



## League of Women Voters of Minnesota Records

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Betty Ann -

could you get a copy of this  
off to Betty Staw (unless Harriet has  
gotten the figures from her) Thanks —  
JBM

Dear Betty,

I'm starting to look into the grant possibilities from various foundations for the Education study. One of the first things I need to know before I make even a preliminary approach is how much money we're talking about. It's imperative that I get some sort of budget figures (real and anticipated) before I can proceed. Many of the foundations meet on a quarterly basis, and they often require the proposal be submitted a month prior to the meeting. This means we will be operating under a time crunch, so any help you can give me would be greatly appreciated. Hate to lay this on you at what I know must be a busy time, but necessity dictates. Many thanks.

Judy Medeluna



MEMBERSHIP LIST

LWV of \_\_\_\_\_

Date \_\_\_\_\_

Name of person reporting \_\_\_\_\_

Name

Address

City

Zip

CHECK

|              |  |
|--------------|--|
| Dues<br>Paid | Member ac-<br>knowledgment<br>re VOTERS<br>on file |
| Yes No       |  |



## LEAGUE OF WOMEN VOTERS OF MINNESOTA

555 WABASHA • ST. PAUL, MINNESOTA 55102 • TELEPHONE (612) 224-5445

November 22, 1976

Felice Sorett  
League of Women Voters Education Fund  
1730 M Street Northwest  
Washington, D.C. 20036

Dear Felice:

This is a two-pronged request.

1. The League of Women Voters of Minnesota adopted a study on Teacher Tenure and Public Employee Bargaining as it relates to education. The study will be released as a publication. We also intend to sponsor an all-day, open to the public, seminar on the citizen's role and responsibilities in the bargaining process. Our hope is to have the seminar in April and distribute the publication to all those attending. After the seminar, the publication would be made available to League members and the public. We have not yet developed a budget for either, so I will have to send that at a later date. However, we would like to know whether these projects could be approved for Ed Fund funding. Preliminary approval would help us develop the budget and secure the moneys.

2. Does LWV-EF have a list of I.R.S. "automatically" approved and disapproved projects, or is the only guidance the "criteria for tax-deductible projects" as listed in publication #361, Guidelines for State and Local League Use of Tax-deductible Money? Have you a definite list of what categories of a state's budget could or would be fundable via the Education Fund? Obviously such areas as new program studies would be fundable. But what other areas could be funded?

As you can gather, the LWVMN is going to become more aggressive in seeking and using the Ed Fund than we have previously, so we need more firm and definitive information than we currently have available. Items or projects we consider non-Ed Fund fundable may turn out to be fundable after all.

I'd appreciate any help you could give us, Felice. I also hope you had a restful Thanksgiving holiday; I can well appreciate how hectic the past few months have been for all of you in the Ed Fund offices.

Sincerely,

Harriett Herb  
Executive Director

LEAGUE OF WOMEN VOTERS OF MINNESOTA EDUCATION STUDY OVERVIEW  
1976-77

The Education Committee of the League of Women Voters of Minnesota will be publishing a 12-16 page booklet on Tenure Laws and Public Employee Bargaining Laws and their impact on schools. Preparation for the study has or will include the following:

1. Background reading on tenure and public employee bargaining.
2. 12-15 preliminary interviews to assist in construction of a survey questionnaire.
3. Administration of background information from all school districts where there are League units.
4. Administration of 300 extensive opinion questionnaires to teachers, school superintendents, principals, and school board members in approximately 20 carefully selected representative school districts.

Districts will be chosen on the following criteria: (a) geographic distribution; (b) demographic characteristics (i.e. 1st class cities; older suburbs with declining enrollment; newer suburbs with growing enrollment; medium sized cities -- 10,000 and over; small towns; rural consolidated districts); (c) teacher-school board relationship (i.e. districts where teachers are more militant and districts with a model relationship); (d) level of staff maturity; (e) level of salary scales. Questionnaires will be distributed in the following proportions: 20 school superintendents; 20 secondary principals; 20 elementary principals; 40 school board members; 200 teachers including

|                                  | elementary | secondary |  |
|----------------------------------|------------|-----------|--|
| more than<br>10 years experience | 2          | 2         | plus the head of the<br>teacher bargaining unit<br>in the district |
| less than<br>10 years experience | 2          | 2         |  |

5. Approximately 20 interviews of significant education leaders in the state including: chairman of State Board of Education, head of St. Department of Education; principal lobbyist for MFT and MEA; chairmen of House and Senate Education Committees; head of recertification review board; executive secretary of Minnesota School Board Association; head of Principals' Association; head of School Administrators' Association; mediators and arbitrators of contracts; etc.

The publication will include:

1. Background and evaluation of existing Minnesota tenure and continuing contract laws.
2. Analysis of the impact of the 1974 amendment to the above laws providing "seniority" as the basis for determining the order necessary of staff reductions.
3. Description of the Public Employees Labor Relations Act (PELRA) and its operation.
4. An evaluation of the impact of this collective bargaining mechanism on schools.

State Education Committee Donated Services & Expenses

|  |           |
|--|-----------|
| Planning & research hours                    | 2,145 hrs |
| interviewing hours (interviewer's time only) | 2,640 hrs |
| coding & tabulating hours                    | 750 hrs   |

Consultants who have volunteered time in addition to the officially interviewed:

|  |        |
|--|--------|
| Dr. John Sullivan - 2 hours                          |        |
| Dr. Charles Bachstern - 2 1/2 hours                  |        |
| Mr. Mitch Joleson - computer specialist - 2 1/2 hrs  |        |
| Attorneys - 4 of them 8 hours                        |        |
| Dr. Force - Director of Research Mpls Public Schools | 2 hrs  |
|  | 17 hrs |

|  |             |                   |
|--|-------------|-------------------|
| Expenses: + Mileage at 7¢ per mile (31 meetings) | 4,495 miles | Total hours 5,535 |
| + Postage  | 5.20        | 314.65            |
| * Copying  | 20.00       |                   |
| * Phone calls                                    | 26.19       |                   |
| * Books  | 5.98        |                   |
| * Supplies (computer cards & form and sheets)    | 9.36        |                   |
| * + Baby sitting                                 | 45.00       |                   |

\* reimbursed  
\* donated

Total Volunteer hours

5,535

Total donated \$339.49

Total expenses  
\$421.02

→ Voucher due Betty Shaw \$81.53

M TO: Betty Shaw  
E FROM: Harriett Herb  
M  
O SUBJECT Ed Fund Proposal

**LEAGUE OF WOMEN VOTERS OF MINNESOTA**

555 WABASHA

ST. PAUL, MINNESOTA 55102

PHONE: 224-5445

DATE September 2, 1976

We should send a preliminary proposal to the LWV Ed Fund on the education tenure/  
bargaining study p.d.q. Now that your committee has had a couple of meetings, maybe  
you could develop a definitive outline for us to type and forward on for preliminary  
approval.

Also please be SURE every one of your committee members fills out a voucher for  
every one of your meetings, their research trips, etc. so we can keep VERY accurate  
and complete records for total reimbursement

Thanks so much.



M TO: Dottie, Betty & Nancy  
E  
M FROM: Harriett ✓  
O SUBJECT Enclosed

**LEAGUE OF WOMEN VOTERS OF MINNESOTA**

555 WABASHA

ST. PAUL, MINNESOTA 55102

PHONE: 224-5445

DATE July 16, 1976

After Jerry, Georgeann and you, Dottie, met on Thursday the 15th, Jerry called and asked me to try my hand at writing up a proposal for the Education study. I feel a little awkward in so doing, but for what it's worth, one possibility is enclosed. Jerry also asked that a copy of the proposal be sent to Nancy, who was the chair when the item was adopted at Convention and to Betty, who will chair the study. If they disagree with anything I've scribbled down here, I trust they will let us both know as soon as possible so that you, Dottie, can begin the necessary work toward getting money for funding the whole thing.

MODEL PROPOSAL OUTLINE

- I. Statement of problem to be addressed Study of Tenure Laws (public employment regulations) and the impact of public employee bargaining laws as they apply to schools.

why it is important There is public misunderstanding about, dislike for and distrust of teacher tenure, seniority, strikes, salary schedules and negotiation, and lack of concern for educating students and students as individuals (human beings). implications study could lead the public's understanding of the above issues, could help the LWV reach consensus and perhaps a change in the law.

- II. Objectives of the project (1) distribute information to LWV and Public re tenure, seniority, bargaining via the written word (2) present preceeding in a factual, unbraced manner

what you plan to accomplish

(1) dissemination of information to all LWV/MV members, and 1% of the general public in the state

how will the project deal with the problem or subject matter

factually and in writing: provide history of tenure, statement of seniority and bargaining laws, State bureau of mediation promulgations, court

- III. Plan of action

decisions delineating what is negotiable and what is not, description of newly passed accountability law, description of

specific activities, for example -

- weekend workshop

- one-day seminar held in several locations

- ten-program series of ETV shows

✓ - twenty-page publication - more or less

Previously proposed renewable contract laws for administrators, and posing the question of the relationship of the latter two to the former sections.

steps to be taken form committee, do research, write publication

timetable Sept. to March

target audience LWV members, educational opinion makers, general public, legislators

other organizations, groups which will cooperate, participate probably none but will interview MEA; MFT; MSBA; Bureau of Mediation Services; policy & working condition negotiators, mediators and arbitrators.

IV. Evaluation - how will you know you have achieved your goals?

- (1) Counting # of publications distributed
- (2) Comparing proposed & actual categories or outlines of the publication

V. Follow-up

is this a one-time project or one which will need additional work?

if it is ongoing, how will it be funded, carried out, after the grant expires?

VI. Staffing (volunteer or paid effort required)

amount of time needed

who will be in charge (her/his experience) Betty Shaw

VII. Why the League? (previous experience, reputation)

Adopted as study item by 1975 State Convention delegates. Because we can be impartial

VIII. Budget

staff

equipment, supplies, postage

travel

cost of conferencing (meeting rooms, honoraria, refreshments, materials)

publication and distribution costs

"overhead" (in the event that a League has office space and equipment that will be used at some point in the project)

estimated effort required in volunteer hours



*Jolly good.  
H.*

Ms. Mary Ann Snitkey

Dear Ms. Snitkey.

Attached is a proposal from the (League of Women Voters Education Fund) seeking \$4025 for support of a program designed to help educate citizens about teacher collective bargaining and tenure laws and their relationship to the quality of education in Minnesota.

The League of Women Voters has a basic philosophy that informed citizens are essential to a viable democratic system. Working from that premise, the League is conducting a statewide study, described in the proposal, which will help determine ~~some~~ of the opportunities for citizen involvement in the decision-making process of our educational institutions. The program is directed toward providing citizens with information so that they will understand, with greater insight and broader perspective, the laws and their impact upon the public school system. WV of  
MR

It is our hope that the St. Paul Companies will give consideration to this proposal and, should it be granted, that the St. Paul Companies would permit the LEague to recognize its support through appropriate acknowledgement in the publications.

The purpose of the League of Women Voters of Minnesota (LWVMN) is to promote the active and informed participation of citizens toward better government. This has been the primary mission of the League since it was formed in 1920. LWVMN is a non-partisan organization and its governing board consists of Republicans, Democrats and Independents. Members of the LWVMN and of the 69 local Leagues throughout Minnesota are active in voter service and citizen information. They sponsor candidates forums and debates, distribute caucus, registration and voting guides and conduct informational meetings on issues of concern to the public.

The League also researches and publishes impartial studies in the areas of corrections, the judiciary, natural resources, equality of opportunity, education, election laws and the organization and financing of state government. These studies are disseminated not only to League members but to the broader public within Minnesota. The community outreach and citizen information efforts of LWVMN are conducted through the League of Women Voters Education Fund, the tax-deductible research and education arm of the League.

As a public-interest, grass-roots organization, the LWVMN is totally responsive to its members' concerns. Program items are voted on every two years at its State Convention by delegates representing the individual local Leagues. While this makes it difficult to project the subjects of future studies, the League does see trends that will affect the distribution of its studies. The relative apathy of the younger voter indicates that the League will become increasingly involved with special targeting of information to young adults, minorities and the future voter.

LWVMN believes that vigorous citizen participation in American government is not just a good idea but an indispensable one. It believes that citizens are the government and that if citizens have good information they will make good choices - for themselves, for their communities, for their state and for their nation.

6 lines =  
In 1975, delegates to the LWVMN State Convention voted to initiate a study of Public Employee Bargaining and Tenure laws and how they relate to the questions facing schools today. In voting to adopt the study item each delegate represented the interests expressed by the members of her local League. Since there are local Leagues in every Senate district and most House districts in Minnesota - in communities as small as Battle Lake and as large as Minneapolis - there is no doubt that there is a broad-based concern with the needs of our educational institutions. The League is particularly qualified to carry out its current education study. Education has been a major program item since the League first lobbied for compulsory school attendance in the 1920s.

sexist -  
aint it -  
but true!  
All hers.

There is a definite need for the type of study that the League proposes. Every citizen in Minnesota is affected to some degree by the problems that currently exist in our educational system.

Enrollment is declining. Class size is growing. There is increasing pressure from parents that their children leave the public school system with certain minimum competencies, particularly in the area of basic

skills. The cost of education, which already is consuming 40.6% of state appropriations and 46.5% of local government expenditures, continues to rise. The outcome of collective bargaining between teachers and school boards often increases these costs. The effects of tenure laws, while more difficult to evaluate, can also have a direct relationship to these problems.

The LWVMN education study will attempt to answer some of the following questions: In what ways are tenure laws necessary or advisable for the provision of "quality education?" Are we losing good teachers while mediocre ones remain in the system? Do procedural safeguards for teachers, e.g. tenure/continuing contract laws, due process, grievance procedures, make dismissal of ineffective teachers difficult? Can staff balance be maintained under state financing and seniority dismissal procedures? How are community priorities and needs determined? In what ways are the needs and priorities of the consumers of education (students) given weight and consideration in the collective bargaining process? What input do parents have? Who represents the community in the bargaining process? How responsive are school boards and teachers to public desires?

*sex lines*

The first of the three publications in the LWVMN study will provide background information for the succeeding reports and will include a description and explanation of the laws that affect collective bargaining and tenure. The second publication will examine the perceptions that education administrators, teachers and school boards have of these laws and their affect on the public school system. The third publication will be an objective analysis of the issues and a discussion of alternatives to the present procedures. An additional publication, funded by the League, will contain a statement of research methods, characteristics of the sampling and information about print-out availability.

The intent of the study and publications is to provide the public with information upon which they can act. Lack of action (only 33.5% of St. Paul's eligible voters voted in the last school board election) can often be linked to lack of information. Through offering the citizen an avenue to understanding - informing him of the issues and alternatives and his opportunities for determining the direction of our educational system - LWVMN hopes to increase individual participation in an area which affects all citizens. Students, parents, school board members, teachers and taxpayers are all affected by the laws governing collective bargaining and teacher tenure. An impartial view of these laws and their impact will provide a basis for citizens participation in the planning and decision-making processes of their communities' educational institutions.

The publications will be distributed, without cost, to a broad cross-section of Minnesotans. Target populations will include members of : service clubs; junior and senior high schools; community colleges; municipal, county, state and school officials; Chambers of Commerce; community centers; church groups; senior citizen organizations and other citizen groups. Publications would also be offered to other publics through Public Service Announcements on local radio stations and through the press. Distribution is scheduled to begin in the fall of 1977 to coincide with the first quarter of school in order to achieve maximum impact.

Dissemination of the reports will often be accompanied by a live presentation - in the classroom, at club meetings and other functions. While the majority of the publications are expected to be distributed within the Metropolitan seven-county area, the network of local Leagues throughout Minnesota assures state-wide coverage. Local Leagues will be assisted in obtaining resource persons for the presentations and to plan a schedule for "marketing" the materials. A new member has been added to the LWVMN state board to coordinate these efforts.

Grant administrator will be Ms. Harriett Herb, Executive Director of LWVMN. Ms. Herb is also enrolled in the graduate program of Business Administration at the College of St. Thomas. She expects to receive her Master's degree in May of 1978.

Project Director is Ms. Betty Shaw. Ms. Shaw has a BA and MA in Political Science from the University of North Carolina and is chairman of the LWVMN Education Committee. She has participated as researcher/writer in a number of League studies. Ms. Shaw was also a member of the St. Louis Park Community Education Advisory Committee for two years.

Her project committee consists of twelve members who represent five leagues. A total of over ninety League members from twenty Leagues will be involved in the preparation of study materials. Consultants who have volunteered their time as resource people for the project and have acted as advisors are: Dr. John Sullivan, Assistant Professor of Political Science, University of Minnesota; Dr. Charles Backstrom, Professor of Political Science, University of Minnesota; Dr. Charles Cheng, Assistant Professor, UCLA Graduate School of Education and Associate Director of the Institute for Responsive Education; Mr. Mitchell Jolesin, Computer Consultant, University of Minnesota; Dr. Richard Faunce, Director of Research, Minneapolis Public Schools; Mr. Peter Popovitch, attorney to more than fifty Minnesota school boards; Mr. Richard Battis, attorney for the St. Paul Board of Education; Mr. Roger Peterson, attorney for the Minnesota Federation of Teachers.

The Project Director and her committee have spent 5535 hours in planning, research, interviewing and tabulating results. Writing of the reports is expected to total an additional 200 hours. At minimum wage, this would translate to an in-kind expense of \$13,190.50. Unreimbursed expenses - those which have been absorbed by committee members - total \$339.00. Donated League staff time amounts to over \$500. This signifies an enormous commitment on the part of those involved in the project. They are dedicated to producing an in-depth, objective picture of the laws governing teacher bargaining and tenure and the impact these laws have on the education of Minnesota's students.

It is appropriate that the St. Paul Companies consider joining the LWVMN in this commitment. A high school degree is required of a majority of its employees, and the quality of their education can have a direct relationship to their on-the-job performance. In addition, St. Paul Companies has, through its Corporate Contributions Committee and Human Relations Division, shown itself to be a responsible corporate citizen. Its get-out-the-vote efforts, utilizing some of several publications produced by LWVMN, is indicative of its



interest in citizen participation in government. The League is asking the St. Paul Companies to consider major funding for this project because it has proved it is a public-spirited, public-minded institution which is anxious to involve the public in the issues that affect them.

The study proposed by the League is unique and has not been done by any other organization. While a national survey on collective bargaining is being prepared by the Washington D.C. office of the Parent-Teacher-Student Association (PTSA), dissemination of results will be limited to state PTSA chairmen, presidents of local PTSA groups and to the Education Committees of state legislatures.

The LWVMN project will be more focused, restricting itself to the Minnesota community and its public school system. It also will be more comprehensive, examining the effect of the laws on educational quality. The population served by the League study also differs significantly from that of the PTSA project. State and local PTSA officials will receive the League publications, as will all members of the Minnesota State Legislature. The major target audience, however, is the Minnesota citizen. Funding will enable the League to distribute these publications free of charge to the broader public, as well as to specific interest groups.

