary scale will be altered to accomplish this, and schools employing persons without a minimum teacher's certificate are subject to losing approval.¹⁰¹

The controversy continues for the decision of the Superior Court is on appeal at this time.

¹⁰⁰Ibid., Amendment to Judgment.

¹⁰¹Taylor, personal interview, November 29, 1978.

Issues of Reciprocity, Renewal and Revocation

An analysis of certification in North Carolina is not complete without considering issues of reciprocity, renewal and revocation.

Reciprocity

North Carolina has been a leader in developing reciprocity plans for teachers who move into the State. There are four basic plans in effect:

I. Reciprocity Based on Accreditation by the National Council for Accreditation of Teacher Education (NCATE)

A graduate of an institution outside of North Carolina accredited by NCATE at the time of graduation is eligible for a North Carolina certificate.

II. Reciprocity Based on Interstate Agreements

A plan has been developed whereby states with similar standards for teachers have contracted to issued certificates on a reciprocity basis

III. Reciprocity Based on Approval by NASDTEC

The National Association of State Directors of Teacher Education and Certification (NASDTEC) has adopted standards for state approval of teacher education 102

¹⁰² "North Carolina Reciprocity Plans" (Raleigh: State Department of Public Instruction, Division of Teacher Education Standards and Certification, 1977), p. 1. (Mimeographed.)

North Carolina's fourth plan is based on granting a provisional Class A certificate to applicants who have completed a teacher education program at institutions that are accredited by the State Board of Education of that state or the regional accrediting agency. The applicant must be a graduate of an accredited senior college, and the certificate issued in North Carolina must be in the same areas as the out-of-state certificate. The provisional certificate is issued for one year and can be converted to a standard certificate upon one year of successful teaching experience in North Carolina.¹⁰³

Keller found in 1972 that North Carolina was one of eleven states which participated in all three of the national plans for reciprocity. The other ten states were: "Delaware, Indiana, Kentucky, Maryland, Oklahoma, Pennsylvania, South Dakota, Vermont, Washington and West Virginia."¹⁰⁴

Renewal

Teaching certificates in North Carolina were originally renewed on the basis of successful teaching experience. In 1948, the

¹⁰³ Ibid., p. 2.

¹⁰⁴ William D. Keller, "Certified to Teach Everywhere: Progress on Three Fronts Toward Uniform Teachers Certification," The Journal of Teacher Education, 23, No. 1 (1972), 40-42.

renewal procedure had progressed to the point that on initial renewal a teacher was required to complete six semester hours credit in courses which did not duplicate original training. After the initial renewal, a certificate could be kept in force through two years of successful teaching experience during the five-year period the certificate was valid.¹⁰⁵

Criteria for keeping a certificate in force were changed from two years successful teaching to a more rigid standard of requiring educational personnel to renew certificates through one of several alternative methods, including the completion of college or university courses. In 1971, L. G. Guthrie challenged the authority of the State Board of Education to require personnel to earn credits, some of which were required to be earned through completion of college or university courses, in order to renew certificates. Guthrie contended a violation of constitutional rights since teachers were required to earn credits and bear the expense of such credits while State Department of Public Instruction personnel were not required to do so.¹⁰⁶

¹⁰⁵James E. Hillman, "Information on Renewal of Certificates," (Raleigh: Department of Public Instruction, 1948). (Mimeographed.)

¹⁰⁶Guthrie v. Taylor, 279 N. C. 702 (1971).

The North Carolina Supreme Court ruled the State Board of Education did have the authority to set rules and regulations and may lay down reasonable terms for those who may work for a school system. Even though Guthrie's complaint was aimed at the regulation regarding teacher renewal and the authority of the State Board of Education to require such renewal, the Supreme Court established the Board's authority in all areas of certification.¹⁰⁷

In 1975, the certificate renewal requirements were amended again. Renewal was based on nine credits which could be earned through college or university courses, experience, travel, local workshops and continuing education units. Limits on numbers of credits were set in all areas except higher education courses and local workshop activities. A three semester hour course carried four and one-half renewal credits. Local workshops were endorsed to offer one renewal credit for each ten hours of participation. A maximum of three credits could be earned through professional education experience. The thrust of the new guidelines was to allow local school boards and governing boards of private schools more

¹⁰⁷Ibid.

flexibility in planning activities to meet the needs of educational personnel as identified in the local situation.¹⁰⁸ The above guidelines are currently in effect in North Carolina.

Revocation

An official form was provided in 1869 for the revocation of a teaching certificate. A space was provided for stating offenses of teachers when the examiner concluded the teacher was not fit to teach. A copy of the completed revocation form was to be sent to the County Commissioners and the Superintendent of Public Instruction.¹⁰⁹

Although possessing authority to revoke teaching certificates, the State Board of Education has been reluctant to do so. An interesting situation occurred in 1930 which illustrates the point. R. S. Graves, a principal, was suspected of securing teaching certificates for his wife and two daughters through fraudulent means. This matter was reported to the State Board of Education, and the

¹⁰⁸"Certificate Renewal Requirements" (Raleigh: State Department of Public Instruction, Division of Teacher Education Standards and Certification, 1975), p. 1. (Mimeographed.)

¹⁰⁹Charles L. Smith, The History of Education in North Carolina (Washington: Government Printing Office, 1888), p. 58.

State Superintendent was instructed to notify Graves that this matter would be reconsidered at a later date.¹¹⁰

In 1933, Graves was reported working in another county in the State, and the Board was again confronted with the matter. The State Superintendent told the Board that after the original incident, Graves had been encouraged to leave the State, and the matter would not be pursued. The Board questioned whether Graves's certificate could be revoked by legal authority for fraudulently securing certificates for other persons. It was suggested the matter be taken up with the State School Commission in preparation of budgets and that payment be denied Graves. No further mention of R. S. Graves was found in the North Carolina State Board of Education minutes.¹¹¹

State Department of Public Instruction records showed a certificate bearing the name of R. S. Graves, but no other pertinent information was included. On the face of the certificate, a notation was made that materials were stored in the basement in 1945. The investigator was informed that such materials were probably destroyed, and further inquiries did not provide answers to the Graves situation.

¹¹⁰North Carolina State Board of Education, Minutes, 4 (Raleigh: State of North Carolina, Division of Archives and History), p. 545.

¹¹¹Ibid., p. 612.

There are two instances on record in North Carolina where teaching certificates have been revoked. This is an amazing fact when one considers that between 1974 and 1977 California reported 32 instances "in which teachers' licenses were revoked."¹¹²

In 1967, the State Board of Education revoked the certificate of Olivia Huntley. The State Superintendent of Public Instruction determined the original certificate issued Huntley had been secured by fraud. The charges stated that someone else had taken the NTE in March, 1967, under the name of Olivia Huntley. Legal action was brought against the State Board of Education. The United States Middle District Court in Greensboro upheld the Board. The United States Circuit Court of Appeals, Fourth Circuit, reversed and remanded the case to the District Court with instructions. The Court concluded that due process had not been afforded, and the revocation of Huntley's teaching certificate was of no effect.¹¹³ "However, this order was without prejudice to the State Board's rights to hold a proper hearing to determine whether the certificate should be revoked."¹¹⁴

¹¹²Greensboro (North Carolina) Daily News, November 19, 1978, p. 16.