While direct results of the publications upon readers will be impossible to measure, LWVMN hopes that the information contained in the reports will stimulate citizens to take a more active role in planning for the future of our educational system. By increasing the public's awareness of the problems facing the system, and by showing them their opportunities for participation in the decision-making process, citizens will be better equipped to provide input into an area which affects the entire community.

*How are we going to get that?*

The publications themselves will be evaluated by a panel of selected publics. composed of education editors, Citizens League members, school board and education union representatives, Chambers of Commerce and education committee members of the Minnesota Legislature. Criteria for evaluation will include: How clearly is the information presented? Will the general public consider the reports "readable?" How well is the subject covered? Are the reports unbiased? What is the evaluator's subjective opinion of the publications? Are distribution plans adequate?

Because providing information on issues of public concern is an ongoing mission of the League, LWVMN has often worked in cooperation with a variety of other organizations. It has co-sponsored public seminars with such groups as the State Planning Commission, the UN Rally, Minnesota Society ~~of~~ Crippled Children and Adults, the St. Paul Urban League, Minnesota Mrs. Jaycees, the AAUW, St. Paul Junior League and the Minnesota Social Service Association.

LWVMN lobbying workshops have attracted organizations ranging from the Minnesota Nursing Association to Save Our Elms. Participating in ongoing information-

sharing with the League are the Joint Religious Legislative Coalition, Citizens League, Common Cause, the Governor's Crime Commission and the Hennepin and Ramsey County Welfare Departments.

In 1976, the League entered into a coalition to register voters for the presidential elections with the office of the Secretary of State, the Minnesota Banking Association and both the Republican and Democratic parties.

For the past 50 years, the League of Women Voters has acted in the public interest to improve the quality of life in our society. Its prime mission is to add to citizens' knowledge and understanding of public issues and policies in order to achieve more meaningful citizen participation in the decision-making process of governmental bodies.

Public issues, however, are complex and interrelated. In the course of daily living a citizen does not always have the time, the commitment or the desire to examine the issues or participate in the process. The process itself may seem to be an insurmountable barrier. Unfortunately, opting out presents an appealing path to many people, even though governmental policies affect every facet of their lives. The League of Women Voters of Minnesota has provided and will continue to provide ways for the public to be active, informed participants in government. Motivating the citizen to make use of the information the League provides is a problem the League hopes to help solve through a more aggressive program of community outreach.

LWVMN is known for providing quality publications, public meetings, workshops, conferences and candidate forums. It has a long-standing reputation for fairness, fact-finding and non-partisanship. Its non-partisan activities have benefitted society as a whole - not just women, or the poor, or urban dwellers. It has a strong leadership and an intelligent and broadly-based membership who are unusual in their sense of commitment. For more than half a century the League has carried out its programs with virtually no public funds, no United Appeal and very little monetary support from organized public philanthropy.

The strengths of the League, however, are directly linked to some of the problems it currently faces. While LWVMN is financially self-sufficient with funds generated almost entirely from within the organization, it now faces the need for outside financial support in order to achieve its goal of a more effective, broad-based program for citizen involvement. In addition, the emergence of many single-issue groups finds us actively competing for volunteer hours. The changing role of women and their entrance into the job market has also affected the amount of time members are able to spend on League activities.

In the future, LWVMN sees an increasing shift from full-time volunteers to part-time workers, assisted by paid staff. Although membership in the League has risen slightly over the past two years, we anticipate more energetic efforts to gain new members, particularly from the male segment of the population. To support our expanded programs carried out in the public interest, the League will actively seek funding from the resources of philanthropic foundations and

corporations. The prime mission of LWVMN has, and will continue to be, an active and informed citizenry. We believe that the League of Women Voters of Minnesota could be on the verge of a new era in its life and that our work can play an even larger role in improving our society. It is a task we face with both confidence and commitment.

BUDGET

For printing and distribution of 10,000 copies of three publications on Public Employee Collective Bargaining and Teacher Tenure laws and their impact on the quality of education in the Minnesota public school system.

Design and printing : 3950.00

Administration of project:

|                            |      |        |
|----------------------------|------|--------|
| Computer time and supplies | 250. |        |
| Telephone                  | 50.  |        |
| Travel                     | 45.  |        |
| Copying                    | 108. |        |
| Supplies                   | 19.  | 472.00 |

Distribution:

|         |       |
|---------|-------|
| Postage | 53.00 |
|---------|-------|

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4025.00



#### EDUCATION POSITION SHOWING NEW POSITION

Support of increased state responsibility in creating equal public educational opportunities for all Minnesota children through measures to correct racial imbalance and ensure adequate financing of public schools.

#### POSITIONS

- . Correction of racial imbalance in the schools. The state should have the power to investigate, to set and enforce standards, and to give extra financial help to achieve these standards.
- . An equalization aid formula which would include a greater proportion of local operating expenses, consideration of per capita income in addition to assessed valuation, continued consideration of the proportion of children at different grade levels, *consideration of enrollment fluctuations when determining pupil units, and in the case of declining enrollments extending beyond two years the time for reducing pupil unit counts*, recognition of the proportion of property taxes used for municipal services, and partial financing by property tax to maintain local control.
- . *Categorical aid to school districts which have high salary costs per pupil unit. Such aid should not preclude careful planning and evaluation of local school district expenditures.*
- . Transportation aid reflecting current costs.
- . Adequate financing of special aids for children with physical and mental problems, gifted children, and children with other learning disabilities.
- . Increasing state responsibility for phases of education which may require financial aid, specifically assistance in capital improvements, upgrading local educational standards, and encouraging experimental programs.

League of Women Voters of Minnesota, 555 Wabasha, St. Paul, MN 55102

Borg

To: Members of the Education Committee

From: Harriett Herb, for Betty Shaw

Date: December 3, 1976

- call Betty  
926-6093

Betty called shortly after noon today and asked me to send you some information on the long survey, the Education Questionnaire, which local Leagues were to use in interviewing 15 members of a school district.

Progress is slow for understandable and human reasons; e.g., the Granite Falls president was going on vacation, and her education chairman was getting married.

There has also been some criticism of the questionnaire itself. The Duluth president called earlier this week, saying that their education committee and a professional surveyor felt there was some bias in the questionnaire. The Director of Research and Development for the Minneapolis Public Schools also has some criticism of the questionnaire. Sauk Centre refuses to do the questionnaire because of the strike situation they had a year ago.

A meeting is scheduled with Dr. Founce, Minneapolis' R & D person, for Friday, December 10, at 9:30 in the morning. Betty would like as many as possible of you to attend that meeting. She has been trying to call you but frequently without success. Would you please call her and tell her whether or not you can attend this meeting.

She would also like to know what time would be convenient for you to have a committee meeting to discuss the above and also the future time table in light of some of the delays.

Thank you.

EDUCATION COMMITTEE LIST

\* Lorraine Clugg  
15605 Boulder Creek Drive  
Minnetonka, MN 55343  
612-933-2089  
Mntka. LWV

\* Dianne Brooke  
1463 Conway  
St. Paul 55106  
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St. Paul LWV

Jean Hammer  
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St. Paul 55119  
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St. Paul LWV

Barbara Maloney  
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St. Louis Park 55424  
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SLP LWV

\* Katherine Putnam  
3910 Aldrich Ave. So.  
Minneapolis 55409  
612-825-8412  
Mpls. LWV

\* Jan Bray  
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\* Connie Hoverson  
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Betty Shaw, Chairman  
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\* Edie Zidel  
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Minnetonka 55343  
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M.E.A.H. LWV

List for those to be kept informed.

Jeannette Kahlenberg  
2338 So. Shore Blvd.  
White Bear Lake 55110

Shirley Iverson  
802 4th St. So.  
Moorhead 56560

Lois DeSantis  
6508 Newton Ave. So.  
Richfield 55423

Margaret Boddy  
Homer Road  
Winona, MN 55987

Kathy Abrams  
Rt. 2  
Prior Lake, MN 55372

Christie Stover  
4755 W. Lake  
Excelsior, 55331

Kay Banitt  
1181 Woodhill Dr.  
Woodbury 55119

Phyllis Gilbert  
1798 Heritage Lane  
New Brighton 55112

AGENDA FOR AUGUST 17, 1976, MEETING  
EDUCATION COMMITTEE  
League of Women Voters of Minnesota

Meeting will be held 9:00 - 11:30 a.m. Tuesday, August 17, 1976,  
at 2649 Huntington, St. Louis Park, Minnesota.

1. Report of basic progress from each member.
2. Development of basic questionnaires for use in interviewing.
3. Development of preliminary list of people to be interviewed.

For research help: Education library is on the 2nd floor of Walker  
Library (East Bank) University of Minnesota. The Education  
Index is helpful for researching in educational journals.

Minutes of Education Committee, July 26, 1976  
League of Women Voters of Minnesota

Present at this meeting were: Shaw, Bray, Hoverson, Anderson, Scott, Abramson, Clugg, Davidman, and Putnam

Introductions: Each committee member introduced herself and gave a brief summary of her background and the reasons that brought her to the committee. This was done to help the committee see the biases or points of view from which each person might view the study.

There was a discussion about whether this committee would definitely ask for consensus. The sense of the group was that a consensus would be sought. The most important result of this study was felt to be: ability to lobby. A consensus would not be sought if: (1) lobbying was possible without a new consensus, or (2) it was impossible to provide adequate information for asking decision.

The importance of recognizing the committee's biases and possibility of skewing information toward a preset direction was discussed.

Topic areas were divided among the committee members for preliminary research. Among the questions to be considered were:

- I. To what degree does tenure protect academic freedom?
  - a. What does academic freedom include?
  - b. Is academic freedom a value to be protected?
  - c. Are other methods of protecting academic freedom as effective or more effective?
- II. To what degree does tenure provide job security?
  - a. What degree of job security is necessary and desirable?
  - b. What are the implications of job security for academic freedom?
  - c. Are there more effective ways of providing job security?
- III. To what degree does tenure provide upgraded education?
  - a. Is there any "quality control" exercised by tenure which would be lost by its abolition?
  - b. What would prevent School Boards from maintaining only inexperienced staff to save money?
- IV. To what degree does tenure encourage stagnation and protect incompetence?
  - a. How many teachers have been released for incompetence?
  - b. How many were attempted to be released unsuccessfully?
  - c. How many teachers might be released for incompetence if tenure were non-existent?
  - d. How are stagnation and incompetence to be defined?
  - e. Who is to evaluate teachers for stagnation or incompetence?
- V. To what degree does tenure lock out minorities and women?
- VI. What are the financial implications of tenure for Minnesota school districts?

Other essential research areas included: •

- I. Outline of provisions of PELRA in layman's language.
- II. What items are negotiable at present?
- III. What are salary schedules like, and is there any mechanisms for encouraging high productivity?
- IV. Who should be included in bargaining contracts?
- V. What are the implications of continuing education and in-service education for quality education?



- VI. What are present evaluation and accountability procedures used in school districts?
- VII. What are the implications of the new state accountability legislation?
- VIII. What procedures have been negotiated for unrequested layoffs? Is seniority the universal rule?

MINUTES OF THE STATE LEAGUE EDUCATION COMMITTEE

August 17, 1976

PRESENT: Shaw, Davidman, Abramson, Putnam, Hoverson, Clugg, DeSantis, Bray.

Reports of Research Progress:

Karen Davidman - Her general research area was how tenure can upgrade education. After reading numerous books on tenure she found little on her specific topic. Conclusions from her reading included:

- \*how tenure protects teachers not how it affects students
- \*there is some problem with the probation period - found teachers tend to teach to the institution during that time
- \*teacher competence is not a problem of tenure but of administrative failure to do its job
- \*no measure for determining educational quality could be found
- \*contacts with MEA indicate the organization strongly pro tenure

Joyce Abramson - Her general research area was accountability. Telephone interviews with St. Louis Park (Hickey) and Edina (Lieber) superintendents indicated the following areas of concern with the PELRA law and tenure:

- \*Hickey - felt tenure should be a negotiable item with the teachers - felt tenure was not a stumbling block to maintenance of high quality staff
- \*Lieber - felt districts would be helped by abolition of tenure but couldn't say why he felt it would better the system
- \*both agreed on the following areas of concern with PELRA - 1) literature is fuzzy regarding what are negotiable items; 2) it is not desirable to have middle management (building principals) under tenure (Richfield now has merit salary schedule for principals - need to look into plusses and minuses of this system in other districts); 3) the most important problem with current statutes is the single principle for determining unrequested leaves based on seniority. Factors such as program needs, experience in field in addition to certification need to be considered as well as seniority. At this time the teachers have veto power over the method for determining placement on unrequested leaves. If the teachers do not agree to an alternative method in their contracts the seniority principle prevails; 4) arbitrators for school board - teacher contracts are also government employees. There was felt to be a need for an independent mediator.

Katherine Putnam - Her general research area was the history of tenure.

- \*tenure bill for cities of the 1st class was passed without objection in 1927. Justification for the bill included: a) better teaching would result because it would remove the teachers from the "spoils system" and from personal and political pressures; b) poor teachers would be eliminated; c) more teachers would be retained in the teaching field, and d) there would be greater academic freedom. Question today is whether these original reasons still have relevance. Do the guarantees of civil liberties and due process provide better teacher protection?

Jan Bray - Researched the State Board of Education planned program budgeting system for the state of Pennsylvania. It is claimed to have saved the state money and provided more equalized educational opportunity. Its relevance for our study was not clear.

Connie Hoverson - Researched the present PELRA law and the negotiation process. (See attached sheets passed out by her at the meeting.)

Areas for Consensus Questions That Were Suggested Included:

Should the method for determining which teachers a district will place on unrequested leave be changed?

Should the methods for determining arbitrators and the scope of their functions be changed?

Should the probationary period for untenured teachers be lengthened, revised?

Questions for Research and for Use on Interview Questionnaires Included:

Has PELRA altered the way a system is administered? In what ways?

Do school boards and administrators feel handicapped by provisions of the law? Which ones and in what ways?

How do different parties to the contracts define such terms as "working conditions" and determine which items are "negotiable"?

What precedents have been set by contracts or arbitrators for determining what is or is not negotiable?

Does an arbitrator have the right to determine the definition of negotiable items?

Is the fair share law creating a union shop? In what ways would a "union shop" impact a school district? Does competition between MEA and MFT make for more militancy and greater demands? Does competition strengthen or weaken the position of the teachers in bargaining with a district?

What advantages specifically does a teacher lose by transferring from one Minnesota district to another?

Is the right to a 30 day response period granted teacher recalled from unrequested leave necessary? What problems does it present to a district?

What are the major stumbling blocks to alternative methods for placing teachers on unrequested leave? Why are administrators hesitant or lax in their attempts to provide adequate evaluation of staffs? What is adequate evaluation? What methods are districts using for evaluation?

What are the advantages/disadvantages of lengthening the probation period for granting tenure especially for those teachers transferring districts?

How many districts hire professional negotiating teams? Do they feel it is more effective?

What is the scope of negotiations as now determined by settlements?

What are the qualifications of mediators; arbitrators; members of the mediation board; the director of mediation, etc?

What is the function of mediators? Will they fact find? Have they the staff or do they accept the information provided by the district and teachers only?

How are negotiators chosen?

How are mediators and arbitrators chosen?



Is ability to pay considered? Under what conditions?

To what degree is economic strenght of a district or a teacher bargaining unit a factor in carrying disagreements into arbitration? A factor in carrying grievances through the system? A factor in attempts to dismiss "unqualified personnel"?

Is a Permanent Board of Arbitrators a good or bad move?

School boards are required to have open meetings during strategy sessions because they are a public body. Teachers groups do not have this requirement. Does this present problems? How?

What benefits are there to the students, if any, from PELRA? e.g. stability in district, disruption (or lack of it) via strikes, work to rule, etc.

What % of principals have formed their own bargaining group? What % have pay distribution on the basis of merit, by a set scale? How are merit evaluation systems working?

A subcommittee of Clugg (representing a school board viewpoint), Hoverson (representing a teacher viewpoint), Abramson (representing a consumer viewpoint) plus chairman Shaw was appointed to draw up a preliminary questionnaire. This subcommittee meeting was to be held on Monday, August 23, at 7:30 p.m. The next full committee meeting is Tuesday, August 31, 7:30 p.m., at Betty Shaw's - 2649 Huntington, St. Louis Park.

## BACKGROUND ON TENURE

Teacher tenure laws were passed to protect teachers from arbitrary dismissal. These laws granted teachers job security by removing them from the spoils system, nepotism, and political pressures. It was also felt that with permanent jobs teachers would become more a part of their schools' communities. They would also gain more academic freedom. The probationary period would eliminate poor teachers. In Minnesota, tenure is obtained through two laws.

The Teachers Tenure Act (Minnesota Statutes 125.17) applies to the cities of the first class: Minneapolis, St. Paul, and Duluth. This provides for a probationary period of three years for teachers, during which any annual contract "may or may not be renewed as the school board shall see fit." The term teacher includes principals, classroom teachers, supervisors (consultants), visiting teachers (school social workers), counselors, and school librarians. After the probationary period, teachers may not be dismissed except for cause and after a hearing. Grounds for discharge are:

- (1) Immoral character, conduct unbecoming a teacher, or insubordination;
- (2) Failure without justifiable cause to teach without first securing the written release of the school board;
- (3) Inefficiency in teaching or in the management of a school;
- (4) Affliction with tuberculosis or other communicable disease;
- (5) Discontinuance of position or lack of pupils.

The charges against a teacher shall be in writing, and a hearing shall be held before the school board, with both sides having the right to counsel and to subpoena and examine witnesses.

The Continuing Contract Law (Employment; Contracts; Termination, Minnesota Statutes 125.12) applies to all school districts except those of the first class. This was passed some years after the Teacher Tenure Act to give other teachers in the state similar protection, though it differs in many provisions. Here the definition of teacher includes the superintendent and all professional employees required to hold a certificate from the state Department of Education. "The first and second consecutive years of teaching experience in Minnesota in a single school district shall be deemed a probationary period of employment, and after completion thereof, the probationary period in each district in which he is thereafter employed shall be one year." During this period, a contract may or may not be renewed provided a written notice is given by April 1st.

After the probationary period, a contract may be terminated upon majority roll call vote of the school board on one of the grounds specified in the law. They are:

- (a) Inefficiency;
- (b) Neglect of duty, or persistent violation of school laws, rules, regulations, or directives;
- (c) Conduct unbecoming a teacher which materially impairs his educational effectiveness;
- (d) Other good and sufficient grounds rendering the teacher unfit to perform his duties.

A written notice of termination stating the grounds for dismissal shall be sent the teacher 14 days before the vote is taken, and the teacher may demand a hearing. Similar provisions to the Teacher Tenure Act are made for due process at the hearing.

Teachers may be placed on unrequested leave without pay or fringe benefits because of the discontinuance of a position, lack of pupils, financial limitations, or merger of classes caused by consolidation of districts. A plan for such leaves of absence may be negotiated with the teachers' bargaining agent, or placement on unrequested leave shall follow the rules of seniority.

The growing discontent with teacher tenure seems to be influenced by decreasing school enrollments and the increasing financial difficulties of school districts. Some parents feel that weak teachers are retained while good teachers are dismissed. The charge is also made that inefficient administrators are protected. The retention of older teachers is blamed by some people for the continuing of ineffective educational programs and the failure to gain reforms and create new promising programs. Some taxpayers argue that costs could be cut if boards were allowed to dismiss higher paid teachers who are locked into automatic pay raises. They would then be able to retain younger, less expensive teachers. This argument does not consider the quality of teaching. Administrators and school boards resent restraints on their management of school systems. Poor teachers are not dismissed because of the difficulty of proving just charges against them according to the due process of law provisions. Timid administrators are reluctant to lay charges against inefficient teachers. Some of this difficulty may be caused by sloppy evaluative processes.

The tenure laws do provide for the dismissal of ineffective and otherwise undesirable teachers. Where school boards have dismissed such teachers after hearings of well documented charges and under due process proceedings, such cases have been upheld by the courts. The probationary period, before a teacher is tenured, can set criteria to differentiate between good and bad teaching. It provides a time to test and eliminate inadequate teachers.

Tenure ensures the maintenance of a staff of capable, experienced teachers by preventing their removal for personal or political reasons. It guarantees worthy teachers employment after long periods of satisfactory service. Classroom teachers' productivity and enterprise are crucial factors in attaining quality education for children. Tenure ensures teachers freedom to teach and children freedom to learn. As special interest groups try to force their specific views on the curriculum, tenure protects teachers who resist such pressures and present objective and many faceted views of issues. It guarantees a corps of qualified teachers free from dismissal for causes that have no relation to their relationship as teachers.

Are there alternatives to tenure? The most commonly proposed is bargaining agreements with teachers that set the terms, including termination, of employment. The American Association of School Administrators has produced a pamphlet which proposes the following "creative alternatives":

- Written personal policies
- Position descriptions
- Performance expectancy
- Renewal contracts
- Impeccable due process
- Negotiated agreements

There should be teacher input into the first three, or they could develop into devices for getting rid of teachers for other causes than inefficiency. Renewable contracts could, by themselves, deprive teachers of job security and place them at the whims of administrators or school boards, as each contract expires. The authors feel that the agreements negotiated with teacher organizations should provide a process for defining and describing the teacher performance expected and for participating in the evaluation of such performance. The agreements should also provide for the means of removing ineffective teachers.

Another solution for the problem of tenure is a more vigorous enforcement of the provisions for the removal of poor teachers. This, of course, means more administrative work in the careful documentation of charges and

the carrying out of due process of the law.

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**LEAGUE OF WOMEN VOTERS  
OF MINNESOTA**

PHONE (612) 224-5445

555 WABASHA • ST PAUL, MINNESOTA 55102

EDUCATION QUESTIONNAIRE INTERVIEW

INSTRUCTIONS

Memo to: Selected Local Leagues  
From: Betty Shaw, Chairperson, LWVMN Education Study  
Date: November 10, 1976

The main purpose of the questionnaire is to obtain attitudes of various members of the educational establishment toward current practices and possible changes in tenure and bargaining processes.

Your school district has been selected by the Education Committee as one of twenty sample districts, each of which was chosen for certain characteristics. The survey is designed to cover 15 interviews in each sample district. In order to provide valid survey results, it is essential that all interviews be completed. Please return as many as possible by December 1; everything must be in the State Office by December 15. If it is impossible for you to participate in this survey, please call the State Office immediately (224-5445).

I. Who to Interview

We would like you to interview the following people: (1) your School District Superintendent; (2) two School Board members; (3) two principals -- one elementary and one secondary; (4) ten teachers -- 2 active in teachers' organizations (the head of the bargaining team and one other, such as the president of the organization) / 2 elementary teachers with less than 10 years' experience / 2 elementary teachers with more than 10 years' experience / 2 secondary teachers with less than 10 years' experience / 2 secondary teachers with more than 10 years' experience.

Your initial contact should be with the Superintendent. Send the enclosed letter to the Superintendent's office; then follow up by phone to explain the details of the survey. Be sure you have the approval of the Superintendent before you proceed further with interviews.

Select your actual interview respondents as follows:

Superintendent

Board members - use your own discretion. Choose 2 School Board members whom you think would be responsive.

Principals - 1 elementary; 1 secondary. If you have several principals at either of these levels, you may choose which ones to interview.

Again, please try to select persons who will be responsive and helpful.

Teachers - for this you will need the assistance of the district personnel director, or whoever handles personnel matters. They will have a list of teachers ranked by number of years of experience in the district. You do not need to see this list yourself. Ask the personnel director to randomly select for you the names of (1) 4 teachers with more than 10 years' experience - 2 elementary and 2 secondary; and (2) 4 teachers with less than 10 years' experience - 2 elementary and 2 secondary. Also obtain the names of the head of the bargaining team, and the president of either teacher organization.

You can then set up interviews with these teachers at their convenience. When you contact people for interviews, be sure to tell them that the survey has been approved by the Superintendent.

## II. Interview Techniques

Before the interview, assure the respondent that his answers are confidential. The questionnaires will be compiled by types of respondents (e.g. teachers, superintendents, etc.), but the questionnaires will not be related to a specific person. In line with this, please remember how important it is that we also keep responses confidential. The interviewer must not discuss what she is told with others (most especially, do not tell one respondent what someone else has said in answer to the questionnaire). Many of these questions involve controversial areas, and we will receive meaningful answers only if the respondents are convinced that they can trust us.

When you call to set up the interview, give a short summary of the purpose of the survey and tell the respondent that the interview will probably take about one hour.

Be sure you are familiar with the questionnaire before you do any interviewing.

We are recommending that you not send a copy of the questionnaire to the respondent before the interview, since we would prefer spontaneous answers. However, if someone requests a questionnaire, send them one.

Try to do your interviewing in pairs. It's more efficient -- one can talk while the other writes, and you can help each other summarize after the interview. If this is impossible, you can do it adequately alone.

Bring an extra copy of the questionnaire so the respondent can see the questions while you ask them. However, do not leave the questionnaire with them -- we are sending you only a few extras.

## III. How to Fill Out the Questionnaire

Read the questions just as they are written and record the answers in the space provided. (Disregard the numbers adjacent to the answer spaces; they are computer code numbers to help us compile results.)

If the respondent does not understand a question and you do not feel that you can adequately explain it, please note the problem beside the question.

It is possible that respondents will misunderstand the meaning of some of the questions which use statements or assumptions. (For instance, Part II, Q. 3, deals with the loss of programs because of seniority dismissal. If the respondent does not feel that programs are lost for this reason, he may simply answer "no" to the first part of the question.)

Many of the questions use a five-point scale on which to rank answers. Please check the response in the space provided.

Space has been provided for elaboration of answers to closed-end questions. Please encourage the respondent to expand or comment on any of his answers if he wishes to. We would like you to record any comments or further opinions.

Dear

The League of Women Voters of Minnesota is currently studying the state's tenure/continuing contract laws and public employee collective bargaining laws and the effects of this legislation on education.

As a part of this study, we have designed a survey which we hope will provide us with information concerning the attitudes of various segments of the educational community toward tenure and collective bargaining.

We have selected your district as one of the sample districts in which we would like to conduct some in-depth interviews. We hope that you will be willing to help us by allowing League members in your district to interview you and some members of the staff. We will be happy to arrange these interviews at whatever time is convenient.

I will be contacting you for a specific appointment time in the near future. Thank you for your help.

Sincerely,



LEAGUE OF WOMEN VOTERS OF MINNESOTA EDUCATION STUDY OVERVIEW  
1976-77

The Education Committee of the League of Women Voters of Minnesota will be publishing a 12-16 page booklet on Tenure Laws and Public Employee Bargaining Laws and their impact on schools. Preparation for the study has or will include the following:

1. Background reading on tenure and public employee bargaining.
2. 12-15 preliminary interviews to assist in construction of a survey questionnaire.
3. Administration of background information from all school districts where there are League units.
4. Administration of 300 extensive opinion questionnaires to teachers, school superintendents, principals, and school board members in approximately 20 carefully selected representative school districts.

Districts will be chosen on the following criteria: (a) geographic distribution; (b) demographic characteristics (i.e. 1st class cities; older suburbs with declining enrollment; newer suburbs with growing enrollment; medium sized cities -- 10,000 and over; small towns; rural consolidated districts); (c) teacher-school board relationship (i.e. districts where teachers are more militant and districts with a model relationship); (d) level of staff maturity; (e) level of salary scales. Questionnaires will be distributed in the following proportions: 20 school superintendents; 20 secondary principals; 20 elementary principals; 40 school board members; 200 teachers including

|                                  | elementary | secondary |  |
|----------------------------------|------------|-----------|--|
| more than<br>10 years experience | 2          | 2         | plus the head of the<br>teacher bargaining unit<br>in the district |
| less than<br>10 years experience | 2          | 2         |  |

5. Approximately 20 interviews of significant education leaders in the state including: chairman of State Board of Education, head of St. Department of Education; principal lobbyist for MFT and MEA; chairmen of House and Senate Education Committees; head of recertification review board; executive secretary of Minnesota School Board Association; head of Principals' Association; head of School Administrators' Association; mediators and arbitrators of contracts; etc.

The publication will include:

1. Background and evaluation of existing Minnesota tenure and continuing contract laws.
2. Analysis of the impact of the 1974 amendment to the above laws providing "seniority" as the basis for determining the order necessary of staff reductions.
3. Description of the Public Employees Labor Relations Act (PELRA) and its operation.
4. An evaluation of the impact of this collective bargaining mechanism on schools.

SAMPLE LETTER

Dear Superintendent:

The League of Women Voters of Minnesota is doing a study of tenure and continuing contract laws and of Public Employee Bargaining laws in Minnesota. We would appreciate your assistance in gaining some background information from your district.

Please answer these questions as completely and candidly as possible. The enclosed envelope is provided for your convenience in returning this questionnaire.

If you have any questions, please feel free to call me or to write the study chairman, Betty Shaw, at 2649 Huntington, St. Louis Park, MN 55416.

Thank you very much.

Sincerely,

Chairman, Education Committee  
League of Women Voters of

BACKGROUND INFORMATION SURVEY  
LEAGUE OF WOMEN VOTERS OF MINNESOTA EDUCATION COMMITTEE

1. School District Name \_\_\_\_\_  
b. School District # \_\_\_\_\_
2. Number of pupils in district \_\_\_\_\_
3. Number of teachers in district \_\_\_\_\_
4. Number of elementary schools \_\_\_\_\_  
b. Number of secondary schools \_\_\_\_\_
5. Are district enrollments stable, increasing, declining? \_\_\_\_\_
6. Has your district been involved in contract mediation? \_\_\_\_\_  
b. Has your district been involved in impasse arbitration? \_\_\_\_\_
7. Do principals have a bargaining unit in your district? \_\_\_\_\_  
b. Do administrators have a bargaining unit in your district? \_\_\_\_\_
8. Are principals' salaries based on the teachers' salary schedule? \_\_\_\_\_
9. How are principals' and administrators' contracts arrived at? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
10. Has your district ever released a tenured teacher? \_\_\_\_\_  
b. How many in the last 5 years? \_\_\_\_\_  
c. Under what circumstances were they released? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
11. Has your district ever counseled out of teaching a tenured teacher? \_\_\_\_\_  
b. How many in the last 5 years? \_\_\_\_\_
12. Has your district ever gone to court to release a tenured teacher for cause? \_\_\_\_\_  
b. How many in the last 5 years? \_\_\_\_\_
13. Has your district retained a tenured teacher whose job performance was inadequate because of tenure protection? Please elaborate if you will. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
14. How does your district evaluate its teachers? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

How often? \_\_\_\_\_

By whom are they evaluated? \_\_\_\_\_

Is the evaluation voluntary? \_\_\_\_\_ or mandatory? \_\_\_\_\_

15. How are principals evaluated? \_\_\_\_\_

\_\_\_\_\_

How often? \_\_\_\_\_

By whom are they evaluated? \_\_\_\_\_

(Please attach any sample forms for teachers and/or principals' evaluation.)

16. Has your district attempted to negotiate an alternative to the "straight seniority" basis for determining which teachers are laid off? \_\_\_\_\_

b. Were you successful? \_\_\_\_\_



MINUTES OF THE EDUCATION COMMITTEE

August 31, 1976, 7:30 p.m.

PRESENT: Abramson, Hoverson, Bray, Putnam, Clugg, Shaw

Each question on the committee report was discussed and approved, changed or discarded. It was then determined which questions would be asked of which type of school related person. The results of this process are attached.

Connie Hoverson reported on two telephone interviews: 1) with a mediator (name unknown) from the Bureau of Mediation of Services) and 2) with George Jacobs, an arbitrator. (See attached sheets)

The next committee meeting will be Monday, September 13, 1976 at Katherine Putnam's, 3910 Aldrich, Apt. 206, Minneapolis. At this time please bring the results of your sample interviews so that a final judgement can be made on which questions will be most useful for the final questionnaires.

Assignments: Putnam - teachers and teacher representatives (MFT)  
Hoverson - teachers and teacher representatives (MEA)  
Abramson - school board  
Bray - school board  
Clugg - superintendent  
Shaw - public/community people

Other committee members are requested to try out one or more of these interview sheets before the next committee meeting. Shaw will attempt to modify many of the questions into close-ended rather than open-ended responses.

Suggested districts for inclusion in the study:

Austin, Wadena, Anoka-Hennepin, Richfield, Minneapolis, St. Paul, Duluth, Braham, Burnsville, Edina, Hastings, Prior Lake, White Bear Lake, Hibbing, Rochester, Mankato, New Ulm, Winona, Faribault and Morris.

All districts with LWV will be used, but there will be a more concentrated effort to get a total sample from those districts which are felt to be essential to a representative sample.



Cost of arbitration -

PELRA limits pay to arbitrators to \$100/day.

Grievance proceedings -

Parties often get their own arbitrator, rather than going through PER board.  
This is acceptable, if both parties agree on an arbitrator.

Arbitrator must stick to interpreting contract; he cannot rule on what it should have said.

When the PER Board sends a list of S-7 arbitrators to disputing parties, they must pick someone on that list; they cannot request another list.

Arbitration is like a court proceeding, but is not subject to rules of civil procedure.

Parties must be very careful with contract language - must know what every word means.

Arbitration decisions do not set precedents, as court decisions do. Each case is decided on the basis of its own internal issues.

Bureau of Mediation Services - 296-2525

Phone interview with one of the mediators - 8/26/76. Helpful and pleasant.  
Bureau is involved in both public and private sector mediation.  
Staff - 23 people.

Director - Mr. Jones

Mediators - 13

Bureau becomes involved if an employee bargaining unit wishes to get established. They conduct a hearing, and then determine what the bargaining unit will be, who is eligible to belong, etc. Then conduct election to choose bargaining agent. If bargaining agent is certified, it can then conduct negotiations with the employer. If negotiations result in an impasse, parties must go through mediation service. They petition the Bureau for assistance. Bureau has large number of cases. There is often a waiting period before the mediator and the parties can get together. (The mediator I interviewed thought this wasn't so bad. He said it makes them keep talking while they wait for help, or encourages settlement now, because he may not be able to see them again for several weeks.)

Issues are defined during the course of negotiations. He feels "9 out of 10" cases reaching mediation are stuck on economic issues. (Note: I wonder if this is true for school cases. He didn't really know.) When it becomes obvious that a dispute can't be resolved, one of the parties sends a letter to the Bureau requesting certification of impasse. (The moving party is usually the union.)

The Bureau office certifies impasse and does the paperwork - states the issues, and requests final position statements from each party. This material then goes to PER Board. The PER Board handles the arbitration, though the Bureau maintains jurisdiction.

Grievance arbitration - he said that the Bureau does not officially get involved in grievance procedurs. (Steps required to be written into contracts do not (apparently cannot) include a mediation step - appel from top step is to arbitration) However, he said that they sometimes do get involved unofficially to try to help settle before arbitration is necessary.

"Fair share" fee - new addition to PELRA. Bureau handles this. They have received many challenges so far. There will be hearings soon, which he hopes will establish

some benchmarks.. The burden of proof is on the bargaining agent - must prove that they need all the amount they are charging to actually serve as agent for non-members.

MINUTES OF THE SUBCOMMITTEE MEETING

August 23, 1976

PRESENT: Clugg, Hoverson, Abramson, Shaw

Attached is a list of questions which were drawn up at this meeting for submission to the full committee.

Criteria for determining which school districts should be included in the study included: first class cities, old, declining enrollment suburbs, new, growing suburbs, small town and consolidated districts. In addition the sample should include: districts where teachers are more militant, and those where relations between teachers and the school board are modes; districts which are MEA controlled and those that are MFT controlled and those that are evenly divided between the two; districts where the salary schedules are high and where they are low; districts where staff maturity is high and where it is low.

In what ways are tenure laws necessary or advisable for the provision of "quality education? Why or why not?

What if any objections do you have to the tenure/continuing contract laws?

What is the primary purpose of tenure laws?

What, if any, modifications would you make in the tenure/continuing contract law?

Are civil rights and due process protections afforded by the courts adequate to protect teacher rights without a tenure law?

Can the safeguards provided by the current tenure laws be equally well provided by a master contract with a carefully drawn up grievance procedure with final appeal to arbitration? In such a situation, would the contract have to be expanded to cover more areas? What would be the benefits/drawbacks of such an approach?

Do tenure laws lead to professional stagnation or protection of incompetent teachers? Explain?

How does your district evaluate its teachers? How often? By whom are they evaluated? Is the evaluation mandatory or voluntary?

What impact does your evaluation have on professional growth?

Is your evaluation tool useful for determining professional competence? Could this tool be used for determining which teachers should be placed on unrequested leave? If not, why not?

Admin.  
only

Has your district ever released a tenured teacher? Under what circumstances?

Has your district ever counselled out of teaching a tenured teacher? Yes No  
How many?

Has your district ever gone to court to release a tenured teacher for cause?

Has your district ever failed to release a tenured teacher whom you did not feel was doing an adequate job (by their district's standards) because of tenure protection? Why did your district not do so?

Does your district make judgments regarding its staff's professional competency?

What measures have been taken to rid the profession of incompetent members? Who should determine professional competence? How should professional competence be determined?

Should the probationary period prior to tenure be lengthened?

Would more intensive evaluation system during probationary period insure higher quality teaching?

In what way does PELRA provide a process for improving the quality of education in MN?

Are there ways in which PELRA has adversely affected the quality of education in MN?

What changes, if any, in the administration of school districts have resulted from enactment of PELRA?