¹¹³Huntley v. North Carolina State Board of Education, 493 F. 2nd. 1016 (4th Cir., 1974).

¹¹⁴Letter from Patricia B. Hcdulik, Assistant Attorney General of the Department of Justice, State of North Carolina, December 6, 1978.

The State Board of Education held a "due process" hearing and again found evidence existed which would warrant revocation of Olivia Huntley's certificate. The original decision was reinstated and upheld.¹¹⁵ This case established a completely different concept of the teaching certificate than did Marrs v. Matthews in 1925.¹¹⁶

On February 10, 1977, the North Carolina State Board of Education took the following action:

The Class A teacher's certificate in English issued on July 8, 1975, by the State of North Carolina to Mary Margaret Monroe Schick, . . . is herewith permanently revoked based on apparent fraud in the documents filed in support of her application for the certificate.¹¹⁷

The above situation was due to someone other than Schick taking the NTE, but no legal action ensued.

Quality Assurance Plan

J. Arthur Taylor is respected throughout the education field. This official is a man of quiet integrity and possesses a thorough

¹¹⁵Taylor, personal interview, November 29, 1978.

¹¹⁶Marrs v. Matthews, stated a teacher certificate was not protected by due process provision.

¹¹⁷Memorandum from A. Craig Phillips, North Carolina Superintendent of Public Instruction, To: Chief State School Officers, February 18, 1977.

knowledge of certification practices in North Carolina and around the country. Taylor assumed responsibility as Director of the Division of Standards and Certification in July, 1977, upon retirement of J. P. Freeman. In reality, Taylor had been handling most of the certification duties since 1972, with Freeman directing activities concerned with teacher education. Taylor produced the joint resolution of the State Board of Education and the Board of Governors of the University of North Carolina along with Donald Stedman of the University system. This resolution places the support of the two top educational policy boards in the State to "a systematic continuous and extended approach to quality assurance in the initial programs of preparation and conditions of service for professional personnel."¹¹⁸

The Quality Assurance Plan is focused on seven key elements which are designed to assure quality instruction for boys and girls, kindergarten through grade 12. The first element of the program is an assessment of entrance requirements in colleges and universities. An effort will be made to try to relate entrance requirements to exit criteria.

¹¹⁸ Concord (North Carolina) Tribune, January 21, 1979, p. 4.

Taylor stated, "Some institutions have an open door admissions policy, and we would not quarrel with that type approach, but we would quarrel very much with allowing an open door exit policy."¹¹⁹

The second part of the plan calls for a comprehensive assessment of individuals prior to entry into a teacher education program. Prospective teachers would be expected to take a screening examination on the first two years of general education courses. Persons not scoring at an acceptable level would be given opportunities for remediation or would choose another career.¹²⁰

The third point involves identifying what competencies individuals need to be effective teachers and incorporating these competencies into the teacher education curriculum. Competencies would be identified by persons from local school systems, colleges and universities and officials from state education agencies. The purpose of this step is to eliminate much of the subjective judgment

¹¹⁹North Carolina Association of School Administrators, Carolina Comment, 1, No. 2 (1979), 8.

¹²⁰Ibid.

involved in teacher education programs and make clear the expectations for teachers.¹²¹

Point four is centered on establishing an effective working relationship between the institutions of higher education and the local school systems. Proposals are included to pay supervising teachers and to identify what services the teachers will perform. Local schools would assume much more responsibility for certification through this process.¹²²

The fifth point of the program deals with the development, validation and administration of a series of criterion-referenced tests. The NTE will still be used as a broad assessment instrument, while the criterion-referenced tests would be much more specific. Individuals would have to achieve a minimum score on these tests in order to be recommended for initial certification.¹²³

Point six of the program is concerned with a probationary certification period for individuals upon initial entry into the teaching

¹²¹J. Arthur Taylor, "A Better Way: Quality Assurance for Professional School Personnel," (Raleigh: State Department of Public Instruction, 1979), p. 7. (Mimeographed.)

¹²²North Carolina Association of School Administrators, Carolina Comment, . . . , 8.

¹²³Taylor, "A Better Way". . . . , " p. 9.

profession. The probationary teacher would have to demonstrate actual successful performance on the job in order to move to a permanent certification status. State Department of Public Instruction officials realize that 145 administrative units in North Carolina have very different standards for evaluation. The officials anticipate an evaluation package coming out of the State office to encourage uniformity. Data would be collected from the evaluations and made available to teacher education programs and all other interested parties.¹²⁴

The seventh step speaks to an evaluation to determine if the proposals of the plan actually do work. There would be a number of pilot centers established to help achieve the evaluation goal. As North Carolina embarks on yet another course in teacher certification, there are certain to be stumbling blocks along the way. Taylor recognized the adversities of the new plan but still believed:

. . . that the implementation of this system will place into effect a North Carolina teacher education system that will be the best in the nation. We make no claim that the process will be easy or that the answers now exist or that everyone will totally agree with specifics of the proposal. We strongly believe that everyone will have a basic commitment

¹²⁴North Carolina Association of School Administrators, Carolina Comment, . . . , 9-10.

to the end objective which is a more highly qualified professional person to serve the boys and girls of this state by providing them with a quality instructional program to meet their needs in an adult society. To that goal, we totally commit ourselves and ask for the commitment from all those who subscribe to a high standard of professional services for quality instruction for the boys and girls of this state.¹²⁵

¹²⁵Taylor, "A Better Way. . . ," p. 11.

CHAPTER IV

AN ANALYSIS OF MAJOR COURT DECISIONS IN THE AREA OF TEACHER CERTIFICATION

Introduction

As the movement in North Carolina to the quality assurance plan intensifies, there are many unanswered questions. The history of teacher certification in North Carolina has been relatively free of litigation which stems primarily from two reasons. First, the State has not denied access to the profession to a large number of people seeking entry. The second reason is that once a person has been issued a certificate, very little effort has been made to revoke that certificate. For instance, a court-sustained dismissal of a teacher does not automatically carry a penalty of certificate revocation. The prospects are higher now that more persons will be denied entry into the teaching profession, and, consequently, the potential for litigation is increased.

Cases chosen for review in this chapter were selected because they occurred in North Carolina and were considered major in relation to the certification process. Also, cases included

have directly affected North Carolina or were concerned with the most controversial issues of certification. Cases reviewed were divided into categories as follows:

Cases Relating To External Criteria

1. Griggs v. Duke Power Co., 401 U.S. 424 (1971).
2. Washington v. Davis, 426 U.S. 229 (1976).
3. National Education Association v. South Carolina, 434 U.S. 1026 (1978).
4. United States v. North Carolina, 400 F. Supp. 343 (E D N. C. 1975), vac. on other grounds.

Cases Relating To States' Right To Certify

1. Guthrie v. Taylor, 279 N. C. 703 (1971)..
2. State of North Carolina v. Columbus Christian Academy, et al., No. 78-CVS-1678 (1978).

Cases Relating To Certificate Revocation

1. Morrison v. Board of Education, 461 P. 2d 375 (1969).
2. Pettit v. State Board of Education, 513 P. 2nd 889 (1973).
3. Huntley v. North Carolina State Board of Education, 493 F. 2nd 1016 (4th Cir., 1974).