Since PELRA has there been a change in the relationship between teachers and administration? How are those relationships different now?

Have the relationships become more or less antagonistic?

Has one group become more or less powerful (more or less able to achieve its demands) in relations to the other?

Has PELRA served to assist school districts and teachers reach agreement over contract disputes? In what ways? What processes are still lacking?

Do negotiated settlements consider the school districts' ability to pay (fiscal constraints) or are contracts determined only on their own merits?

In what ways has the collective bargaining process or settlement results been affected by Minnesota School Finance law?

Does the fact that school districts now have operating budget maximums alter the way in which school districts/teachers bargain?

How will UFARS affect the collective bargaining process of school districts?

Does the cost of arbitration or mediation sometimes prove a deterrent to parties seeking this type of help? At what point in the process would this be likely to occur? Under what circumstances? Under what conditions might you receive financial help from your state or national organization?

Do principals and administrators have a bargaining unit in this district?

How are their contracts arrived at? Are their salaries based on the teachers' salary schedule?

What processes have districts adopted to involve teachers in educational policy decisions? To involve principals?

How do school districts/teacher groups determine what is negotiable and which of those negotiable items they will try to actually negotiate?

Which items do school districts/teacher groups feel ought to be negotiable?

In what way are the needs and priorities of the consumers of education (students) given weight and consideration in the collective bargaining process?



Will collective bargaining bring greater accountability of teachers or of school districts?

Has there been any change in public awareness or involvement in school districts since PELRA?

Who represents the community (parents) in the bargaining process?

How responsive are school boards and teachers to public desires?

How are community priorities and needs determined?

Do parents feel their views are represented in the bargaining process? Should they be? How can they be?

Do you find the present method (of seniority) for placing persons on unrequested leave satisfactory? What are its shortcomings? What are the advantages? How would you modify it?

What are the advantages and disadvantages of teacher termination via arbitration?



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TO: Education Committee Members

FROM: Betty Shaw

SUBJECT State Education Committee Meeting DATE Tues., Sept. 21, 1976

**LEAGUE OF WOMEN VOTERS OF MINNESOTA**

555 WABASHA

ST. PAUL, MINNESOTA 55102

PHONE: 224-5445

Jan Brey's house - 7720 Penn Ave. S. Apt. #38, Mpls  
get off 494 at Penn Ave. take North frontage Rd. west to 78th and Thomas  
(last apt. building in the complex)

AGENDA: writing of interview questionnaire

Sept. 13, 1976  
7:30 pm at 3910 Aldrich

Reaction to test questionnaires: Enformation elicited was interesting and useful, however it became clear that the questionnaire lacked focus. The approach was shot gun and how results of the interviews would be organized into a report was unclear. The need and hence the agenda for the meeting, is for a clear determination of what we want to know and a focussing of questions toward answering those basic target areas.

|                   |  |
|-------------------|--|
| Katherine Putnam: | Gary Rogers, asst. ex. secty of MFT #59 Mpls.    |
|                   | Jack Newton, teacher Roosevelt High School       |
| Karen Davidman:   | Denise Gamauche, teacher Roseville Jr. High      |
| Joyce Abramson:   | , school board member, St. Paul                  |
| Connie Hoverson:  | , Richfield MEA president                        |
|                   | , Richfield MEA negotiator                       |
| Lorrie Clugg:     | Jack Greenawalt, Supt. of Schools, Hopkins, MN   |
| Jan Brey:         | Jack Puterbaugh, school board member, Braham, MN |
| Betty Shaw:       | Ilsa Mortensen, community member (parent)        |
|                   | Dale Krishef,                                    |

- \* Why are we losing great teachers while mediocre teachers remain in the system?
- \* Do procedural safeguards for teacher (ie. tenure/continuing contract laws, due process, grievance procedures) make dismissal of ineffective teachers very difficult.
- \* How can the best teachers be retained in a time of declining enrollment.
- \* Can staff balance be maintained under state financing system and seniority dismissal procedures.

From this 3 basic question areas were determined:

I. How are/can institutional incentives be related to job performance?

- |                                |  |
|--------------------------------|--|
| a) tenure                      | g) salary schedule increments            |
| b) recertification             | h) " " lane changes                      |
| c) release time                | i) adopted school board policies, i.e.   |
| d) in service training         | building seniority transfers, class size |
| e) grievance procedures        | j) seniority dismissal procedures        |
| f) district evaluation process | k) right to collective bargaining        |

How can job performance be upgraded via any of these procedures?

II. How can "good job performance" be defined and how is it measured?

- a) While it is certainly true that "good teaching" is defined differently by different people, what attempts have been made in your district to define good middle management (principals) performance?
- b) What attempts has your district taken to measure job performance?
- c) Are "adequate job performance" assessments made on probationary teachers? How is that defined? How is it measured?

III. How does collective bargaining affect educational quality?

1. Have educational programs been lost because of the application of seniority as the bases for unrequested leaves?
2. Has seniority method of dismissal led to teachers teaching in subject areas in which they have little experience?
3. Have educational priorities been altered because of the results of negotiated settlement - i.e. fail to buy a new curriculum because of a higher salary settlement?
4. Have teacher groups been better able to achieve their objectives in terms of wages and working conditions?
5. What successes and problems have been met during impasse arbitration? Is compromise satisfactory to either party?

6 Other

7. What help from your state or national org  
do you receive  
bargain  
grievance

NEXT EDUCATION MEETING: Monday, October 18, 1976, 9:00 a.m.  
At Karen Davidman's home, 2845 Ingle-  
wood, St. Louis Park, MN

Minutes of Education Committee, Tuesday, October 5, 1976

Present: Shaw, Abramson, Davidman, Zidel, Putnam,  
Hoverson, Bray, DeSantis, Rosenfeld, Brooks

A background information survey to be sent out with the Board Memo was constructed.

The opinion questionnaire was reviewed and approved with minor amendments.

A determination was made that the opinion questionnaire would be administered to approximately 300 people in 20 selected districts. See the attached explanation in the "LWVMN Education Study Overview, 1976-77" for details.

Discussion of possible resources for obtaining computer cards, key punch access, and counter sorter or computer time. Vocational High Schools were discussed as a possible place for getting the key punching done or getting access to key punch machines. The use of a count and sort computer program with a hard printout is going to be explored. Several assignments were made for interviewing of significant educational leaders.

Minutes of Education Committee, July 26, 1976  
League of Women Voters of Minnesota

Present at this meeting were: Shaw, Bray, Hoverson, Anderson, Scott, Abramson, Clugg, Davidman, and Putnam

Introductions: Each committee member introduced herself and gave a brief summary of her background and the reasons that brought her to the committee. This was done to help the committee see the biases or points of view from which each person might view the study.

There was a discussion about whether this committee would definitely ask for consensus. The sense of the group was that a consensus would be sought. The most important result of this study was felt to be: ability to lobby. A consensus would not be sought if: (1) lobbying was possible without a new consensus, or (2) it was impossible to provide adequate information for asking decision.

The importance of recognizing the committee's biases and possibility of skewing information toward a preset direction was discussed.

Topic areas were divided among the committee members for preliminary research. Among the questions to be considered were:

- I. To what degree does tenure protect academic freedom?
  - a. What does academic freedom include?
  - b. Is academic freedom a value to be protected?
  - c. Are other methods of protecting academic freedom as effective or more effective?
- II. To what degree does tenure provide job security?
  - a. What degree of job security is necessary and desirable?
  - b. What are the implications of job security for academic freedom?
  - c. Are there more effective ways of providing job security?
- III. To what degree does tenure provide upgraded education?
  - a. Is there any "quality control" exercised by tenure which would be lost by its abolition?
  - b. What would prevent School Boards from maintaining only inexperienced staff to save money?
- IV. To what degree does tenure encourage stagnation and protect incompetence?
  - a. How many teachers have been released for incompetence?
  - b. How many were attempted to be released unsuccessfully?
  - c. How many teachers might be released for incompetence if tenure were non-existent?
  - d. How are stagnation and incompetence to be defined?
  - e. Who is to evaluate teachers for stagnation or incompetence?
- V. To what degree does tenure lock out minorities and women?
- VI. What are the financial implications of tenure for Minnesota school districts?

Other essential research areas included: •

- I. Outline of provisions of PELRA in layman's language.
- II. What items are negotiable at present?
- III. What are salary schedules like, and is there any mechanisms for encouraging high productivity?
- IV. Who should be included in bargaining contracts?
- V. What are the implications of continuing education and in-service education for quality education?



- VI. What are present evaluation and accountability procedures used in school districts?
- VII. What are the implications of the new state accountability legislation?
- VIII. What procedures have been negotiated for unrequested layoffs? Is seniority the universal rule?

AGENDA FOR AUGUST 17, 1976, MEETING  
EDUCATION COMMITTEE  
League of Women Voters of Minnesota

Meeting will be held 9:00 - 11:30 a.m. Tuesday, August 17, 1976,  
at 2649 Huntington, St. Louis Park, Minnesota.

1. Report of basic progress from each member.
2. Development of basic questionnaires for use in interviewing.
3. Development of preliminary list of people to be interviewed.

For research help: Education library is on the 2nd floor of Walker  
Library (East Bank) University of Minnesota. The Education  
Index is helpful for researching in educational journals.

EDUCATION QUESTIONNAIRE

Card 1 COL 1,2,3 interview number \_\_\_\_\_  
1/4-8 District characteristics

PLEASE CHECK HERE WHO YOU ARE INTERVIEWING

Position: Superintendent \_\_\_\_\_ (col 9/1)  
Elementary Principal \_\_\_\_\_ (col. 9/2)  
Secondary Principal \_\_\_\_\_ (col. 9/3)  
School Board Member \_\_\_\_\_ (col. 9/4)  
Elementary teacher with more than 10 years' experience \_\_\_\_\_ (col. 9/5)  
Elementary teacher with less than 10 years' experience \_\_\_\_\_ (col. 9/6)  
Secondary teacher with more than 10 years' experience \_\_\_\_\_ (col. 9/7)  
Secondary teacher with less than 10 years' experience \_\_\_\_\_ (col. 9/8)  
  
President of teacher association \_\_\_\_\_ (col. 10/1)  
Member of teacher bargaining team \_\_\_\_\_ (col. 10/2)

OPINION QUESTIONS

Please check the proper response in the blank provided. Please add any comments after each question in the space provided or on an additional paper (indicate the question # if additional paper is used).

PLEASE READ THE INTRODUCTORY STATEMENT BEFORE ASKING THE QUESTIONS

I. The League of Women Voters of Minnesota has chosen to study the tenure/continuing contract laws and their impact on schools. Please help us evaluate this relationship by answering the following questions:

- 1/11 1. Tenure laws are necessary or advisable to insure academic freedom.  
Strongly agree \_\_\_ (1) Agree \_\_\_ (2) Uncertain \_\_\_ (3) Disagree \_\_\_ (4) Strongly Disagree \_\_\_ (5)
- 1/12 2. Tenure laws are necessary or advisable to allow freedom for differing teaching styles.  
Strongly agree \_\_\_ (1) Agree \_\_\_ (2) Uncertain \_\_\_ (3) Disagree \_\_\_ (4) Strongly Disagree \_\_\_ (5)
- 1/13 3. Tenure laws are necessary or advisable to prevent a "spoils system" or personal favoritism.  
Strongly agree \_\_\_ (1) Agree \_\_\_ (2) Uncertain \_\_\_ (3) Disagree \_\_\_ (4) Strongly Disagree \_\_\_ (5)

- 1/14 4. Tenure laws are necessary or advisable to protect a teacher from community pressure.  
Strongly Agree\_\_\_(1)Agree\_\_\_(2)Uncertain\_\_\_(3)Disagree\_\_\_(4)Strongly Disagree\_\_\_(5)
- 1/15 5. Tenure laws are necessary or advisable to protect against prejudice (ethnic, sex, age, etc.)  
Strongly Agree\_\_\_(1)Agree\_\_\_(2)Uncertain\_\_\_(3)Disagree\_\_\_(4)Strongly Disagree\_\_\_(5)
- 1/16 6. Tenure laws are necessary or advisable to prevent release of high-salaried teachers as a means of budgetary reductions.  
Strongly Agree\_\_\_(1)Agree\_\_\_(2)Uncertain\_\_\_(3)Disagree\_\_\_(4)Strongly Disagree\_\_\_(5)
- 1/17 7. Other reasons for tenure laws are\_\_\_\_\_
- 1/18 8. Please rank the above statement in order of importance for the preservation of tenure laws. (Most important goes in blank #1, etc. Place in the blank the question number which corresponds to the most important reason for tenure preservation. For example: if protection of teaching styles is most important, put the number 2 in blank number 1.)  
1.\_\_\_\_ 2.\_\_\_\_ 3.\_\_\_\_ 4.\_\_\_\_ 5.\_\_\_\_ 6.\_\_\_\_ 7.\_\_\_\_
- 1/19,20 9. If tenure laws were to be modified, what modifications would you find acceptable?  
(Please check any or all modifications that are acceptable.)  
1.\_\_\_\_ abolition of tenure  
2.\_\_\_\_ periodic review and renewal of tenure  
3.\_\_\_\_ contract negotiation of tenure  
4.\_\_\_\_ lengthening of probationary period  
5.\_\_\_\_ shortening of probationary period  
6.\_\_\_\_ no change is acceptable  
7.\_\_\_\_ other (specify)  
\_\_\_\_\_
- 1/21, 22 10. If the tenure laws were to be modified, what modifications would you find desirable?  
1.\_\_\_\_ abolition of tenure  
2.\_\_\_\_ periodic review and renewal of tenure  
3.\_\_\_\_ contract negotiation of tenure  
4.\_\_\_\_ lengthening of probationary period  
5.\_\_\_\_ shortening of probationary period  
6.\_\_\_\_ no change is desirable  
7.\_\_\_\_ other (specify)  
\_\_\_\_\_

- 1/23 11. Can the safeguards provided by the current tenure laws be equally well provided by a master contract with a carefully drawn up grievance procedure with final appeal to arbitration?
- Yes \_\_\_\_ (1) No \_\_\_\_ (2) Undecided \_\_\_\_ (3) No answer \_\_\_\_ (4)

1/24 What would be the advantages of such an arrangement?

1/25 What would be the disadvantages?

ELABORATION ON QUESTIONS 12-15 WOULD BE ESPECIALLY APPRECIATED.

- 1/26 12. Job security provided by tenure laws leads to professional stagnation.
- Strongly Agree \_\_\_\_ (1) Agree \_\_\_\_ (2) Uncertain \_\_\_\_ (3) Disagree \_\_\_\_ (4) Strongly Disagree \_\_\_\_ (5)
- 1/27 13. Job security provided by tenure laws leads to the protection of incompetent teachers.
- Strongly Agree \_\_\_\_ (1) Agree \_\_\_\_ (2) Uncertain \_\_\_\_ (3) Disagree \_\_\_\_ (4) Strongly Disagree \_\_\_\_ (5)
- 1/28 14. Removal of the job security provided by tenure laws would help prevent professional stagnation.
- Strongly Agree \_\_\_\_ (1) Agree \_\_\_\_ (2) Uncertain \_\_\_\_ (3) Disagree \_\_\_\_ (4) Strongly Disagree \_\_\_\_ (5)
- 1/29 15. Removal of the job security provided by tenure laws would encourage the release of incompetent teachers.
- Strongly agree \_\_\_\_ (1) Agree \_\_\_\_ (2) Uncertain \_\_\_\_ (3) Disagree \_\_\_\_ (4) Strongly Disagree \_\_\_\_ (5)

PLEASE READ THIS INTRODUCTION BEFORE THE NEXT SET OF QUESTIONS

- II. In 1974, MS125.12 was amended to include a method for determining how staff reductions are to be made. It says: Teachers who have acquired continuing contract rights shall be placed on unrequested leave of absence in fields in which they are certified in the inverse order in which they were employed by the school district.



- 1/30 1. The seniority rank dismissal procedure is in the best interests of quality education.  
Strongly Agree\_\_\_(1)Agree\_\_\_(2)Uncertain\_\_\_(3)Disagree\_\_\_(4)Strongly Disagree\_\_\_(5)
- 1/31 1b. Why do you believe the seniority rank dismissal procedure is, or is not, in the best interest of quality education?
- 1/32 2. What modifications in the seniority dismissal process would you find acceptable?
- 1/33 3. What modifications in the seniority dismissal process would you find desirable?
- 1/34 4. In many districts, educational programs have been lost or their effectiveness diminished because the application of the seniority dismissal process has led to the release of key teachers. Has this happened in your district?  
Yes\_\_\_(1) No\_\_\_(2) No answer\_\_\_(3)
- 1/35 How detrimental to the quality of education provided has (have) the loss of this (these) program(s) been.  
Very Serious\_\_\_(1)Serious\_\_\_(2)Neutral\_\_\_(3)Not Very Serious\_\_\_(4)Not A Problem\_\_\_(5)
- 1/36 5. Seniority dismissal procedures will lead to an age and experience imbalance in a district's teaching staff.  
Strongly Agree\_\_\_(1)Agree\_\_\_(2)Uncertain\_\_\_(3)Disagree\_\_\_(4)Strongly Disagree\_\_\_(5)
- 1/37 6. How important is a balanced mixture of age and experience in the school district?  
Very Important\_\_\_(1)Somewhat Important\_\_\_(2)Neutral\_\_\_(3)Not Very Important\_\_\_(4)  
Not Important\_\_\_(5)
- 1/38 7. The law on unrequested leaves should be amended to provide that recent teaching experience within a certified subject area be a requirements in establishing seniority rank.  
Strongly Agree\_\_\_1)Agree\_\_\_(2)Uncertain\_\_\_(3)Disagree\_\_\_(4)Strongly Disagree\_\_\_(5)

- 1/39 8. In determining who should be placed on unrequested leave, which set of criteria should be used?
1. \_\_\_\_\_ Seniority only
  2. \_\_\_\_\_ Seniority and some measure of job performance, seniority dominant
  3. \_\_\_\_\_ Seniority and some measure of job performance, equally
  4. \_\_\_\_\_ Seniority and some measure of job performance, job performance dominant
  5. \_\_\_\_\_ Some measure of job performance only

PLEASE READ THE INTRODUCTORY STATEMENT BEFORE ASKING THE QUESTIONS

III. Please help us evaluate the impact of collective bargaining laws, as stated in the Public Employees Labor Relations Act (PELRA).