CASES RELATING TO EXTERNAL CRITERIA

Griggs v. Duke Power Co.
401 U.S. 424 (1971)

Facts

Negro employees of Duke Power Company's Dan River Steam Station in Draper, North Carolina, brought this action after passage of the Civil Rights Act of 1964. Title VII of the Act made it unlawful for employers to indulge in practices which deprived employees of employment opportunities or adversely affected "status because of race, color, religion, sex, or national origin."¹ The 1964 Civil Rights Act also "authorizes the use of any professionally developed ability test, provided that it is not designed, intended or used to discriminate."²

At the time this action was brought against Duke Power, 14 of the 95 employees at the Dan River Station were black. All of the black employees were assigned to the Labor Department in which the salary was less than in the other four departments. In order to be hired or promoted to any department other than Labor, the company had instituted policies which required a high school diploma and

¹Griggs v. Duke Power Co., 401 U.S. 424 (1971), p. 424.

²Ibid.

sufficient scores on tests designed to measure general intelligence. The District Court had upheld the company on grounds the company's past discrimination had ended, and no racial intent or purpose existed with the requirements of a high school diploma and intelligence test. The Circuit Court of Appeals sustained the portion of the decision regarding the diploma and test requirements.³

Decision

The United States Supreme Court reversed the judgment of the Circuit Court of Appeals on ground that congressional intent of the Civil Rights Act of 1964 was to require employment tests to be job related. There was no evidence that requirements enacted by Duke Power were significantly related to successful job performance. Also, both requirements were shown to disqualify substantially more blacks than whites. The tests and the high school diploma criteria were enacted without meaningful study of the relationship to job performance. The judgment did not preclude the use of tests for employment or promotion but emphasized the concept of the "tests used must measure the person for the job and not the person in the abstract."⁴

³ Ibid.

⁴ Ibid., p. 436.

Discussion

While not related to education or teacher certification, this case has been quoted often in educational litigation regarding use of external criteria as a basis for certification. As North Carolina becomes more involved in criterion-referenced tests and increased score requirements on the NTE, implications of this case must be considered. The Supreme Court has not repudiated the basic findings in Griggs v. Duke Power, but has shown a more flexible application of Title VII guidelines as evidenced by subsequent decisions.⁵

Washington v. Davis
426 U.S. 229 (1976)

Facts

This action was brought by two black police officers and two black males aspiring to become police officers in the District of Columbia. The charges stated that discriminatory practices existed in the Police Department regarding hiring and promotion of personnel. The issue before the District Court was that "Test 21" designed to

⁵Michael A. Rebell, Recent Developments in Equal Employment Opportunity Law and Their Effect on Teacher Credentialing Practice, U.S. Education Resources Information Center, ERIC Document E D 134 564, 1977, p. 7.

measure verbal skills had a discriminatory impact on black candidates and "bore no relationship to job performance."⁶

The District Court concluded:

'the proof is wholly lacking that a police officer qualifies on the color of his skin rather than ability' and that the Department 'should not be required on this showing to lower standards or to abandon efforts to achieve excellence.'⁷

The District Court held that no evidence of intentional discrimination existed; therefore, the ruling was in favor of the Police Department.

Respondents brought the case to the Court of Appeals claiming that judgment on constitutional grounds should have been awarded. The Court of Appeals guided by Griggs v. Duke Power Co., overturned the District Court ruling on the basis that a disproportionate racial impact resulted from use of Test 21. In addition, the Court found that validation to job performance had not been proved.⁸

⁶Washington v. Davis, 426 U.S. 229 (1976), pp. 234-234.

⁷Ibid., p. 236.

⁸Ibid.

Decision

The United States Supreme Court overturned the Court of Appeals decision and held there was no violation of the Due Process Clause of either the Fifth or Fourteenth Amendments to the Constitution of the United States. The Court stated:

As the Court of Appeals understood Title VII, employees or applicants proceeding under it need not concern themselves with the employer's possibly discriminating purpose but instead may focus solely on the racially differential impact of the challenged hiring or promotion practices. This is not the constitutional rule. We have never held that the constitutional standard for adjudicating claims of invidious racial discrimination is identical to the standards applicable under Title VII, and we decline to do so today.⁹

Also the Supreme Court ruled that Test 21 did measure verbal skills and potential success in the Police Training Program. The Court stated a validation study concluded Test 21 was effective in selecting candidates who were able to learn material taught in training school.¹⁰

Discussion

This decision has been quoted in many education litigations since rendered in 1976. The doctrine of intent versus extent has been

⁹Ibid., pp. 238-239.

¹⁰Ibid.

applied in segregation cases as well as cases involving measures of external criteria for certification purposes. The Court's sanction of other types of validation for external criteria other than specific validation for job performance has significant implications. Cases which follow involve the use of validation for knowledge of content of college courses rather than validation for on-the-job performance as a teacher.¹¹

National Education Association v. South Carolina

455 F. Supp. 1094 (1977)

434 U.S. 1026 (1978)

Facts

At the time this suit was filed, South Carolina was one of two states which required a minimum score on the NTE for initial entry into the teaching profession. South Carolina also used the NTE for determining teachers' salaries and was the only state to have such a requirement. The action charged that use of NTE scores was racially discriminating and violated the equal protection clause of the Fourteenth Amendment. Evidence showed that a substantially greater number of blacks failed to qualify for a teaching certificate or were awarded certificates of the lower classes.

¹¹Rebell, loc. cit.

Educational Testing Service conducted a validation study and concluded that questions on the NTE were content valid for use in South Carolina. The content validation would tend to show that a candidate had acquired an amount of knowledge through a teacher training program, which a minimally qualified potential teacher should have. The United States District Court made the following statement at the onset:

Because of its paramount importance under Washington v. Davis, we look first at whether the plaintiffs have proved that any of the challenged decisions of defendants were motivated by an intent to discriminate. The purpose or intent that we must assess is the purpose or intent that underlies the particular act or acts under review.¹²

Decision

A three-judge district court ruled that:

(1) state use of minimum score requirements on examinations for both certification purposes and as a factor in determining pay did not violate equal protection clause of the Fourteenth Amendment, since there was no discriminatory intent established; (2) the use of such test scores did have a rational relationship with the legitimate employment objective of state and school districts; (3) that use of the tests, although resulting in a disproportionately large disqualification of blacks, did not violate Equal Employment Opportunity Act since evidence as to

¹²United States v. State of South Carolina, 455 F. Supp. 1094 (1977), p. 1100.

validation was sufficient to establish that the tests were sufficiently trustworthy and defendants met the business necessity test, and (4) there was sufficient evidence to establish the relationship between use of test as factor in determining pay scale and a legitimate employment interest.¹³

On appeal, the decision was affirmed by the United States Supreme Court without written opinion in 1978.¹⁴

Discussion

The impact of Washington v. Davis had a colossal effect in educational circles. North Carolina was quite concerned with the judgment here as a similar case was underway in that state. The legality of the validation study in South Carolina prompted North Carolina to institute a study by Educational Testing Service for the same purpose. The decision has influenced other states to move forward with NTE scores and criterion-referenced tests as a basis for certification. Georgia, Louisiana and North Carolina have made definite commitments to external criteria as a part of the process for certifying teachers.

Justices Byron White and William Brennan dissented from the majority and stated that 96 percent of the new certified teachers in South

¹³Ibid., p. 1094.

¹⁴National Education Association v. South Carolina, 434 U.S. 1026 (1978).

Carolina would be white. These two Justices questioned the NTE validation study not bearing a relation to job performance.¹⁵

United States v. North Carolina
400 F. Supp. 343 (E.D. N.C. 1975)
Vac. On Other Grounds 425
F. Supp. 789 (E.D. N.C. 1977)

Facts

The case in question was brought by the United States in 1973, and was heard in the United States District Court for the Eastern District of North Carolina. North Carolina's use of the NTE as a criterion for initial certification was challenged "as violative of the Fourteenth Amendment and Title VII of the Civil Rights Act of 1964."¹⁶

In 1974, the North Carolina Association of Educators and 24 black teachers moved to intervene as parties plaintiff. This intervention was on behalf of the black teachers and all other similarly situated teachers in North Carolina. The Court declared its intention to test North Carolina G.S. 115-153 against the

¹⁵Ibid.

¹⁶United States, et al., Plaintiffs v. State of North Carolina, et al., Defendants. United States District Court for the Eastern District of North Carolina, Raleigh Division, Memorandum of Points and Authorities in Support of Defendants' Motion for Summary Judgment. Civil Action No. 4476, p. 1.

Fourteenth Amendment rather than the Federal statutes dealing with the Civil Rights Act of 1964. In 1973, the General Assembly had amended G.S. 115-153 to require a minimum NTE composite score of 950. The Court stated:

The record does not disclose why 950 was chosen rather than 900 or 1,000 or 800 or 1,100. We do not know what, if any, relationship exists between the cut-off score and the so-called competency based program adopted by the State Board of Education in April, 1973 One exhibit, Table X in plaintiff intervener's brief indicates that 158 out of 165 teachers who made a score lower than 950 on the NTE were rated as satisfactory or better by their principals or supervisors.¹⁷

After full briefing and argument, the three-judge district court rendered an opinion.

Decision

The Court found the State had the right to use a test to determine competence of prospective teachers; however, the choice of a 950 minimum score had not been validated and was not permissible under the Fourteenth Amendment. North Carolina G.S. 115-153 was declared unconstitutional because the statute refused licensing to applicants who met all qualifications for a certificate except the

¹⁷United States v. North Carolina, 400 F. Supp. 343 (ED N. C. 1975), vac. on other grounds 425 F. Supp. 789 (ED N. C. 1977).

combined 950 NTE score. An injunction was issued requiring the State to license the plaintiffs who were qualified for a certificate except for minimum NTE requirements. Also the State was required to issue regular certificates to all persons in North Carolina who held permits because of the minimum score requirements stated in G.S. 115-153. The Court's decision failed to address issues of compensation and reserved judgment on nine specific questions.¹⁸

On October 21, 1975, the Court's order and judgment No. 1 contained a statement of intent to retain jurisdiction of the case for:

. . . the purpose of deciding the matters and questions reserved in its pretrial order of January 21, 1975, and in its memorandum of Decision and Reservation of Questions of August 27, 1975; for the purpose of receiving evidence and making findings of fact relevant to those matters and questions, and for such other¹⁹

Additional Developments

Before the Court reconvened, the defendants filed two motions asking for relief from judgment. The first motion requested the Court to vacate or reconsider its previous decision in view of Washington v. Davis. The second motion sought relief on grounds

¹⁸Ibid.

¹⁹United States v. North Carolina, 425 F. Supp. 789 (ED N. C. 1977), p. 791.

of new evidence obtained through a validation study of the NTE. On July 22, 1976, the Court issued a memorandum directing the parties to rebrief the case in light of the United States Supreme Court decision in Washington v. Davis. After reviewing the briefs of the parties, the Court concluded a new order should be issued.²⁰

New Decision

Based upon findings in Washington v. Davis the Court entered a new order on January 27, 1977:

. . . relieving defendants from judgement, vacating and withdrawing our prior opinion, granting an extension of discovery, and setting the entire case for reconsideration at a hearing date to be set by the Court.²¹

The Court pointed out that at the time of its 1975 decision the prevailing law in the circuit was incorporation of Title VII standards into the Fourteenth Amendment. Such assumptions were no longer valid, and if a law had a disproportionate racial impact, the element of "intentional discrimination" must be present to render the law unconstitutional. In essence, Washington v. Davis had shown "that more deference should be given to seemingly reasonable actions of the State or its officials."²²

²⁰Ibid., p. 792.

²¹Ibid.

²²Ibid., p. 793.

Discussion

The original discovery period granted by the District Court in January, 1977, was to be a period of five months. Because North Carolina's validation study was similar in all respects to the South Carolina study, both parties requested "a stay of discovery until 30 days after the South Carolina case would be decided, because 'any fully reasoned decision of (that case) would provide guidance to the parties in this action'."²³ Shortly after the joint motion, the South Carolina Court handed down a decision approving South Carolina's validation study and the use of minimum NTE scores for teacher certification. The South Carolina case was appealed to the Supreme Court of the United States, and all parties in the North Carolina case agreed to defer discovery. It was anticipated that Supreme Court Action in the South Carolina case might alter or possibly "dispose of test validation issues presented in the North Carolina case."²⁴

²³United States, et al., Plaintiffs v. State of North Carolina, et al., Defendants. United States District Court for the Eastern District of North Carolina, Raleigh Division, Memorandum of Points and Authorities in Support of Defendants' Motion for Summary Judgment. Civil Action No. 4476, p. 1.

²⁴Ibid., p. 4.

The Supreme Court handed down a decision in National Education Association v. South Carolina on January 18, 1978. The judgment affirmed the three-judge court decision and determined South Carolina's use of the NTE satisfied statutory and constitutional standards.²⁵

No further developments have occurred in the North Carolina case to date. However, it is apparent the Quality Assurance Plan for certification will force the issue toward a final conclusion.

CASES RELATING TO STATE'S
RIGHT TO CERTIFY

Guthrie v. Taylor
279 N. C. 703 (1971)

Facts

L. G. Guthrie was a teacher of history and Assistant Principal of Walter Williams High School in Burlington, North Carolina, at the time the suit was filed in 1971. The plaintiff charged the rules and regulations pertaining to the renewal of a teaching certificate at the teacher's expense, was a violation of the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Guthrie also charged that the

²⁵ Ibid.

rules and regulations requiring certificate renewal were in violation of Articles I and II of the North Carolina Constitution because of the lack of legislative standards. The plaintiff attacked the regulation of the State Board of Education on the grounds of being arbitrary and violating the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States and pointed out that employees of the State Department of Public Instruction did not have to obtain further education as a condition for retaining employment.²⁶

Guthrie's complaint was primarily aimed at certificate renewal requirements and pointed out that all teachers, regardless of teaching experience or previous education were required to renew certificates every five years or to be penalized under the rules set forth by the Board of Education. Guthrie stated this was inconsistent as "an inexperienced recent graduate, holding a bachelor's degree and a Class A certificate, may teach the same courses without penalty."²⁷

The complaint emphasized that continuous service as a teacher should be sufficient evidence of competence to teach. A point of contention was that in order to obtain the credits necessary

²⁶Guthrie v. Taylor, 279 N. C. 703 (1971).