- 1/40 1. How has PELRA served to assist school districts and teachers to reach agreement over contract disputes?
- 1/41 2. What processes are still lacking?
- 1/42 3. Since PELRA, teachers' groups have been better able to achieve their objectives in terms of wages and of working conditions.
- Strongly Agree \_\_\_(1) Agree \_\_\_(2) Uncertain \_\_\_(3) Disagree \_\_\_(4) Strongly Disagree \_\_\_(5)
- 1/43 4. How effective are teachers in influencing district educational policy decisions?
- Very Effective \_\_\_(1) Somewhat Effective \_\_\_(2) Neutral \_\_\_(3) Not Very Effective \_\_\_(4)  
Not At All Effective \_\_\_(5)
- 1/44 5. How effective are principals in influencing district educational policy decisions?
- Very Effective \_\_\_(1) Somewhat Effective \_\_\_(2) Neutral \_\_\_(3) Not Very Effective \_\_\_(4)  
Not At All Effective \_\_\_(5)
- 1/45 6. Grievance procedures are adequate to remedy justified teacher complaints.
- Strongly Agree \_\_\_(1) Agree \_\_\_(2) Uncertain \_\_\_(3) Disagree \_\_\_(4) Strongly Disagree \_\_\_(5)

- 1/46 7. The administration's responsibility to implement policy decisions is hampered significantly by the possible use of grievance procedures.

Strongly Agree\_\_\_(1)Agree\_\_\_(2)Uncertain\_\_\_(3)Disagree\_\_\_(4)Strongly Disagree\_\_\_(5)

- 1/47 8. What successes and problems have been met during impasse arbitration?

- 1/48 9. Are the compromises satisfactory to either party?

1. \_\_\_\_\_ Satisfactory to teachers, not to school board
2. \_\_\_\_\_ Satisfactory to teachers and school board
3. \_\_\_\_\_ Satisfactory to school board, not to teachers
4. \_\_\_\_\_ Not satisfactory to either

- 1/49 10. In what ways, if any, have educational priorities been altered as the result of a negotiated settlement? (For example, budget adjustments, personnel assignments changed, etc.)

- 1/50, 11. Which of these "non-economic" items do you consider legitimate items to include in  
51 contract negotiations? Check all those you consider negotiable.

1. \_\_\_\_\_ Class size
  2. \_\_\_\_\_ In-service training
  3. \_\_\_\_\_ Prep time
  4. \_\_\_\_\_ Extra duties (hall monitor, lunchroom, etc.)
  5. \_\_\_\_\_ Seniority rank dismissal
  6. \_\_\_\_\_ Affirmative action policies
  7. \_\_\_\_\_ Curriculum planning
  8. \_\_\_\_\_ Alternative teaching styles
  9. \_\_\_\_\_ Building transfer policies
  10. \_\_\_\_\_ Other (specify)
- 

- 1/52 12. Which of these items do you feel are most important to include in contract negotiations? Please rank. (Put the number from question 11 above in blank number 1 for the item considered most important, e.g. if prep time is most important, put a 3 in blank #1.)

1. \_\_\_\_\_ 2. \_\_\_\_\_ 3. \_\_\_\_\_ 4. \_\_\_\_\_ 5. \_\_\_\_\_ 6. \_\_\_\_\_ 7. \_\_\_\_\_

- 1/53 13. Which of these items do you feel are most important to be excluded from contract negotiations? Please rank as in question 12.

1. \_\_\_\_\_ 2. \_\_\_\_\_ 3. \_\_\_\_\_ 4. \_\_\_\_\_ 5. \_\_\_\_\_ 6. \_\_\_\_\_ 7. \_\_\_\_\_

- 1/54 14. Should parents be consulted when negotiation priorities are set?

1. \_\_\_\_\_ By both teachers and school board
2. \_\_\_\_\_ By teachers, not school boards
3. \_\_\_\_\_ By school board, not teachers
4. \_\_\_\_\_ By neither school board nor teachers

PLEASE READ THE INTRODUCTORY STATEMENT BEFORE ASKING THE QUESTIONS

IV. Evaluation

Consideration of the impact on schools of tenure laws and/or collective bargaining seems to lead to an evaluation of teacher and principal job performance. Please help us clarify these processes.

Many things are felt to contribute to improved job performance. Please help us understand how the following items might be best used toward improved job performance.

- 1/55 1a. Teachers who take approved graduate course credits are better classroom teachers than they would be had they not taken the graduate course credits.

Strongly Agree \_\_\_ (1) Agree \_\_\_ (2) Uncertain \_\_\_ (3) Disagree \_\_\_ (4) Strongly Disagree \_\_\_ (5)

- 1/56 1b. Under what circumstances does the taking of graduate course credits improve teaching performance?

- 1/57 2a. Teachers with more years of experience are better than teachers with fewer years of experience.

Strongly Agree \_\_\_ (1) Agree \_\_\_ (2) Uncertain \_\_\_ (3) Disagree \_\_\_ (4) Strongly Disagree \_\_\_ (5)

- 1/58 2b. Is there a point at which additional years of experience no longer yield significant improvement in teaching performance?

Yes \_\_\_ No \_\_\_ Uncertain \_\_\_

- 1/59 2c. At what point do you think further years of experience no longer yield significant improvement?

1. \_\_\_\_\_ After one year of teaching
2. \_\_\_\_\_ After two-four years of teaching
3. \_\_\_\_\_ After five to eight years of teaching
4. \_\_\_\_\_ After eight-ten years of teaching
5. \_\_\_\_\_ After ten to fifteen years of teaching
6. \_\_\_\_\_ Every additional year brings better performance no matter how many years of experience are involved.

1/60 3. Under what conditions does regular evaluation bring improvement in teaching performance?

1/61 3b. Does your district's current method of evaluation have any effect on teaching performance?

1. \_\_\_\_\_ Significantly improves it
2. \_\_\_\_\_ Improves it somewhat
3. \_\_\_\_\_ Has no effect
4. \_\_\_\_\_ Has a somewhat negative effect
5. \_\_\_\_\_ Has a significant negative effect

1/62 4. Present recertification requirements improve classroom teaching performance.

Strongly Agree \_\_\_(1) Agree \_\_\_(2) Uncertain \_\_\_(3) Disagree \_\_\_(4) Strongly Disagree \_\_\_(5)

1/63 4b. Under what circumstances could recertification requirements be made to improve classroom teaching performance?

1/64 5. Does in-service training in your district improve classroom teaching performance?

1. \_\_\_\_\_ Improves it significantly
  2. \_\_\_\_\_ Improves it somewhat
  3. \_\_\_\_\_ Has no effect
  4. \_\_\_\_\_ Has a negative effect by cutting down on classroom contact hours
  5. \_\_\_\_\_ Other (specify)
- 

1/65 5b. Under what circumstances can in-service training improve classroom teaching performance?

1/66 6. Sabbatical leave helps improve a teacher's classroom teaching performance.

1. \_\_\_\_\_ Yes, significantly
  2. \_\_\_\_\_ Yes, somewhat
  3. \_\_\_\_\_ Yes, minimally
  4. \_\_\_\_\_ Has no effect
  5. \_\_\_\_\_ Has a negative effect
  6. \_\_\_\_\_ Other (specify)
-



1/67 7. Does the prep-time allowed teachers improve classroom teaching?

1. ☐ Improves it significantly
2. ☐ Improves it somewhat
3. ☐ Has no effect
4. ☐ Has a negative effect by cutting down on classroom contact yours.

1/68 7b. What amount of prep-time do you consider optimal for improvement in classroom teaching?

1/69 8. Teacher service on school or district committees helps improve the quality of education in the district.

Strongly Agree \_\_\_(1) Agree \_\_\_(2) Uncertain \_\_\_(3) Disagree \_\_\_(4) Strongly Disagree \_\_\_(5)

1/70 8b. In what ways can service on school or district committees help either classroom teaching performance or the over-all quality of education in the district?

1/71 9. In what ways could the rotation of teachers' building assignments improve teaching quality?

1/72 9b. In what ways could the rotation of teachers/ building assignments have a negative effect on teaching quality?

1/73 10. What effect does strong "building morale" for teachers have on the quality of teaching?

1. ☐ Significantly improves it
  2. ☐ Somewhat improves it
  3. ☐ Improves it minimally
  4. ☐ Has no effect
  5. ☐ Other (specify)
- 

1/74 11. In what ways does a teacher's participation in community activities improve his/her teaching performance?

1/75 12. What other factors do you think serve to improve teaching performance?

1/76 13. How do those other factors serve to improve teaching performance?

1/77, 14. Please rank the following in order of their importance to improvement of teaching  
78 performance. Put the letter of the one considered most important in blank #1, etc.

1. \_\_\_\_\_ 2. \_\_\_\_\_ 3. \_\_\_\_\_ 4. \_\_\_\_\_ 5. \_\_\_\_\_ 6. \_\_\_\_\_ 7. \_\_\_\_\_ 8. \_\_\_\_\_ 9. \_\_\_\_\_ 10. \_\_\_\_\_ 11. \_\_\_\_\_

- a. Graduate course hours
- b. Years of experience
- c. Regular evaluation
- d. Re-certification requirements
- e. In-service training
- f. Sabbatical leave
- g. Amount of "prep time"
- h. Service on school or district committees
- i. Participation in community activities
- j. Rotating assignments to different buildings
- k. Strong building morale
- l. Other

1/78, 15. Which of the following should have a role in determining whether a person is a  
79 professionally competent teacher? (Please check any or all that you feel have a legitimate role.)

- a. \_\_\_\_\_ Colleges of education (1)
- b. \_\_\_\_\_ Teacher organizations (2)
- c. \_\_\_\_\_ State Board of Education (3)
- d. \_\_\_\_\_ Board of teacher certification (4)
- e. \_\_\_\_\_ Students (5)
- f. \_\_\_\_\_ Peers (6)
- g. \_\_\_\_\_ Parents (7)
- h. \_\_\_\_\_ Principals (8)
- i. \_\_\_\_\_ District administration (9)
- j. \_\_\_\_\_ Other (10)

2/5 16. From these checked above, please rank in order of importance who should have responsibility for determining professional competence.

(Put the letter for the most important one in blank #1, etc.)

1. \_\_\_\_\_ 2. \_\_\_\_\_ 3. \_\_\_\_\_ 4. \_\_\_\_\_ 5. \_\_\_\_\_ 6. \_\_\_\_\_ 7. \_\_\_\_\_

- 2/6 17. Where on this scale do you think a principal's role should be placed?

Advocate & defender of teachers in building (vs) Implementer of administration policy

/ / / / /  
(1) (2) (3) (4) (5)

- 2/7 18. Where on this scale do you think your principal(s) are?

/ / / / /  
(1) (2) (3) (4) (5)

- 2/8 19. It is a principal's responsibility to incorporate community values and priorities in the educational program of his/her school.

Strongly Agree \_\_\_(1) Agree \_\_\_(2) Uncertain \_\_\_(3) Disagree \_\_\_(4) Strongly Disagree \_\_\_(5)

- 2/9 20. A principal's management effectiveness is diminished by membership in a collective bargaining unit.

Strongly Agree \_\_\_(1) Agree \_\_\_(2) Uncertain \_\_\_(3) Disagree \_\_\_(4) Strongly Disagree \_\_\_(5)

- 2/10 21. How good an indicator of future competence is probationary job performance?

1. \_\_\_\_\_ A very good indicator
2. \_\_\_\_\_ A somewhat good indicator
3. \_\_\_\_\_ A minimally good indicator
4. \_\_\_\_\_ A somewhat poor indicator
5. \_\_\_\_\_ A very poor indicator

- 2/11 How adequate do you feel job performance assessments are for probationary teachers in your district?

1. \_\_\_\_\_ Very adequate
2. \_\_\_\_\_ Somewhat adequate
3. \_\_\_\_\_ Minimally adequate
4. \_\_\_\_\_ Somewhat inadequate
5. \_\_\_\_\_ Very inadequate

- 2/12 22. In what ways have you tried to determine community priorities and needs?

- 2/13 23. In what ways have you been able to use these results?



**LEAGUE OF WOMEN VOTERS  
OF MINNESOTA**

PHONE (612) 224-5445

555 WABASHA • ST PAUL, MINNESOTA 55102

**EDUCATION:**

**ADDITIONAL RESOURCES**

To: Local League Education Chairmen  
From: Nancy Atchison and Jeannette Kahlenberg  
January 14, 1976

Selected Data from UPDATE, Spring 1975

Minnesota School District Profiles (1973-4 figures, generally)

(Complete copy of UPDATE should be available to borrow from your own school district office.)

1. Elementary Enrollment Trends: These figures show "the relationship between the elementary enrollment, grades one through six, in Oct. 1, 1974 to that of Oct. 1, 1973. If the figure is 100%, then there has been no change in enrollments; if it exceeds 100%, there has been an increase in enrollment, with the percent increase equal to the difference between the tabled figure and 100%; and if the figure is less than 100%, the difference equals the percent of decrease. The trend in the elementary grades tends to indicate probable longer range trends in school district enrollment."

| <u>Low District</u>                                  | <u>State<br/>Average</u> | <u>High District</u>                   |
|--|--------------------------|--|
| 80%: Ceylon, Martin Co.<br>Butterfield, Watonwan Co. | 96%                      | 112%: Bellingham, Lac Qui<br>Parle Co. |

2. Total Number of Pupils per Full-Time Equivalent Staff Member: These figures "give the total number of kindergarten, elementary and secondary pupils served per full-time equivalent professional staff member, sometimes called the pupil-staff ratio, as of 1973-74."

| <u>Low District</u>        | <u>State Average</u> | <u>High District</u>            |
|----------------------------|----------------------|---------------------------------|
| 8.4: Humboldt, Kittson Co. | 18.0                 | 23.6: West St. Paul, Dakota Co. |

General note: 41 of 48 metropolitan suburban districts are above the state average. All counties in Region 11 (metro), in Region 7E and in 7W are above state average, as well as 5 of 8 counties in Region 3.

3. Average Salary per Full-Time Equivalent Staff Member: This "is the amount which results when the total professional salaries of the district are divided by the total district full-time equivalent figure. This computation does not take into consideration the average number of weeks worked by the professional staff, a factor which varies from district to district."

| <u>Low District</u>                    | <u>State Average</u> | <u>High District</u>               |
|--|----------------------|------------------------------------|
| Marietta, Lac Qui Parle Co.,<br>\$7228 | \$11637              | Richfield, Hennepin Co.<br>\$15021 |

General note: Region 11 (metro) has much higher average than the rest of the state: \$12,891. Hennepin and Ramsey Counties are the only counties in the state with an average in the \$13000 range.

4. Instructional Salaries per Pupil Unit: This "reports total for salaries of teachers, principals, consultants, coordinators, librarians, guidance and counselling personnel, psychologists and other instruction resource personnel as a cost per pupil unit."

| <u>Low District</u>     | <u>State Average</u> | <u>High District</u>         |
|-------------------------|----------------------|------------------------------|
| \$394: Walker, Cass Co. | \$585                | \$869: Humboldt, Kittson Co. |

General note: 6 counties in the state have average in \$600 range: Hennepin, Ramsey, Mower, Olmsted, Rice and Cook.

5. Percent of Receipts from State Sources: This is the "percentage of 1973-4 receipts which originated from state sources, primarily from state aids."

| <u>Low District</u>        | <u>State Average</u> | <u>High District</u>        |
|----------------------------|----------------------|-----------------------------|
| 20%: Humboldt, Kittson Co. | 53%                  | 85%: Proctor, St. Louis Co. |

6. Average Total Disbursement per Pupil Unit for 1973-4:

| <u>Low District</u>      | <u>State Average</u> | <u>High District</u>  |
|--------------------------|----------------------|---|
| \$849: Foley, Benton Co. | \$1248               | \$2851: Wheaton, Traverse Co.<br>(very high capital outlay) |

General note: Development Region 11 (metro) averages \$1354 and all other regions in the state average from \$1093 to \$1226.

7. State and Local Operating Cost per Pupil Unit: This "is a basic measure used to compare the cost per pupil unit of educating a district's children through the use of state and local financing. Federal financing is excluded because most of such financing is used to solve specific problems rather than to contribute to general education. Other expenditures which are excluded from current expense figures in operating cost are those for transportation and community services, as well as receipts from sale of lunches and materials, student activity receipts in excess of disbursements, and refunds from current expenses. The resulting measure is the cost per pupil unit in 1973-4 and may be used in comparing relative spending levels of the various districts."

| <u>Low District</u>     | <u>State Average</u> | <u>High District</u>   |
|-------------------------|----------------------|--|
| \$541: Walker, Cass Co. | \$859                | \$1515: Humboldt, Kittson Co.<br>(next highest \$1211, Mountain Iron, St. Louis Co.) |

General note: Region 11 averages \$939; Region 3, \$896; all others lower from \$715-\$811.

8. State and Local Effective Cost per Pupil Unit: This "is a new measure first computed in 1975. Unlike the operating cost which relates state and local operating expenditures to pupil units based on actual pupils, the effective cost relates state and local operating expenditures to all pupil units which affect financing. Hence, educational overburden, start-up costs, nonresident pupil costs, declining enrollment support--as well as resident pupils--are allowed for. Any concept of equity of financing for elementary and secondary children permits the differential financing of abnormal costs. Since many of these costs are equated as pupil units, the most notable exception being special costs for education of the handicapped, the effective rate becomes one meaningful measure of the disparities in equal education opportunity financing."

| <u>Low District</u>           | <u>State Average</u> | <u>High District</u>                                     |
|-------------------------------|----------------------|--|
| \$510: Red Lake, Beltrami Co. | \$823                | \$1436: Humboldt, Kittson Co.<br>(\$1173: Mountain Iron) |

General note: Region 11 - \$876; Region 3 - \$852; other regions - \$676-\$794.

The tables on the following page are from the Minnesota School Boards Association "Study on Salaries and Related Information, 1974-5." (The full study from which these figures are taken should be available for Leaguers to borrow from either a school board member or your school district office.)

NOTE TO TABLE I: These figures refer to the "estimated percentage of teachers who are at the maximum for their training lane on the salary schedule." They refer, therefore, only to the "experience factor," not to "training." Generally, 12 years is the most number of years for which experience is counted in salary schedules. These figures indicate that there is no particular pattern in Minnesota, except in the northeast area, to relate geographical factors and/or degree of urbanization to teacher "experience."