²⁷Ibid., p. 706.

to renew a certificate, Guthrie would not be able to accept a job for the summer of 1971 which would have afforded \$2,000 income.

Decision

The case was heard in December, 1971, before the North Carolina Supreme Court with Justice I. Beverly Lake writing the opinion. The Supreme Court affirmed the decision of the trial court which had made the following conclusions of law:

1. That in adopting the rules and regulations pertaining to renewal of teachers' certificates, the State Board of Education acted legally within the authority vested in it by Article 9, Sec. 9 of the North Carolina Constitution and by G.S. 115-153 that said rules and regulations in no way exceed the lawful authority of the State Board of Education.
2. That the authority vested in the State Board of Education to formulate such rules and regulations is constitutional and lawful.
3. That the rules and regulations of the State Board of Education pertaining to renewal of teachers' certificates comport with the requirements of equal protection of both the North Carolina and United States Constitutions.
4. That such rules and regulations are in compliance with the requirements of the due process clauses of the Fourteenth Amendment to the United States Constitution.
5. That such rules and regulations of the State Board of Education are neither arbitrary nor unreasonable.²⁸

²⁸Ibid., p. 708.

Justice Lake stated:

The defendant contends that the authority to promulgate rules and regulations relating to the certification of teachers is not lawfully conferred upon the State Board of Education for the reason that these statutes do not set forth standards by which the State Board of Education is to be guided in the promulgation and administration of such rules and regulations.

These statutes, all enacted in their present form prior to the revision of the Constitution, neither enlarge nor restrict the authority to make rules and regulations concerning the certification of teachers conferred by the Constitution of North Carolina upon the State Board of Education. Thus, they are not delegations of power to the State Board of Education by the General Assembly.²⁹

Justice Lake wrote further:

The State Board of Education derives powers both from the Constitution, as above noted, and from acts of the General Assembly contained in Chapter 115 of the General Statutes The above mentioned principle forbidding delegation of legislative powers without the establishment of appropriate standards applies to the powers conferred upon the Board by statute. It does not apply to the powers conferred upon the Board by the Constitution.

No question arises under the Constitution of the United States with reference to the validity of such delegation of authority to the State Board of Education. As the Supreme Court of the United States, speaking through Mr. Justice Cardozo, said in Highland Farms Dairy v. Agnew, 300 U.S.

²⁹Ibid., p. 711.

608, 57 S. Ct. 549, 81 L. Ed. 835, 'How power shall be distributed by a state among its governmental organs is commonly, if not always, a question for the state itself.'³⁰

The Court also found that employees of the State Board of Education who performed duties in the Board's offices in Raleigh need not be required to meet certificate renewal requirements. Since the primary purpose of a certificate is to assure competent performance in the classroom, the Court saw no reason to require employees not engaged in teaching to comply with the rule.

Some closing remarks by the Court follow:

There being a reasonable basis for the opinion reached and expressed by the State Board of Education, in the exercise of the legislative power conferred upon it by the Constitution of North Carolina, this Court is not authorized to substitute its judgment for that of the State Board of Education and to declare the regulation, adopted by the Board, invalid on the ground that, in our opinion, some other method for earning the required credits for renewal would be equally as satisfactory in result.³¹

Discussion

This decision was considered by many educators to have been the most important decision handed down by the North Carolina

³⁰ Ibid., p. 713.

³¹ Ibid., pp. 715-716.

Supreme Court in the areas of teacher certification and authority of the State Board of Education in general. The teacher licensing controversy of 1973 was tremendously affected by the decision of Guthrie v. Taylor. Also the Quality Assurance Plan is based upon the State Board of Education having the authority to establish rules and regulations governing the certification of professional school personnel. The Supreme Court of North Carolina has confirmed that authority unequivocally.

State of North Carolina v. Columbus Christian Academy
No. 78-CVS-1678 (1978)

Facts

This case is the most recent challenge in North Carolina to the State's right to certify. Church-State issues have hovered over education for many years. This case is part of the continuing dilemma and was described prior to court proceedings as follows:

Church-supported schools and the state board of education are on a collision course in North Carolina. When they clash in court, the shock waves could be felt throughout the educational community.³²

³²Joe S. Maynor, "What Are State Rights in Christian Schools?" Liberty, 74, No. 1 (1979), 26.

Even though the basic issue of this case is the State's compelling interest versus the religion clause of the First Amendment to the United States Constitution, the State's right to certify teachers in private Christian schools takes on paramount importance upon close scrutiny of the facts. Persons of the fundamentalist Christian faith believe that teachers employed in the private Christian schools should serve in the capacity of religious and moral leaders in addition to performing responsibilities for teaching traditional curriculum. Fundamentalist Christian teachers are required to be born-again Christians, abstain from tobacco or alcohol and reflect Christian values in conduct at school as well as in personal lives. Women teachers are not permitted to wear clothes generally accepted as being in style, such as slacks. In the 1977-78 school year, there were over 300 private schools in North Carolina employing approximately 3,400 teachers. Many of these teachers were graduates of Bible colleges which did not have a process to recommend teacher certification under the State's plan. The State had compromised with the Christian schools in 1975, when the State Board of Education adopted the recommendations of the Report of the Legislative Study Commission on Public and Private Schools. Provisions were made in the report for persons to be certified to teach on the basis of 90 semester hours of training from an accredited

institution of higher learning. However, the most common deficiency in schools which have failed to comply with the State's statutes and regulations has occurred in the area of teacher certification.³³

The non-standard rating was made available to the private Christian schools in 1977. This device had been used by the public schools for budget and computer purposes, and the only reference to the non-standard rating was in the salary schedule. State Department of Public Instruction officials had never intended the non-standard rating to be considered a certificate. When private school officials learned such an instrument existed, requests were made for the mechanism to be used in the private schools.³⁴

The North Carolina State Board of Education acting in accordance with G.S. 115-166, G.S. 115-255, G.S. 115-265 and G.S. 115-257 adopted regulations governing non-public schools. The regulatory function of the State Board of Education is exercised in the following general areas:

- (a) Teacher qualifications;
- (b) Curriculum;
- (c) Textbooks;
- (d) Health and safety;

³³State of North Carolina, et al. v. Columbus Christian Academy, et al., No. 78-CVS-1678 (1978), p. 9.

³⁴Ibid., p. 13.

- (e) Graduation requirements;
- (f) Length of school term and day; and
- (g) School organization.³⁵

G.S. 115-166 is the general compulsory attendance law of North Carolina which requires parents or guardians of a child between seven and 16 years of age to cause the child to attend school during the period of time the school to which the child is assigned is in session. All non-public schools instructing children of compulsory school age are required to keep records of attendance of children, report attendance, have a course of study which runs at least as long as the public schools and utilize teachers and curricula approved by the State Board of Education. The statute states that children who attend schools that do not meet the above requirements are not viewed by the State as meeting the compulsory attendance law, and parents could be so charged.³⁶

G.S. 115-255 requires the State Board of Education to regulate and supervise all non-public schools in order to insure all children a measure of competency necessary to perform the duties of American citizenship. The State Board of Education is not to interfere with any religious instruction which is given in any non-public school. However, such schools must meet minimum

³⁵Ibid., p. 6.

³⁶Public School Laws of North Carolina (Charlottesville, Virginia: The Michie Company, 1976), p. 140.

standards as prescribed in the State's course of study and the instruction shall be given in English except for courses in foreign languages.³⁷

G.S. 115-256 provides that, "no person shall be employed to teach in a non-public school who has not obtained a teacher's certificate entitling such teacher to teach corresponding courses or classes in public schools."³⁸

G.S. 115-257 requires the operators of the non-public schools to submit a report to the superintendent of the administrative unit in which the school is located two weeks after opening of school. This report contains the names and ages of pupils, names of parents and guardians and the places of residence for all students in attendance at the non-public school. In addition, the operators of these schools must submit reports as required by the State Board of Education.³⁹

The State Board of Education administers its regulatory function through the Office of Non-public Schools which is a Division within the framework of the State Department of Public Instruction.

³⁷Ibid., pp. 193-194.

³⁸Ibid., p. 194.

³⁹Ibid.

The annual reports filed by the private schools are evaluated by the Office of Non-public Schools. If a determination is made that State standards are met, the school submitting the report would be classified an approved school by the Department of Public Instruction, Office of Non-public Schools.⁴⁰

Some of the private Christian schools announced intentions at the beginning of the 1977-78 school year to discontinue submission of annual reports as required by the State. Charging the State's regulation was without authority and was violative of religious beliefs, some schools submitted reports which did not include all information requested, while others altogether failed to file the annual report.

The State contended a responsibility to regulate non-public schools to insure the State's compelling interest in education. A compromise was proposed, and the report was altered by the State to avoid further confrontation on the matter. Still there was resistance to any form of regulation by the State from the private Christian schools and on April 12, 1978, the State Board of Education

⁴⁰State of North Carolina, et al. v. Columbus Christian Academy, et al., No. 78-CVS-1678 (1978), p. 7.

filed legal action through the Attorney General against 11 private Christian schools and all others similarly situated in North Carolina.⁴¹

Decision

On September 1, 1978, Judge Donald L. Smith handed down a decision in the Superior Court of Wake County. The State's right to certify was upheld. Teachers in non-public schools were to continue to meet the requirements of certification as set forth in G.S. 115-256. The judgment restrained the State Board of Education from issuing the "non-standard rating" to educational personnel in either public or non-public schools. The provisions contained in G.S. 115-166 were also upheld by the Court, and the private Christian schools were to continue to submit information to the State Board of Education concerning certification of teachers, curriculum and graduation requirements, promotion requirements, length of school term and school day and health laws relative to school personnel and students. In an Amendment to Judgment, issued September 4, 1978, the Court stated:

. . . that the authorizations in Article 32 of Chapter 115 and 115-166 relating to teacher certification

⁴¹ibid., pp. 1-10.

curriculum apply only to the minimum courses of study approved or required by the State Board of Education.⁴²

Rules and regulations applied to non-public schools pertaining to number of teachers employed, numbers and quality of books, inspection of facilities and equipment and organization of the school were struck down by the Court as lacking statutory or constitutional authorization.

Discussion

This case is on appeal, and it may be quite some time before a conclusion is reached. Historically, Church-State issues have not been resolved easily, and the present Supreme Court of the United States has been on both sides of the issue. State of North Carolina v. Columbus Christian Academy is an example of the complete reversal of certification authority in North Carolina. Perhaps what this and other states need is a clear constitutional mandate from the Supreme Court of the United States.

For the time being, the State shall continue to determine through the certification process those persons who shall teach the children.

⁴²Ibid., p. 24.

CASES RELATING TO CERTIFICATE REVOCATION

Morrison v. Board of Education
461 P. 2d, 375 (1969)

Facts

This case is a landmark decision dealing with revocation of a teaching certificate because of homosexual activity. Morrison held a life certificate in the state of California and had completed a number of successful years in teaching. In testimony before the California State Board of Education, Morrison admitted engaging in a physical relationship which was not criminal in nature. The testimony also pointed out the teacher had never engaged in a homosexual act other than the incident in question.⁴³ It was apparent Morrison engaged in an act of mutual masturbation, but the Court decision did not state the offense.⁴⁴

The California State Board of Education concluded the incident constituted an act involving moral turpitude. For such offenses, revocation of a teaching certificate was warranted under California law.

⁴³Morrison v. Board of Education, 461 P. 2d, 375 (1969).

⁴⁴Michael W. LaMorte, "Legal Rights and Responsibilities of Homosexuals in Public Education," Journal of Law and Education, 4, No. 3 (1975), 456.

Decision

The California Supreme Court, in a four-to-three decision, reversed a lower Court's decision and reinstated Morrison's certificate. In addition, the Court established the doctrine that revocation of a teaching certificate must be related to unfitness to teach. In the opinion of the Court, there must be a relationship between such terms as "immoral or unprofessional conduct" and "unfitness to teach." Terms such as "moral turpitude" cover such a wide range of behavior the possibility exists for an almost unlimited area of conduct to be included. The California Supreme Court also offered a number of things to consider when determining unfitness to teach. The Court's considerations are as follows:

(1) The likelihood that the conduct may have adversely affected students or fellow teachers; (2) the anticipated degree of such adversity; (3) the proximity or remoteness in time of conduct; (4) the type of teaching certificate held by the party involved; (5) the extenuating or aggravating circumstances, if any, surrounding the conduct; (6) the praiseworthiness or blameworthiness of the motives resulting in the conduct; (7) the likelihood of the recurrence of the questioned conduct; and (8) the extent to which disciplinary action may inflict an adverse impact or chilling effect upon the constitutional rights of the teacher involved or other teachers.⁴⁵

⁴⁵Ibid., 458.

Discussion

The doctrine of unfitness to teach as established in Morrison eliminates the threat of certificate revocation as a disciplinary action. The Court offered further insight for those empowered to revoke certificates when declaring unfitness to teach may be shown by posing "a significant danger of harm to either students, school employees or others who might be affected by his actions as a teacher."⁴⁶

The Supreme Court of the United States has not yet rendered a decision in the area of homosexuals in public education. Until such time, the doctrine of Morrison seems likely to stand.

Pettit v. State Board of Education
513 P. 2d, 889 (1973)

Facts

Elizabeth Pettit was a teacher of severely handicapped children in the state of California. The State Board of Education has revoked Pettit's certificate on grounds that at a party the teacher had engaged in acts of oral copulation and sexual intercourse with

⁴⁶Morrison v. Board of Education, 461 P. 2d, 375 (1969), p. 391.

men other than her husband. This constituted unfitness to teach, since these acts took place in public and were disclosed by an undercover policeman present at the social function.⁴⁷

Decision

Although Pettit had been a satisfactory teacher for 13 years, the California Supreme Court saw fit to uphold revocation of the certificate. The Court pointed out that public acts of oral copulation were illicit and indiscreet and were a sound basis for unfitness to teach.⁴⁸

Discussion

The Pettit case offered an example of the difficulty of applying consistent standards to the doctrine established in Morrison. Justice Tobriner raised questions, in a dissenting opinion, regarding whether private actions rendered Elizabeth Pettit unfit to teach. The Justice stated:

I submit that the majority opinion is blind to the reality of sexual behavior. Its view that teachers in their private lives should exemplify Victorian principles of sexual morality, and in the classroom

⁴⁷Pettit v. State Board of Education, 513 P. 2d, 889 (1973).