# I. Data on School Districts with "experienced" teachers

| Geographi-<br>cal<br>Area | Avg. %<br>tchrs.<br>on sal.<br>max. for<br>exper. | School dist.<br>with highest<br>% tchrs. at<br>max. exper. | % at<br>max.<br>exper. | # of<br>cert.<br>tchrs. | School dist.<br>with lowest<br>% at max.<br>exper. | % at<br>max.<br>exper. | # of<br>cert.<br>tchrs. |
|---------------------------|---|--|------------------------|-------------------------|--|------------------------|-------------------------|
| South east                | 25%   | Mabel<br>Glenville   | 55%<br>55%             | 40<br>41                | Lanesboro  | 2%                     | 36                      |
| South central             | 21%   | Watertown  | 100%                   | 83                      | Nicollet   | 2%                     | 35                      |
| South west                | 25%   | Lake Benton  | 66%                    | 32.5                    | Graceville   | 1%                     | 30                      |
| Metropolitan              | 30%   | So. St. Paul   | 70%                    | 289.5                   | Randolph   | 7%                     | 31                      |
| East central              | 19%   | Clarissa   | 44%                    | 32                      | Finlayson  | 1%                     | 17                      |
| North east                | 45%   | Mountain Iron  | 70%                    | 62                      | Gilbert  | 32%                    | 51                      |
|                           |   |  |                        |                         | Lake Superior                                      | 32%                    | 214.9                   |
| West central              | 25%   | Campbell-Tintah  | 65%                    | 37                      | Henning  | 3%                     | 38                      |
|                           |   |  |                        |                         | Underwood  | 3%                     | 38                      |
| North west                | 20%   | Badger   | 90%                    | 20                      | Littlefork   | 2%                     | 42                      |
|                           |   |  |                        |                         | Red Lake   | 2%                     | 65                      |
| *****                     |   |  |                        |                         |  |                        |                         |
| Minnesota                 | 24%   | Watertown  | 100%                   | 83                      | Graceville   | 1%                     | 30                      |
|                           |   |  |                        |                         | Finlayson  | 1%                     | 17                      |

# II. Data on Salary Ranges in Minnesota, based on "training"

| Geographical<br>Area | School dist. offering highest<br>salary for most training<br>(usually M.A. plus 60 credits)<br>plus maximum experience | Largest dist.<br>in geographi-<br>cal area? | Salary<br>offered |
|----------------------|--|---|-------------------|
| South east           | Rochester (Doctorate)  | Yes   | \$20100           |
| South central        | Mankato (Doctorate)  | Yes   | 18942             |
| South west           | Willmar (M.A. plus 60)   | Yes   | 17360             |
| Metropolitan         | Wayzata (Doctorate)  | No  | 21188             |
| East central         | St. Cloud (M.A. plus 60)   | Yes   | 18897             |
| North east           | Duluth (Doctorate)   | Yes   | 18400             |
| West central         | Moorhead (M.A. plus 45)  | Yes   | 16443             |
| North west           | Red Lake (M.A. plus 30)  | No  | 17464             |

Figures are not available for the number of teachers/district who are actually at the top of each salary schedule for training plus experience. However, these figures do indicate a relationship between degree of urbanization and the highest salaries offered for the highest degree of training. Also, at least 20 metropolitan school districts offer higher top salaries for training plus experience than any others in the state except Rochester.

#### IV. Instructional Staff

Instructional salaries represent approximately 70% of the school operating expenditures which are covered by the foundation aid formula. (Such expenditures, expressed in the language of the State Department of Education, are the adjusted maintenance expenditures.) Considering all expenditures, including capital outlay, debt service, transportation and federally-sided expenditures, instructional salaries are about 51% of the total, according to annual financial reports prepared by the State Department of Education.

The expenditures for instructional salaries per pupil unit will vary considerably from district to district, depending upon (a) the pupil-teacher ratio, (b) teacher experience and (c) teacher training.

In the 1972-73 the range, within the metropolitan area alone, in instructional salaries per pupil unit, was from a low of \$431 to a high of \$773, according to the Educational Research and Development Council.

Each district adopts a salary schedule for teacher compensation. This schedule provides for different compensation based on various combinations of teacher training and experience. A typical salary schedule in the metropolitan area, for example, provides for incremental pay, year-by-year, for the first 12 years of experience, and for additional incremental pay based on additional training (usually college credits, beyond a bachelor's degree. For example, a teacher will receive so much extra pay for 15 credits beyond the bachelor's degree, so much more for 30 credits, for 45 credits, and an MA, and so on.

Here is the framework of a typical salary schedule:

| <u>Years of<br/>Experience</u> | <u>B.A.</u> | <u>B.A. +<br/>15 cr.</u> | <u>B.A. +<br/>30 cr.</u> | <u>B.A. +<br/>45 cr.</u> | <u>M.A.</u> | <u>M.A. +<br/>15 cr.</u> | <u>M.A. +<br/>30 cr.</u> | <u>M.A. +<br/>45 cr.</u> |
|--------------------------------|-------------|--------------------------|--------------------------|--------------------------|-------------|--------------------------|--------------------------|--------------------------|
| 1                              | _____       | _____                    | _____                    | _____                    | _____       | _____                    | _____                    | _____                    |
| 2                              | _____       | _____                    | _____                    | _____                    | _____       | _____                    | _____                    | _____                    |
| 3                              | _____       | _____                    | _____                    | _____                    | _____       | _____                    | _____                    | _____                    |
| 4                              | _____       | _____                    | _____                    | _____                    | _____       | _____                    | _____                    | _____                    |
| 5                              | _____       | _____                    | _____                    | _____                    | _____       | _____                    | _____                    | _____                    |
| 6                              | _____       | _____                    | _____                    | _____                    | _____       | _____                    | _____                    | _____                    |
| 7                              | _____       | _____                    | _____                    | _____                    | _____       | _____                    | _____                    | _____                    |
| 8                              | _____       | _____                    | _____                    | _____                    | _____       | _____                    | _____                    | _____                    |
| 9                              | _____       | _____                    | _____                    | _____                    | _____       | _____                    | _____                    | _____                    |
| 10                             | _____       | _____                    | _____                    | _____                    | _____       | _____                    | _____                    | _____                    |
| 11                             | _____       | _____                    | _____                    | _____                    | _____       | _____                    | _____                    | _____                    |
| 12                             | _____       | _____                    | _____                    | _____                    | _____       | _____                    | _____                    | _____                    |

Different salaries are determined for each step (years of experience) and lane (training). The salary figures are readjusted yearly, almost without exception, in negotiations between teachers and school boards.

# DISTRIBUTION OF TEACHERS BY EXPERIENCE IN SELECTED METROPOLITAN AREA DISTRICTS

| <u>District</u>                | <u>Number of<br/>teachers<br/>1973-74</u> | <u>% with more<br/>than 10 years<br/>experience</u> | <u>% in first<br/>year of<br/>teaching</u> | <u>% of certificated<br/>staff age 55 and<br/>over, 1972-73</u> |
|--------------------------------|---|---|--|---|
| Bloomington-271                | 1,079                                     | 46%   | 3%   | 7%  |
| Brooklyn Center-286            | 106                                       | 56  | 2  | 19  |
| Burnsville-191                 | 474                                       | 15  | 11   | 3   |
| Centennial-12                  | 158                                       | 38  | 11   | 3   |
| Chaska-112                     | 164                                       | 24  | 9  | 10  |
| Columbia Hghts.-13             | 336                                       | 41  | 2  | 9   |
| Eden Prairie-272               | 116                                       | 20  | 3  | 13  |
| Edina-273                      | 451                                       | 32  | 5  | 10  |
| Farmington-192                 | 94  | 36  | 11   | 12  |
| Fridley-14                     | 270                                       | 26  | 10   | 5   |
| Hopkins-274                    | 543                                       | 36  | 4  | 5   |
| Hastings-200                   | 244                                       | 25  | 6  | 3   |
| Inver Grove-199                | 199                                       | 22  | 8  | 8   |
| Jordan-717                     | 67  | 16  | 12   | 12  |
| Lakeville-194                  | 130                                       | 23  | 7  | 7   |
| Mahtomedi-832                  | 98  | 44  | 5  | 10  |
| Minneapolis-1                  | 3,442                                     | 48  | 2  | 20  |
| Minnetonka-276                 | 389                                       | 45  | 2  | 3   |
| Mound-277                      | 175                                       | 46  | 2  | 9   |
| New Prague-721                 | 103                                       | 33  | 17   | 13  |
| Norwood Yng Am.-108            | 52  | 29  | 6  | 10  |
| No. St. Paul-622               | 585                                       | 41  | 2  | 10  |
| Orono-278                      | 132                                       | 42  | 3  | 10  |
| Osseo-279                      | 639                                       | 21  | 5  | 5   |
| Prior Lake-719                 | 110                                       | 23  | 9  | 7   |
| Randolph-195                   | 26  | 1   | 12   | 21  |
| Richfield-280                  | 235                                       | 16  | 5  | 16  |
| Robbinsdale-281                | 1,238                                     | 38  | 1  | 6   |
| St. Anthony-282                | 116                                       | 38  | less than 1                                | 5   |
| St. Francis-15                 | 142                                       | 15  | 12   | 10  |
| St. Louis Park-283             | 511                                       | 53  | 2  | 11  |
| St. Paul-625                   | 2,639                                     | 47  | 3  | 15  |
| So. St. Paul-6                 | 270                                       | 63  | 3  | 12  |
| Spring Lk. Pk.-16              | 191                                       | 27  | 6  | 9   |
| So. Wash. County-833           | 505                                       | 23  | 4  | 5   |
| Stillwater-834                 | 391                                       | 42  | 7  | 15  |
| Watertown-111                  | 80  | 19  | 13   | 9   |
| Wayzata-284                    | 296                                       | 36  | 5  | 9   |
| Total of above named districts | 16,809                                    | 37%   | 4%   | 13%   |

Most of the information above was obtained through the cooperation of the Minnesota School Boards Association. In a few cases school districts made the information available directly to the Citizens League. The last column, % of certificated staff age 55 or over, was taken from a report on file in the Minnesota Department of Education.

## DISTRIBUTION OF TEACHERS BY EXPERIENCE IN SELECTED OUTSTATE DISTRICTS

| <u>District</u>          | <u>Number of<br/>teachers<br/>1973-74</u> | <u>% with more<br/>than 10 years<br/>experience</u> | <u>% in first<br/>year of<br/>teaching</u> |
|--------------------------|---|---|--|
| Albert Lea-241           | 350                                       | 53%   | 3%   |
| Aurora-691               | 139                                       | 47  | 4  |
| Barnum-91                | 43  | 19  | 14   |
| Bemidji-31               | 232                                       | 45  | 7  |
| Brainerd-181             | 422                                       | 41  | 7  |
| Duluth-709               | 1,183                                     | 45  | 5  |
| East Grand<br>Forks-595  | 114                                       | 46  | 10   |
| Elk River-728            | 182                                       | 30  | 10   |
| Ellsworth-514            | 21  | 10  | 5  |
| Fergus Falls-544         | 207                                       | 47  | 9  |
| Floodwood-698            | 27  | 22  | 15   |
| Graceville-60            | 29  | 7   | 21   |
| Grand Rapids-318         | 284                                       | 53  | 2  |
| Hibbing-701              | 290                                       | 57  | 0  |
| Int'l Falls-361          | 162                                       | 67  | 1  |
| Jasper-582               | 31  | 32  | 10   |
| Mankato-77               | 502                                       | 53  | 6  |
| Middle River-440         | 21  | 19  | 19   |
| N. Y. Mills-553          | 45  | 44  | 9  |
| Pipestone-583            | 109                                       | 56  | 6  |
| Stornden-Jeffers-<br>178 | 37  | 28  | 8  |
| St. Peter-508            | 121                                       | 38  | 8  |
| Willow River-577         | 29  | 14  | 3  |
| Wrenshall-100            | 25  | 28  | 4  |
|                          | 4,604                                     | average 42%   | 7.5%                                       |

Most of the information above was obtained through the cooperation of the Minnesota School Boards Association. In a few cases school districts made the information available directly to the Citizens League.

Introduced by Birnstihl, Biersdorf, Metzen,  
Simoneau, Jensen  
January 29th, 1976  
Ref. to Com. on Education  
Reproduced by PHILLIPS LEGISLATIVE SERVICE

✓ HB  
NA H.F. No. 1993  
Companion S.F.  
Ref. to S. Com.

1 A bill for an act  
2 relating to education; providing standards for the  
3 education of handicapped children; requiring a  
4 hearing and appeals process; providing benefits  
5 for all handicapped children residing in the  
6 school district; amending Minnesota Statutes 1974,  
7 Section 120.17, Subdivisions 3, 4, and by adding a  
8 subdivision; and Minnesota Statutes, 1975  
9 Supplement, Section 120.17, Subdivision 1.  
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:  
11 Section 1. Minnesota Statutes, 1975 Supplement, Section  
12 120.17, Subdivision 1, is amended to read:  
13 120.17 [HANDICAPPED CHILDREN.] Subdivision 1. [SPECIAL  
14 INSTRUCTION FOR HANDICAPPED CHILDREN.] Every district shall  
15 provide special instruction and services, either within the  
16 district or in another district, for handicapped children of  
17 school age who ~~are residents of~~ reside within the district  
18 and who are handicapped as set forth in section 120.03.  
19 When the provision of instruction, training, and services  
20 may result in hardship or injury to the child, the school  
21 board may appeal the mandatory provisions of ~~laws 1971~~  
22 ~~Chapter 689~~ subdivisions 1, 2 and 7 to the commissioner of  
23 education who shall determine what provisions shall be made  
24 by the district for the education of the child. School age  
25 means the ages of four years to 21 years for children who



1 are deaf, blind, crippled or have speech defects; and five  
2 years to 21 years for mentally retarded children; and shall  
3 not extend beyond secondary school or its equivalent. Every  
4 district may provide special instruction and services for  
5 handicapped children who have not attained school age.  
6 Districts with less than the minimum number of eligible  
7 handicapped children as determined by the ~~state~~ board shall  
8 cooperate with other districts to maintain a full sequence  
9 of programs for education, training and services for  
10 handicapped children as defined in section 120.03,  
11 subdivisions 1 to 3. A district that decides to maintain  
12 programs for trainable handicapped children is encouraged to  
13 cooperate with other districts to maintain a full sequence  
14 of programs.

15 Sec. 2. Minnesota Statutes 1974, Section 120.17,  
16 Subdivision 3, is amended to read:

17 Subd. 3. [RULES OF THE STATE BOARD.] The ~~state~~ board  
18 shall promulgate rules relative to qualifications of  
19 essential personnel, courses of study or training, methods  
20 of instruction and training, pupil eligibility, size of  
21 classes, rooms, equipment, supervision, parent consultation  
22 and any other rules and standards it deems necessary ~~for~~  
23 ~~instruction of handicapped children,~~ to insure that:

24 (a) All handicapped children are provided the special  
25 instruction and services appropriate to their needs;

26 (b) Handicapped children and their parents or guardians  
27 are guaranteed procedural and substantive safeguards in  
28 decisions involving identification, assessment and  
29 educational placement of handicapped children;

30 (c) To the maximum extent appropriate, handicapped  
31 children, including those in public or private institutions  
32 or other care facilities, are educated with children who are

1 not handicapped, and that special classes, separate  
2 schooling, or other removal of handicapped children from the  
3 regular educational environment occurs only when and to the  
4 extent that the nature or severity of the handicap is such  
5 that education in regular classes with the use of  
6 supplementary services cannot be achieved satisfactorily;

7 (d) Testing and evaluation materials and procedures  
8 utilized for the purposes of classification and placement of  
9 handicapped children will be selected and administered so as  
10 not to be racially or culturally discriminatory; and

11 (e) The rights of the child are protected when the  
12 parents or guardians are not known, not available, or the  
13 child is a ward of the state.

14 Sec. 3. Minnesota Statutes 1974, Section 120.17, is  
15 amended by adding a subdivision to read:

16 Subd. 3a. [HEARING AND APPEALS.] Rules promulgated  
17 pursuant to subdivision 3 shall provide as a minimum:

18 (a) That parents and guardians have an opportunity to  
19 obtain an impartial hearing initiated and conducted at the  
20 local school level. A written transcript of the hearing  
21 shall be made and shall be accessible to the parties  
22 involved.

23 (b) That decisions rendered in the hearing are binding  
24 on all parties unless appealed within 15 days to the  
25 commissioner of education. The commissioner shall issue a  
26 final decision based upon the transcript within 30 days  
27 after receipt of the transcript;

28 (c) That the decision of the commissioner shall be  
29 final unless appealed to the district court of the county in  
30 which the school district in whole or in part is located.  
31 The scope of judicial review shall be as provided in chapter  
32 15.

1       Sec. 4. Minnesota Statutes 1974, Section 120.17,

2       Subdivision 4, is amended to read:

3       Subd. 4. [SPECIAL INSTRUCTIONS FOR NON-RESIDENT

4       CHILDREN.] ~~The parent or guardian of a handicapped child who~~

5       ~~resides in a district which does not provide special~~

6       ~~instruction and services within its district may make~~

7       ~~application to the commissioner for special instruction and~~

8       ~~services for his child under one of the methods provided,~~

9       ~~if the commissioner finds that the local district is~~

10      ~~not providing such instruction and services, he shall~~

11      ~~arrange for the special instruction and services provided,~~

12      ~~if the~~ When a school district provides instruction and

13      ~~services are provided~~ outside the district of residence,

14      transportation or board and lodging, and any tuition to be

15      paid, shall be paid by the district of residence. The

16      tuition rate to be charged for any handicapped child shall

17      be the actual cost of providing special instruction and

18      services to the child including a proportionate amount for

19      capital outlay and debt service minus the amount of special

20      aid for handicapped children received on behalf of that

21      child. If the boards involved do not agree upon the tuition

22      rate, either board may apply to the commissioner to fix the

23      rate. The commissioner shall then set a date for a hearing,

24      giving each board at least ten days' notice, and after the

25      hearing the commissioner shall make his order fixing the

26      tuition rate, which ~~rate shall then~~ be binding on both

27      school districts.

28      For the purposes herein, any school district or

29      ~~unorganized territory or~~ combinations thereof may enter into

30      an agreement, upon ~~such~~ terms and conditions as may be

31      mutually agreed upon, to provide special instruction and

32      services for handicapped children. In that event, one of



1 the participating units may employ and contract with  
2 necessary qualified personnel to offer services in the  
3 several districts~~-or-territories~~ , and each participating  
4 unit shall reimburse the employing unit a proportionate  
5 amount of the actual cost of providing the special  
6 instruction and services, less the amount of state  
7 reimbursement, which shall be claimed in full by the  
8 employing district.



### The Latino in Minnesota: Bilingual/Bicultural Education

#### THE PROBLEM

Latinos, according to some estimates, are the largest minority group in Minnesota. The large increase of Latinos, particularly migrant farmworkers, has taken place fairly recently. As a result of poor educational background and few job skills, the average Minnesota Latino's income is far below that of the average white Minnesotan. Compounding the problem is the fact that a majority of Minnesota Latinos consider English their second language.

Latino student enrollment in the Minnesota public schools is increasing. Academic achievement has been below average according to 1975 Minneapolis Public School achievement tests. The Latino drop-out rate has been 10% higher than that of the average Minnesota student. In 1976, Minneapolis Latino drop-outs outnumbered Minneapolis Latino graduates. Some believe an answer to the Latino's educational dilemma is bilingual/bicultural education.

Very simply put, bilingual/bicultural education consists of instruction in both the first and second language, with the study of the culture and history associated with the child's native language as an integral part of the instruction. According to its proponents, it seeks to bring out the whole individual, and to implement both communicative and linguistic competence. It tries to insure that the child learns the subject matter being taught, as well as learning English, so that instruction may eventually take place in English. It's opponents in Minnesota charge the program with being segregationist, in that by providing separate education for certain ethnic groups, it would isolate them from the rest of the population.