⁴⁸Ibid.

should subliminally indoctrinate the pupils in such principals, is hopelessly unrealistic and atavistic. The children of California are entitled to competent and dedicated teachers; when, as in this case, such a teacher is forced to abandon her lifetime profession, the children are the losers.⁴⁹

Huntley v. North Carolina State Board of Education
493 F. 2nd. 1016 (4th Cir., 1974)

Facts

Huntley v. North Carolina State Board of Education is the one case involving revocation of a teaching certificate which has been litigated in North Carolina. Olivia Huntley was issued a Grammar Grade Teacher Certificate in 1967 and was hired by the Lumberton City Board of Education for the 1967-68 school year. In October, 1967, the State Superintendent of Public Instruction determined that Huntley was not eligible for the certificate, fraudulently secured. The charges stated that someone else had taken the NTE in March, 1967, under the name of Olivia Huntley.⁵⁰

A hearing was scheduled for December 7, 1967, to determine if the teacher and counsel could "show cause" why the State Board of Education should reinstate the certificate which had been declared

⁴⁹Ibid., p. 899.

⁵⁰Huntley v. North Carolina State Board of Education, 493 F. 2nd. 1016 (4th Cir., 1974).

invalid. Huntley and counsel chose not to attend the hearing because of the contention the plaintiff had not been afforded due process and to appear at the hearing would violate a rule which has evolved over the years, "that one who charges fraud must prove it by clear and satisfactory evidence."⁵¹ The hearing was conducted without Huntley and counsel present, and a recommendation was made by the staff attorney general to reaffirm the revocation.⁵²

When a member of the Board questioned whether state law authorized the superintendent to revoke the certificate, the staff attorney replied that the Attorney General's office would not admit lack of authority. He then added:

'We would urge that in order to--shall we say conclusively revoke Mrs. Huntley's certificate, that the Board take action at this time.'

The Board then passed a resolution that the certificate issued to Mrs. Huntley on May 3, 1967, was 'revoked now, effective as of the date of issuance' It did not vote on Mrs. Huntley's reinstatement, as its notice indicated it would.⁵³

Decision

The United States Court of Appeals, Fourth Circuit, reversed and remanded the case to the District Court with instructions. Also the Court stated:

⁵¹Ibid., p. 1019.

⁵²Ibid., p. 1020.

⁵³Ibid.

. . . that the invalidation of Mrs. Huntley's certificate by the superintendent on October 9 and the revocation of her certificate by the Board on December 7, 1967, are of no effect. The order should provide that it is without prejudice to the right of the Board to determine whether Mrs. Huntley's certificate should be revoked in proceedings at which she is afforded an opportunity to be heard on the charges against her.⁵⁴

The Court's instructions stated that if charges against Huntley were confirmed, there would be no case for damages. If the charges were not confirmed, the district court should reopen the case to consider damages.⁵⁵

Discussion

In a later proceeding, the State Board of Education concluded the charges against Olivia Huntley did in fact warrant revocation of the teaching certificate. The original decision was reinstated and upheld.⁵⁶

This case provides guidelines in several areas dealing with the revocation of a teaching certificate. Clearly, due process must be afforded, and truth of charges must be determined

⁵⁴ibid., p. 1021.

⁵⁵ibid.

⁵⁶Statement by J. Arthur Taylor, North Carolina State Department of Public Instruction Official, personal interview, Raleigh, North Carolina, November 29, 1978.

prior to official action. Also, boards with power to revoke a teaching certificate may not change the purpose of a proceeding without prior notice.

North Carolina's lone revocation case continued to emphasize that power of the state cannot be exercised without consideration of the rights of due process, equal protection and privacy.

CHAPTER V

SUMMARY, CONCLUSIONS, AND RECOMMENDATIONS

This study was designed to identify and to analyze historical and legal aspects of teacher certification in North Carolina. The investigator's judgment was not employed to select a method of teacher certification as an alternative to present or past procedures. In order to place North Carolina in perspective with the rest of the country, a review of related literature was completed which scoped certification from inception to current trends. An analysis of the research revealed a similar evolutionary pattern of certification existed throughout the United States. It is apparent that centralized control of certification at the state level will continue to exist in this country. Therefore, decision makers of public schools, state agencies, boards of education and universities and colleges should have information of a historical and legal nature to gain insight for future directions in teacher certification. Current certified teachers and future teachers also need a source of information which delineates individual rights and the State's compelling interest in education.

In order to reach conclusions concerning the legal aspects of certification practices, appropriate judicial and statutory materials

had to be identified and examined. The findings reported from such materials were intended to offer a legal and educational framework in which all parties concerned with certification could operate more efficiently.

Summary

In this study, the many forces currently affecting teacher certification which previously have not been present in American society were discussed. The questioning attitude of the public, court decisions, legislative actions, struggles for power to certify and the increasing awareness of the constitutional rights of individuals have led to much discussion and concern regarding teacher certification. As the issues increase, relative to what constitutes valid qualifications to teach and who determines whether or not an individual has the appropriate qualifications, the agencies and entities charged with the responsibility of teacher certification must be aware of the legal implications.

The State concern for certification during the Colonial Period was limited to religious and political conformity, as a precautionary measure to reduce the influence of disloyal elements in key positions. The ideals of individualism established during this time created resistance toward centralized control of certification.

Each state has undergone an evolutionary process which led to a requirement that all teachers have a license or certificate, in order to protect children from persons who do not meet appropriate standards of preparation, health and character. This process essentially consisted of four stages of development. Certification authority moved from the church to local authorities, then to county officials and finally, to centralized state control. During the time when local and county officials were responsible for certification, a major criterion was successful completion of an examination. Upon the State's assumption of responsibility for certification, the examinations were phased out, and college training became paramount.

Periods of national crisis, such as the Depression and World War II, have dramatically affected teacher certification standards. When the supply of teachers was greater than the demand during the Depression higher standards were enforced. During World War II, the demand for teachers so far exceeded the supply that standards for certification were lowered.

Public school personnel have demanded greater involvement in teacher education and certification. Demands regarding teacher involvement in decision making have led to increased representation on policy-making boards which are charged with accreditation of teacher education programs. Since all states currently use some

form of an approved program approach to certification, teacher education and certification are practically inseparable. In addition, California and Oregon have developed a system of certification controlled primarily by teachers.

Descriptive terms for current trends in teacher certification, such as performance-based, competency-based and quality assurance, vary from state to state just as do certification standards. All of the above terms imply an element of accountability.

Historically viewed, the development of teacher certification in North Carolina closely paralleled the process as it evolved in other states. The periods of development occurred on a different time sequence than was the case in other states, but the general pattern of the church, local officials, county school authorities, and finally, centralized state responsibility was the same.

Since the State assumed responsibility for certification in 1921, North Carolina has utilized three methods of licensing teachers and is embarking on a fourth. Each procedure was distinct in its own right, but similar to the extent that approval of institutions of higher education courses or programs was the controlling factor.

The history of teacher certification in North Carolina has been relatively free of litigation, and this is primarily true for two reasons. First, the State has not denied access to the profession

to a large number of people seeking entry. Second, once a person has been issued a certificate, very little effort has been made to revoke that certificate. Even though litigation has not been frequent, North Carolina has experienced some periods of controversy pertaining to teacher involvement in certification decision-making, lowering of standards and the certification of teachers in private schools. Issues of renewal, revocation and the role of the NTE have each been addressed by the courts on one occasion.

Current trends across the country, and the movement to the quality assurance plan in North Carolina, increase the potential for litigation, and the courts must provide answers to many certification questions. However, a court decision in one case does not always mean a subsequent case will render the same decision. The Supreme Court of the United States upheld a New York statute in Adler v. Board of Education in 1952, which was overturned by the Keyishian v. Board of Regents case in 1967. Situations such as the cases above create difficulty in developing specific conclusions from legal research.

A review of court cases which occurred in North Carolina, or have affected North Carolina, revealed the courts will allow external criteria to be included as a part of the certification process. The Court's Mandate in Griggs v. Duke Power Co. was softened by the later Washington v. Davis case. National Education Association

v. South Carolina clearly established that racial discrimination must be the intent of external criteria employed for certification purposes. In order for such criteria to be unconstitutional. North Carolina has recently increased NTE requirements on the basis of the above cases, even though the U.S. v. North Carolina case is still pending. The State's right to certify was upheld in Guthrie v. Taylor and State of North Carolina v. Columbus Christian Academy. The uniqueness of North Carolina's Constitution, which invests power in the State Board of Education to make the rules and regulations regarding certification, was instrumental in both confirmations. Huntley v. North Carolina State Board of Education, Morrison v. Board of Education and Pettit v. State Board of Education established guidelines for dealing with certificate revocation. These cases emphasized that power of the state cannot be exercised without consideration of rights of due process, equal protection of the law and what constitutes unfitness to teach.

Conclusions

After an extensive study of the historical and legal aspects of certification, the writer has drawn the following conclusions:

1. All states have a system of teacher certification and use some form of approved program approach for granting a license or certificate.

2. States have basically followed the same pattern to reach centralized control of certification.
3. Forces, such as the questioning attitude of the public and an increased awareness of individual constitutional rights are affecting teacher certification in America today as never before.
4. Periods of national crisis and supply and demand have had an effect on certification standards, for when the supply of teachers has been low, the standards have also been lowered. Conversely, certification officials have raised the standards when the supply of teachers exceeded the demand.
5. A struggle for control of accreditation and certification practices has existed for many years.
6. Some states are demanding more accountability of the product of teacher education programs.
7. Litigation of certification issues in North Carolina has not been frequent.
8. North Carolina has not denied access to a large number of persons seeking entry to the teaching profession.
9. North Carolina has revoked a minimum number of teachers' certificates.

10. The quality assurance plan is likely to force the NTE issue to a conclusion in North Carolina.
11. The doctrine of external criteria being related to actual job performance established in Griggs v. Duke Power Co. cannot be completely ignored by certification officials.
12. Intentional discrimination must be proved when a disparate racial impact is achieved because of application of external criteria.
13. Revocation of a teaching certificate because of moral conduct must be related to unfitness to teach.
14. Due process must be adhered to in certificate revocation proceedings.
15. The North Carolina State Board of Education has constitutional authority to establish rules and regulations for certification.
16. Teachers in non-public schools of North Carolina must meet minimum State requirements for certification.
17. A school system is not required to enter into a relationship with a student teacher; however, once the relationship exists, proof of disruption of the schooling process is mandatory for termination.

18. An Attorney General's ruling in Texas, in 1973, caused a decline in competency-based teacher education and certification programs in the United States.
19. Changes are likely to occur in certification standards in other states, if North Carolina and Georgia are successful with quality assurance and performance-based programs for teacher education and certification.
20. The holder of a teacher certificate is not guaranteed a teaching position.
21. Local school officials in North Carolina have assumed more responsibility for determining certificate renewal activities since 1975.
22. North Carolina G.S. 115-154 specifying that a certificate was invalid until signed by a local superintendent is obsolete.
23. North Carolina has continuously been a leader in teacher certification reciprocity programs.
24. The established purpose of teacher certification is to protect children from teachers who do not meet appropriate standards of preparation, health and character.

25. Education has not achieved the professional status of other professions such as law and medicine.

Recommendations

Some form of teacher certification is necessary if the public schools of North Carolina are to effectively serve the needs of students who are compelled to attend such institutions. However, teacher education and certification programs to date have not pleased all parties involved. Obviously, from the research, public school personnel are having more input into the process of certification than has been evidenced in past years. This trend is likely to continue, as is the potential for increased litigation. Officials must guard against making arbitrary decisions in the areas of initial certification, utilization of external criteria for certification purposes, certificate renewal issues and revocation of teaching certificates. Constitutional rights of teachers and prospective teachers will be weighed carefully against the State's compelling interest in education.

The stated purpose of this study was not to select a method of teacher certification as an alternative to past or present procedures. An intent was stated to develop a legal and educational framework for making certification decisions.

The following recommendations are based on the conclusions and the research of this study:

1. The North Carolina General Assembly should repeal G.S. 115-154, which specifies a certificate must be signed by a local superintendent to be valid.
2. North Carolina should conduct further research in the area of teacher effectiveness. Based on the findings of this study, successful completion of a teacher education program does not guarantee success in teaching children.
3. The North Carolina State Board of Education should develop policies pertaining to the revocation of a teaching certificate. Local boards of education should initiate the revocation action, and due process proceedings should be built into the policy at each level. Before a local board of education could recommend revocation of a certificate, the teacher should be notified by registered mail of the charges against the individual and of the date for a hearing. A decision by the local board of education should be based on the doctrine of unfitness to teach and the impact on the instructional program if the teacher were allowed to retain the license or certificate. A copy of all

transactions of the local board would be forwarded to the State Board of Education, along with a recommendation on the matter. If the decision of the local board were to recommend revocation, the State Board of Education should automatically initiate another hearing before proceeding. After a full investigation of the matter, the State Board of Education would then choose to accept or reject the local board's recommendation.

4. The North Carolina State Board of Education should validate the proposed criterion-referenced tests to some elements of actual job performance.
5. North Carolina colleges and universities should develop an admission process which would ensure due process of law and ensure equal protection of law for all persons seeking entry into teacher education programs. The policies should be clear and state the intent to apply the rules equally with no discrimination.
6. North Carolina colleges and universities should actively seek out elementary and secondary schools interested in forming a partnership, to enhance preparation of teachers. Rules and policies governing such a

relationship should be mutually agreed upon prior to initiation of internships or other programs.

7. Local boards of education should form committees to develop rules and regulations concerning renewal activities at the local level. The committees should include representatives from elementary, middle or junior high and high schools. Membership of the committees should be structured to include teachers, principals and central office personnel.
8. North Carolina should conduct further research into the area of a professional status for teachers.

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