These two opposing educational philosophies will come to a confrontation in the State legislature next session, when a bill will be introduced releasing State monies for a pilot bilingual/bicultural program in Minnesota. If the Latino student is indeed failing in the present school system, and as some believe, a bilingual/bicultural program might remedy this educational crisis, then we believe it deserves objective scrutiny, without the factional controversies that surround this issue. This article attempts to do that.

*Unless otherwise indicated, all data and statistics below are from updated Census material compiled by the Latino Social Service Needs Assessment Committee in St. Paul. Its methods are approved by the U. S. Census Bureau, and its 1976 study is the most extensive Latino population, economic, and educational update of 1970 Census data conducted to date.*

#### DEMOGRAPHICS AND ECONOMICS FOR THE STATE

The following table reflects the new updated figures for Minnesota minorities:

|                         |        |
|-------------------------|--------|
| Latino/Spanish heritage | 49,500 |
| Black                   | 46,300 |
| Native American         | 45,100 |
| Asian American          | 10,200 |

The 49,500 figure only reflects the number of permanent Minnesota residents. This figure swells by 10 to 15 thousand when Latino migrants from the Southwest come into the State to help harvest the crops. The Minnesota Migrant Council has developed a "settle-out" program that helps migrants who want to stay in the State find vocational training and a place to live. This active settlement program has been one of the reasons for the large rise in the Minnesota Latino population. According to the Minnesota Office of Migrant Affairs, approximately 5% of all migrants who come to Minnesota to harvest crops each year decide to settle permanently — a continuous influx of new Latino residents, most of whom have difficulty speaking English.

According to the 1970 Census, 67.4% of Minnesota's Latinos moved into their present home between the years 1965 and 1970. Of all the foreign born Latinos in Minnesota, 47.3% of them state that they migrated to Minnesota between the years 1960 and 1970. This year, the Minnesota Office of Migrant Affairs estimated that a migrant force of 24,000 would enter the State to help with the harvest. It is very possible that the 1980 Census will show an even larger immigration ratio for this decade. Both recent and current trends appear to be increasing Latino migrant settlement in Minnesota. Concurrently, the Latino student population has been increasing yearly.

The enrollment in 1970-71 was 3,810, while in 1975-76 it was 5,040, according to State school district sight counts.



According to 1970 figures, the Minnesota Latino was 6.3 times more likely to have completed no schooling, and 2.9 times more likely to have completed less than eight years of school than was the non-Latino Minnesotan. Census profiles for that year indicate that the Latino was 10% less likely than the average Minnesotan to graduate from high school. They also document that 45% of Minnesota's Latinos aged 25 years and older had not graduated from high school. Statistically, the economic result is that a Minnesota Latino, aged 16-21, who is not a high school graduate, would have an unemployment rate 320% higher than the national average for this age group.

In 1970, the average Latino migrant family consisted of 7.63 members, while all non-migrant Minnesota Latino families had 4.85 members. The Latino in Minnesota had an annual income of less than \$3,000, with 39% making less than \$1,000 a year. The Latino was 1.34 times more likely to be below poverty status (as defined by the Federal government) than the average white Minnesotan, while he was 1.5 times more likely to have an annual income less than half of the defined poverty level. The percentage of Latino families below the 1970 poverty level was 9.7%, while the overall Minnesota average was 8.2%. For unrelated Latino individuals, the figure was 41%.

Statewide, the Latino unemployment rate for 1975 was 9.4, while the 1975 unemployment rate for the State as a whole was 5.9. The Latino in 1975 represented 33% more of the State's unemployed than the Latino proportion of the population would suggest. The Latino was 2.7 times more likely to be an unemployed laborer and 2.2 times more likely to be an unemployed service worker than the average Minnesotan in 1975. In the job market, Latino migrants are at a particular disadvantage because many speak very little English and have almost no job skills beyond farmwork. The following figures indicate that Minnesota's Latinos are over-represented in low-skill professions and are under-represented in upper-level jobs.

| Percent Representational Deviation of<br>Spanish Language Persons Aged 16 and Over,<br>Per Occupational Category, From Spanish<br>Percentage of Minnesota Population, 1970. |                          |
|---|--------------------------|
| Sex and Population  | Representation Deviation |
| <i>Male:</i>  |                          |
| Professional, Managerial  | 20.6% under              |
| Craftsmen   | 20.6% under              |
| Operatives  | 11.1% over               |
| Laborers  | 27.0% over               |
| Farmers   | 92.1% under              |
| Farm Laborers   | 42.9% over               |
| Unemployed  | 33.3% over               |
| <i>Female:</i>  |                          |
| Operatives  | 73.3% over               |
| Clerical Workers  | 33.3% under              |
| Unemployed  | 33.3% over               |

Latinos lack the managerial and technical vocational skills to compete with the rest of the State population, giving rise to the question: Does the State educational system provide Latinos with the skills necessary to improve their economic position?

IN MINNEAPOLIS

The majority of Latinos in Minnesota live in the Minneapolis-St. Paul area (78%). St. Paul has the largest concentration of Latinos, but the Minneapolis population has grown significantly the past few years. Updated 1970 Census data indicates that 11,661 Latinos now reside in Hennepin County, with an estimated 10,000 living in Minneapolis. This figure, when contrasted with the 1970 figure of 3,940, shows a significant increase in the Minneapolis Latino population within a very short period of time. Economically, the figures for the Latino in the Metro area are no better than the statewide figures. While the Metro area unemployment rate for whites was 6.7% in 1975, it was 10.7% for Latinos.

The Latinos in Minneapolis are not situated in one identifiable Latino Barrio, but are spread out all over the city. In this sense, Latinos in Minneapolis encounter many more difficulties than the St. Paul Latino community. Minneapolis Latinos have no physical community where they can go for cultural nourishment and support. They must fend for themselves whether they can speak English or not. There is very little bilingual social service or economic and educational aid designed for Latinos (outside of regular city services).

Both Minneapolis and the rest of the State are faced with educating a Latino population that has difficulties speaking English. According to 1970 Census data, more than 64% of both native and foreign-born Latinos in the State designated Spanish as their native language, and 66.28% of all Minneapolis Latinos reported Spanish as their native language. In other words, a significant number of the Latinos who live and go to school both throughout the State and in Minneapolis feel that English is their second language; and this population is increasing.

In Minneapolis, since 1968, the Latino student enrollment has increased 28.6%; an average of 3.8% a year. This increase of Latino students, when coupled with the 31% decrease in white student enrollment during the same period, indicates that the Minneapolis schools are getting larger percentages of students each year who have very particular cultural and educational needs. Yet in 1975-76, only 34 Latinos graduated from Minneapolis public high schools, while 44 Latinos dropped out of school (7.37% of the total Latino student population). Ten more students dropped out than were graduated. If we follow the Latino class of 1976, we find that 34.1% of them dropped out after their sophomore year. A Metro area 16-17 year old Latino was more likely to drop out of school than an average 16-17 year old student: 12% to 5%.

THE ESL PROGRAM

In light of these disturbing educational facts, what kinds of measures has the Minneapolis School District taken? To begin with, it has taken 12% of all Latino students and put them either in special education or English as a Second Language (ESL) programs. These programs, however, have been in existence for some time and the situation has not improved for the Latino student. The main difficulty with these programs is that they serve only a very narrow, limited purpose: to teach English. The ESL program in particular has been lauded as the answer to the problems of the Latino student by some politicians and educators. It deals with verbal expression, articulation, and speech sounds. Academic work on other areas is put aside in favor of a crash course in English. Students are bused to special schools where they learn English for half a day and then spend the other half in their regular schools participating in courses that emphasize limited English use (manual arts, art, music, etc.). ESL programs emphasize the goals of linguistic competence in a new language but communicative competence is delayed and a child's education is postponed. In Minnesota there are very few, if any, bilingual teachers in the ESL programs. Latino students use of their home language is restricted to small segments of time. Some have complained that program integration into the on-going school curriculum is inadequate, and that there are few efforts to involve parents with schools. Also, administrators in the Minneapolis ESL program have stated that the cultural aspect is very important to a bilingual child's education, but don't feel the ESL program can meet that need.

Latino parents in particular have expressed their displeasure with this program. They feel that it does not allow for the adequate educational and cultural development of their children. They ask: If ESL is adequate, why are Latinos dropping out in larger numbers than whites? Why do they score lower on achievement tests? Latino parents in Minneapolis who have expressed their desire to have a bilingual/bicultural program implemented in the schools argue that this type of program has helped Latino children with similar difficulties all over the country; and Latino parents have been joined by some Minneapolis school officials and teachers in expressing their feeling that the ESL program is not a wholly satisfactory response to the needs of Latinos.

THE CONTROVERSY

The Minneapolis School District has begun to work with the community in meeting some of the cultural needs of Latino students. It has developed a cultural enrichment program that explores many facets of Latino culture. This program only affects six schools and is not purported to be a bilingual/bicultural program. The District recognizes that there is a need for bilingual/bicultural education in Minneapolis, but is constrained from developing a program because of its own budget crisis. The School District, however, has worked with the Latino community to develop a proposal to the Federal government for bilingual funds. So far, the response has been negative (the Federal government seeks to fund school districts with

heavy concentrations of non-English speaking students). In light of this lack of Federal response, the School District and the Latino community have joined forces in supporting and lobbying for the passage of a bilingual/bicultural bill which would come before the State legislature next session. It faces stiff opposition from some senators, especially Jack Davies and Robert Tennesen, who oppose the bill because they feel it "would set up a segregated situation in the schools." They also feel that bilingual/bicultural education would delay the learning of English and would promote separatist sentiment. Another complaint is that the bill does not specifically stipulate bilingual/bicultural education as a transitional program.

However, the ESL program currently utilized is a program that singles out a particular group: the non-English speaking children. This group has money allocated specifically for programs geared toward their needs. The program in Minneapolis also segregates its ESL students by sending them all to one school for English instruction. Last year's bilingual/bicultural bill clearly stated that the program was voluntary and that every effort should be made to voluntarily enroll substantial numbers of English speaking and non-native American students. The bill specifically addressed the issue of physical segregation. Page 5 of the document stated: "Bilingual and Native American language and culture education programs shall be located in the regular public schools rather than in separate facilities. No school district shall, in providing these programs, assign students by race, sex, color, or national origin." The bill further insisted that every effort should be made to insure that children involved in the program participate fully with other students in as many non-verbal subjects and extracurricular activities as possible.

Senatorial opponents of the bill have stated that they would like to see a written clause in the language of the new bill defining the bilingual/bicultural program as transitive. They point to the Massachusetts bilingual statute as an example. If we look closely at that statute, we discover that students who enroll in the Massachusetts bilingual program do so for a minimum of six years. The process may take longer for some students, so they stay in the program longer. The goal of the bilingual/bicultural program is to turn out a student who can communicate, relate and learn in another language and culture. In Minnesota, the program could be as abbreviated as the student and the parent wanted it to be, because it would be purely voluntary. The transitive nature of the program was not written into the old bill, but in practice, the bilingual/bicultural program would be transitive. We believe the issue of transitivity should not be a major stumbling block to passage of the bill. There is really no quarrel between what the State Senators want in the way of a transitivity clause and what bilingual/bicultural education outlines programmatically.

It is clear that there are Latino students who have had trouble succeeding or even staying in school. The ESL program has not been a program that has adequately met the needs of Latino students. The fiscal crisis in many Minnesota school districts has made it difficult to initiate any new program at the local district level. It would seem that the only funding source for a pilot bilingual program would be the State. Yet Minnesota law states that English shall be the exclusive language of instruction in the schools, making it illegal to teach a class in a foreign language for more than one hour a day. This

statute, it can be argued, prevents bilingual children from getting an equal education in Minnesota. The basic premise of the U. S. Supreme Court's landmark *Brown vs. Board of Education* decision was that a state had to provide an equal education to all, on equal terms. This means providing equal access to educational resources and that the state compensate for inequities among children by assuring that all children reach an equal level of educational achievement. Because of linguistic and cultural barriers, Latino children in Minnesota have not had equal access to educational resources and have not reached an equal level of educational achievement. The State requires all children to attend school, thus defining all children by equal terms. But the State also requires English-only instruction, thus deliniating two identifiable classes of children: English-speaking children, who benefit from instruction in a language they can easily understand; and bilingual children (of whom many are Latino), who often cannot successfully compete with English-speaking children. The State's requirement for English-only instruction results in a de facto situation where access to educational opportunity is based on the ability to speak English. Some have argued that problems arising when a bilingual student is forced into an English-only instruction format like the one in Minnesota can hurt a child both psychologically and academically. Putting a bilingual child in an English-only environment and expecting that child to learn to read English before he can understand or speak it seems highly unrealistic. The burden of learning a new language and new course material simultaneously during the first year of his educational experience may create a major roadblock to educational achievement.

## Conclusion

We believe the Minnesota legislature should not set aside its responsibility to educational equality in this State. In areas where it has been given an honest chance to work, the evidence is compelling that bilingual/bicultural education has been successful. There may be more than one bilingual/bicultural bill coming before the legislature next session. These bills will be drawn up in response to the educational needs of Native American, Latino, and other non-English speaking students in Minnesota. They will be designed to bring relief to students who are currently facing an educational crisis in this State. If the State Senators who oppose bilingual/bicultural education think they have an alternative proposal that will do a better job in helping these children, let them bring it forth. If they do not, then we urge that they not stand in the way of a program that has a proven track record of success. We hope that the legislature will not falter in its responsibility to *all* the children of Minnesota.

— This article was written by Arturo Perez, UCM Research Associate.

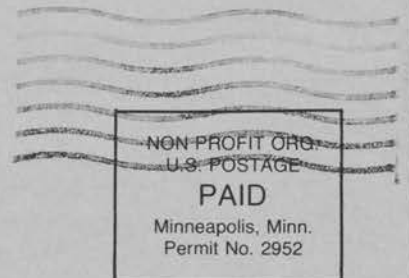
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# EDUCATION: PROBLEMS IN EQUITY

*Public school education is going through a period of change and challenge. Costs are going up while reading scores seem to be going down. Students and teachers are making demands for more equitable treatment, and the public is asking for more accountability. The rights of women and minorities to equal educational opportunities mandated by the courts and new legislation require changes in school practices and assignments.*

*The interest in the quality and survival of the public schools is high; however, many people feel frustrated and unable to find solutions to what appears to be an unending stream of problems in the educational institutions across the nation. While there is no one easy cure to education's current ills, there are many ways that interested citizens can help to make it work better. This publication will discuss several education issues that are currently in the spotlight and give background information and specific suggestions for citizen involvement.*

## Update on school desegregation

Since the historic decision of *Brown v. Board of Education* (1954), school desegregation activity has gradually shifted from the South, where state segregation laws were in force, to the North. Current national opinion polls show that Americans are for integration but against "forced" busing to achieve it. Some civil rights advocates equate antibusing stands with racism but opponents of "forced" busing claim that racism and integration are separate issues. Since 1954 the courts have steadfastly built upon *Brown* in prescribing remedies to dismantle dual school systems. The road to integration has been uneven, but despite delays, setbacks and controversy the nation's schools are being desegregated.

The dismantling of dual school systems did not happen immediately after the 1954 *Brown* decision, nor did school boards move swiftly even after the Supreme Court said in *Brown II* (1955) that the transition from segregated to desegregated schools should be made with "all deliberate speed." Delaying tactics were used by school boards for the next decade. As a result, by 1963-64 only 1.2 percent of black students in the eleven southern states attended schools with whites.

Desegregation was given a boost in 1964 with passage of the Civil Rights Act of 1964. Title VI of the Act says no school district that discriminates on the basis of race, color or national origin in any program or activity can receive federal funds. It further provides for administrative enforcement remedies in cases where the Department of Health Education and Welfare (HEW) is unable to secure voluntary compliance by school districts. The ultimate weapon is the termination of federal funds.

Between 1964 and 1968, the principal mechanism used by school districts to desegregate their schools either voluntarily or pursuant to court orders was freedom-of-choice. The use of freedom-of-choice plans, however, resulted in only minimal desegregation of predominantly white schools, while black

schools remained virtually unaffected. The burden of desegregation fell primarily upon the black community.

In 1968, HEW sent a memorandum to state officials directing school districts to adopt school desegregation plans where reliance on freedom-of-choice had perpetuated dual school systems. These directives were subsequently reinforced by the Supreme Court's decision in *Green v. School Board of New Kent County* (1968). The court directed the New Kent County school board "to formulate a new plan ... to convert promptly to a system without a 'white' school and a 'Negro' school, but just schools."

When administrations changed in 1969, the Departments of Justice and HEW announced a change in policy regarding administrative enforcement under Title VI. Rather than using enforcement proceedings to secure compliance with Title VI, they shifted emphasis to litigation. Rulings of noncompliance in proceedings already underway did not result in termination of federal funds. The dismantling of dual school systems, once impeded by the delaying tactics of southern school districts, was held back by HEW's failure to carry out its Title VI compliance and enforcement responsibilities. Concurrent with HEW's slowdown in implementing Title VI were the public statements focusing on the desirability of maintaining neighborhood schools made by President Nixon.

Predictably, a legal challenge was made to HEW's slowdown in Title VI enforcement. In 1973 plaintiffs in *Adams v. Richardson* alleged that HEW had defaulted in its administration of Title VI. The district court agreed and held that HEW had an obligation to initiate enforcement proceedings once negotiation and conciliation had not achieved compliance. HEW was subsequently ordered to carry out its obligations with respect to several hundred southern school districts. Two years later, the district court found that HEW was still doing no more than soliciting voluntary desegregation plans. Further, the court found that aside from school districts named in the 1973 order, HEW had not initiated a single administrative enforcement proceeding.

## Congressional action

Congress has made repeated attempts to slow down desegregation. The purpose of the majority of the desegregation related bills has been to curtail the use of busing. The Scott-Mansfield amendment formed the basis for antibusing provisions in the education amendments enacted in 1972.

In March 1972, President Nixon proposed two bills to limit busing for racial balance, the Equal Educational Opportunities Act and the Student Transportation Moratorium Act. Neither of these bills passed; however, a modified version of the Equal Education Opportunities Act of 1972 with watered-down antibusing provisions was incorporated in Title II of the Education Amendments of 1974.

The attack on busing was repeated in 1975. This time alarm spread through the civil rights community because the traditional northern liberal opponents to antibusing legislation withdrew their opposition. On September 17, Senator Joseph Biden (D-Delaware), a long-time proponent of school desegregation, introduced an antibusing amendment to the \$36 million 1976 HEW-Labor appropriations bill under consideration. This amendment would have prohibited HEW from withholding funds from any school district in order to get it "to assign teachers or students to schools, classes or courses for reasons of race." HEW criticized Biden's amendment because it would have prevented the use of school or classroom desegregation remedies other than busing. Biden introduced a second amendment in order to clarify his first which he said was intended to affect forced busing only. Although both of his amendments passed the Senate, neither was adopted by the conference committee.

Observers noted that this antibusing fight was the most intensive antibusing campaign ever waged in the Senate. The fact that of the 14 senators supporting Biden's first amendment, 10 have voted against such antibusing amendments in the past, indicates that the resistance to busing as a school desegregation remedy is growing.

# current focus



## The courts and metropolitan desegregation

Eventually, metropolitan school desegregation plans may be implemented to overcome segregation in predominantly black central cities ringed by predominantly white suburbs, but to date the courts have limited the applicability of desegregation plans to the confines of central cities. Two cases of note in which the issue of metropolitan desegregation was raised are *Bradley v. School Board of Richmond* and *Milliken v. Bradley*.

**Richmond:** In *Bradley* (1972), federal district court judge Robert R. Merhige found that de jure segregation existed in Richmond's public schools. To end segregation, he ordered the merger of Richmond's school system, whose student enrollment was over 70 percent black, with those of the surrounding Henrico and Chesterfield counties, whose student enrollments were over 90 percent white. Merhige found consolidation to be "a first, reasonable and feasible step toward the eradication of the effects of the past unlawful discrimination." His order would have created a metropolitan school system with the percentage of blacks in each school ranging between 20 and 40 percent. Although 78,000 students would have been bused in the process, this represented an increase in busing of only 13 percent. Merhige's far-reaching decision was overruled by the Fourth Circuit Court of Appeals. The court of appeals did not find the racial composition of schools in Richmond and the contiguous counties to be a result of state action, and, therefore, concluded that no constitutional violation had occurred. The Supreme Court subsequently split 4-4 on *Bradley*, thus the court of appeals' decision stands.

**Detroit:** In 1970, the Detroit school board adopted a voluntary desegregation plan to partially desegregate its high schools. The plan, however, was subsequently rescinded and the NAACP, et. al., filed suit in *Milliken v. Bradley*, alleging that racial segregation existed in Detroit's schools as a result of official state actions and policies. In 1973, a federal district court found that de jure segregation did exist and ordered the board of education to submit desegregation plans for the city and the state to submit desegregation plans for a three-county area encompassing 85 school districts. The district court judge designated 53 suburban districts to be included in a metropolitan desegregation plan. The court of appeals upheld the district court, but the U.S. Supreme Court did not. In its 5-4 1974 decision, the Supreme Court concluded that there was no evidence that acts of the outlying districts caused the discrimination found to exist in the Detroit schools. Although some observers might stop short of saying that interdistrict busing is dead forever, in view of the Supreme Court's decision it is not likely that metropolitan school desegregation plans will be implemented in the very near future.

## School desegregation and white flight

How many white students flee public school systems as a result of desegregation? This is an emerging issue, one certain to be debated considerably years hence and one which has already stirred up great controversy in the social science community.

**Loss of whites:** James S. Coleman raised the question in his analysis of *Trends in School Segregation 1968-1972*, a study he and others conducted and released in 1975: "Is the loss of whites from the central city schools accelerated when substantial desegregation takes place?" He found that the average loss of whites present at the beginning of the year desegregation took place was 5.6 percent in the 21 largest districts and 3.7 percent in the next 46 largest districts. He concluded that the emerging problem is one of segregation between city and suburbs and that the current means by which schools are being desegregated are intensifying rather than reducing the problem. The emerging problem of increased segregation in central cities is brought about by a loss of whites. The loss proceeds at a relatively rapid rate when the proportion of blacks in central cities is high and the proportion of whites in the suburbs is high.

**Controversy:** Following the release of this study, a plethora of articles on Coleman's research and his anti-court-ordered busing views were published. The essence of Coleman's remarks was that current desegregation plans are self-defeating since they led to a re-segregation of metropolitan areas. Because Coleman's 1966 report, *Equality of Educational Opportunity* had been used extensively by prointegrationists to support their fight for school desegregation, Coleman's research and opinions were given a lot of weight; they were also viewed with alarm by school desegregation proponents.

The confusion between Coleman's research and his personal views on court-ordered busing was expressed by Thomas Pettigrew and Robert Green in their "Reply to Coleman": "Throughout the furor there has been a confusion between his limited research and his sweeping views against court-ordered desegregation... the connection between Coleman's views and Coleman's research is tenuous at best and quite conflicting." Pettigrew and Green, like many other social scientists, were concerned about the ethics involved: "Every social scientist, like any other citizen, has a right to express his full political views on any subject without the support of research results. Ethical problems arise... when the social scientist's views are put forward not as political opinions at all but as a results of his own extensive scientific investigation, as 'new insights from recent research'."

Pettigrew and Green noted that other studies using comparable data did not show the same significant cause-effect relationship between desegregation and white flight that Coleman's study had. Reynolds Farley's study did show a relationship between the two, but it indicated that whites leave cities for other reasons. As he stated, "We have shown that cities whose schools were integrated between 1967 and 1972 did not lose white students at a higher rate than cities whose schools remained segregated."

Sorting out the specific factors and measuring the degree to which they cause the outmigration of whites is a difficult, complex process, but one which deserves serious study. Gary Orfield noted in a 1975 report that the factors influencing outmigration are many and diverse: availability of federal subsidies for housing, decline in the level of central city services, movement of jobs to suburban areas, major urban riots and fear of violence are among the contributing factors. These factors alone would be influential enough to prompt a family that is able to move to do so and the adoption of a school desegregation plan might give that family the added impetus. Not only whites are fleeing. Research indicates that black middle-income families are increasingly moving to suburban areas. Central city black school enrollments are stabilizing and declining in some instances. Between 1970 and 1974, Washington, D.C. lost five percent of its black population, while the black population of the surrounding suburbs increased 61 percent during the same time. As Orfield noted, the most conclusive statement that can be made about the Coleman report and the relationship between desegregation and white flight is that available studies indicate that school desegregation, in itself, does not cause substantial white flight.

## School desegregation is working

Statistics don't appeal to the emotions the way that rhetoric does, yet it is necessary to cite them to put the hue and cry about massive forced busing into perspective. In a 1975 report, the U.S. Commission on Civil Rights noted that less than four percent of the busing of school children can be attributed to school desegregation. In 1972, less than one percent of the increase in bus transportation was due to desegregation. While 43.5 percent of all school children ride buses to school, only 3.7 percent of all educational expenditures are allocated for transportation and less than one percent of the increase in busing costs is due to desegregation.

The Supreme Court decided in *Swann v. Charlotte-Mecklenburg Board of Education* (1971) that the use of busing was an acceptable remedy to desegregate schools. This was the first time that the Court considered the type of remedial action needed to create a unitary school system. Unfortunately, the furor over busing, together with the debate over school desegregation and white flight, lack of affirmative national support and congressional actions taken to curb its use, have obscured the reality that school desegregation plans, with and without busing, are being implemented successfully.

**Common problems:** Since 1972, the U.S. Commission on Civil Rights has investigated the school desegregation operations of 19 communities to "identify problems which recur in school districts undergoing desegregation and to describe how they have been met." Some of the communities were under court orders to desegregate, others were implementing HEW plans, still others were desegregating voluntarily. These communities were located in urban, rural and suburban areas, north and south. In all of its investigations, the commission has found that the transition is "almost never a totally smooth one. Mistakes frequently are made, petty incidents can throw an anxious community into confusion and schools that seem to have turned the corner toward total success suffer serious setbacks." Teacher adjustment, displacement of black officials, resegregation of students within schools by ability grouping, real or imagined

unfairness in student discipline, and community anxiety were problems common to several communities. Among the cast of players, students created the fewest problems. The commission stated in its 1972 report that students "adjusted quickly and smoothly to the new school environment, often despite fears and anxieties of their parents."

**Keys to success:** The commission's investigations have not resulted in a fool-proof plan of action, yet they have been able to isolate some of the key elements which contribute to successful school desegregation operations. Briefly, they are: • Determination of the school board and administration to carry out the desegregation plan and to do so firmly and unswervingly • Support by the news media, local officials and civic leaders; • Distribution of the burden of desegregation proportionately among the community; • Involvement of parents as active participants, including keeping them thoroughly informed and soliciting their advice and suggestions; • Development of procedures to assure firm but fair and impartial discipline of students and their full participation in school activities; • Efforts to improve the quality of education during the desegregation process.

**Boston's experience:** It was the lack of many of the above elements that contributed to the nationally publicized disruption in Boston when that city's schools underwent Phase I of a court-ordered desegregation plan involving busing in September 1974. Prior to Phase II of Boston's desegregation plan, which was to go into effect September 1975, the U.S. Commission on Civil Rights held hearings which focused solely on the implementation of desegregation during Phase I. The commission found that most of Boston's schools desegregated "reasonably well." However, severe problems were created by the lack of affirmative leadership of city officials, the lack of preparation by the Boston school department and the open defiance of the plan by some members of the Boston school committee.

Mayor Kevin White was commended for his public education efforts during Phase I, in which he held coffees in the homes of persons opposed to court-ordered busing. However, the commission labeled his position on upholding the law "ambivalent" and noted that he considered himself a broker in the desegregation process, a position it found indefensible since the main point of contention was the enforcement of the law. In addition, the commission found that the religious community, social action agencies and the business community could have been more vigorous in their support of desegregation and busing.

Overall, the majority of Boston's schools desegregated "reasonably well" the commission reported. The schools that were successful "were characterized by 'strong' administrators who planned ahead and who were both consistent and positive in their policies. Students in these schools were found to have accepted one another and to have functioned without obvious tension and conflict." The attitude of parent and community groups was crucial. In those schools where desegregation went reasonably well, "organized and aggressive antibusing groups were either absent or were effectively neutralized by positive community forces."

Communication, planning ahead, involvement of all affected parties, affirmative leadership and support of the media and civic groups are elements which contribute to successful school desegregation operations. Even Boston's experience proves that where these elements are present, school desegregation can work.

## Pregnant girls, teenage mothers

One of the tragic consequences of teenage pregnancy is exclusion from the education process. In *Children Out of School in America*, the Children's Defense Fund (CDF) reports that its survey of over 6,500 families in 30 sites around the country revealed that 5.8 percent of the children aged 6-17 excluded from school were pregnant and an additional 2.4 percent "wanted to get married." Pregnancy ranked as the third most frequently cited reason for being out of school.

Other figures confirm the incidence of teenage pregnancy and establish the attrition rate of teenage mothers from the education process. In a November 20, 1973 speech before a Conference on School-Age Parents in Columbia, South Carolina, Cyril Busbee, South Carolina state superintendent of education, stated that one out of every 10 school-age girls is a mother (about 210,000 such pregnancies per year) with one-sixth of the total number under 16 years of age. Moreover, about 85 percent of all teenage mothers keep their children. Busbee concluded that pregnancy is the major known

cause of dropouts among girls in this country.

In a recent article in the *New York Times Magazine* (February 22, 1976), Leslie Aldridge Westoff establishes that the high national figures on teenage pregnancy cut across class and race lines. Her focus is on the rapidly growing number of white middle class unmarried girls who reject abortion and adoption and decide to have and keep their babies.

Statistically, all indications are that both teenage pregnancies and single-parent households are rising. Westoff points out that between 1971 and 1974, there was a 12 percent increase in illegitimate births to white girls ages 15 to 19 (with a corresponding 5 percent increase among black teenagers). Over the same period, illegitimate births to white girls under 15 increased by 32 percent against a 3 percent increase for blacks. More white teenagers have begun to keep their babies. While in 1966 an estimated 65 percent of white illegitimate babies were given away for adoption, a 1971 Johns Hopkins study put the estimate at 18 percent.

Most exclusions of pregnant girls and teenage mothers result from informal advice in favor of "voluntary withdrawal" rather than from overt policies. As the CDF study stated, educators' attitudes "are enough to convince most of them that they are not wanted." Although home or alternative instruction may be available in some school districts, many of these programs are tantamount to exclusion, particularly home tutoring programs, which usually consist of only a few hours a week. Senator Birch Bayh stated in the *Congressional Record* (October 17, 1975) that despite the fact that most pregnant girls are physically able to remain in their classes, less than one-third of the 17,000 school districts in the United States make any provision for the education of pregnant girls. "In the others, teenage parents are often prohibited from continuing their education or are removed from regular student rolls and placed on rolls of special students. This reclassification limits the range of educational courses and services available to them."

Pushing pregnant girls and teenage mothers out of school, or failing to provide positive incentives through adequate education, counseling and support services for them to stay in school, compounds the grave psychological, social, medical and economic problems they face. Sen. Bayh (*Congressional Record*, October 17, 1975) enumerated some of the difficulties that all too frequently accompany teenage pregnancies. Of the 60 percent of teenage mothers who currently marry by the time they give birth, two out of three will be divorced within five years. The suicide rate among pregnant students under age 18 is 10 times greater than the rate among the nonpregnant population. And the consequences extend to the children—a high proportion of the children kept by their teenage mothers at birth will eventually be relinquished to foster or institutional care during the preschool years, often as abused or neglected children.

Many of the problems associated with teenage motherhood relate directly to economic strain. Failure to finish her education makes the likelihood of the teenage mother's ability to support herself and her child slim. Even for white middle class girls, the economic burdens of caring for a child are overwhelming if parents don't take over the major share of responsibility.

Assuring the right to an education can be the critical factor in helping pregnant girls and teenage mothers cope with the strains of their situation. As *Children Out of School in America* points out, "These students need to complete their education as much as other students. If they are forced out, the consequences to themselves and their children—two generations of children ill-equipped for full participation in society—are a tremendous cost to bear." The "consequences" can include the cycle of economic dependency and its attendant problems—a cycle which staying in school can break by helping girls to maximize their chances for economic self-sufficiency.

## Relevant court decisions, laws and regulations

Local school district policies on pregnancy vary widely and in many cases are unwritten. Moreover, exclusion of pregnant girls is often an unofficial practice even in school districts that have reasonable policies on record. However, several key lower court decisions have established the right of pregnant girls to an education. In *Ordway v. Hargraves* (Massachusetts, 1971), a federal court ruled that a pregnant girl could not be excluded from school on the ground that attendance would either endanger her health or cause a disruption. In *Perry v. Granada* (Mississippi, 1969), another federal court ruled that exclusion solely on the basis of unwed motherhood was a violation



of equal protection under the U.S. Constitution. While these and other cases have established legal precedents for the right to education of pregnant girls and teenage mothers, the Supreme Court has never directly reviewed these rights.

The variability of local policies regarding teenage pregnancy and motherhood will be drastically affected by the implementation of Title IX of the Education Amendments of 1972, which for the first time establishes a national policy on sex discrimination for institutions receiving federal aid. The Title IX regulations forbid discrimination or exclusion from any class or extracurricular activity on the basis of "pregnancy, childbirth, false pregnancy, miscarriage, abortion, or recovery therefrom." Pregnancy is to be treated like any other temporary disability, which means that pregnant girls cannot be required to produce a doctor's certificate to remain in or return to school unless that requirement is ordinarily made of students with other temporary disabilities. Marital status cannot affect treatment of a pregnancy. If a student elects to take a temporary leave of absence, she must be reinstated when she wishes to return to school.

A key provision of the regulations is that while school districts are not barred from providing separate classes or programs for pregnant students, no student can be required to enroll in them or be home tutored. Whether or not she chooses to remain in a regular classroom is the option of the student. Moreover, a separate program provided by a school district must be comparable educationally to the instruction provided in a regular classroom. (See the article on Title IX for information on implementation timetables.)

Although there is a variety of federal-level legislation that affects pregnant girls and teenage mothers, there is to date no specific legislation targeted to their needs. Existing federal programs which can provide services include Titles IV-B (child welfare services), V (maternal and child health services), and XX (social services) of the Social Security Act; the Women, Infants and Children supplemental feeding program (of the Department of Agriculture); and Title X (family planning) of the Public Health Service Act. However, all of the existing categorical programs which have the potential for serving pregnant girls and teenage mothers have so far been funded at hopelessly low levels. Both Senator Bayh and Senator Edward Kennedy have introduced legislation before the Senate that addresses the problems of pregnant girls and teenage mothers, but as of this date mark-up has not yet been scheduled for either bill in the Subcommittee on Health.

## What you can do

Since the Title IX regulations now define what is essentially a national policy on pregnant girls and teenage mothers, monitoring the implementation of these regulations is critical. See the Title IX article for suggestions on monitoring implementation of the Title IX regulations. It is especially important to find out what the school district's "old" policy was, written or unwritten, and to make contact with the appropriate policy makers to find out how the policy is being adjusted, if at all, in light of Title IX.

Stopping the exclusion of pregnant girls and teenage mothers from school does not involve new programs or new money—it involves implementing the mandate of the Title IX regulations. Although school districts have until July 21, 1976 to come up with their complete self-evaluation, there is no excuse for exclusions to be tolerated in the interim. Since exclusion of pregnant girls has traditionally been subtle, it is important to remember that the Title IX regulations emphasize the relevance of procedures as well as policies. If a school has a nondiscriminatory official, written policy but in practice follows traditional patterns of discrimination, it is in violation of Title IX.

If your school district sets up separate facilities for pregnant girls, try to find out whether they meet the Title IX standard of educational comparability by talking with students and teachers and visiting the facility. If a school system chooses to set up a special program outside the framework of the regular classroom, it must be careful to assure that special services provided such as counseling, prenatal care, and courses in child development are a supplement and not a replacement for academic instruction. Study the information available on the various kinds of special programs that have been implemented around the country. Familiarity with both the successes and failures of existing "comprehensive" programs will give you a better basis on which to assess programs in your community and have input into the development of improved or new programs.

Find out whether your school district and/or local government are

receiving any federal or state funds to run programs that are providing or could provide services for pregnant girls and teenage mothers. Examine those programs not only to assess what services they provide but also to evaluate how they are coordinated with the school district's policies and programs.

Full compliance with Title IX vis-a-vis pregnant girls and teenage mothers clearly involves not only elimination of old policies of outright exclusion and benign neglect, but also establishment of affirmative action programs in the form of positive incentives to help them remain in school. And it is unlikely that the past patterns will be overcome without vigilant citizen advocacy.

## Discipline

Exclusion of children from school through disciplinary practices has reached alarming proportions nationally. In a report entitled *School Suspensions: Are They Helping Children?* published in September 1975, the Children's Defense Fund (CDF) reported that one in every 24 children enrolled in the 2,862 school districts reporting to the Office for Civil Rights (OCR) was suspended at least once in the 1972-73 school year. At the secondary level, the number rose to one out of every 13 children.

The OCR data analyzed by CDF shows that suspension is a nationwide problem. However, the burden falls disproportionately on black children, who are suspended at twice the rate of any other group.

High as the national OCR figures are, they actually represent an undercount because they do not include all those children excluded by informal methods such as "cooling off" periods, "voluntary" withdrawals, misplacement into special education classes, forced transfers back and forth among schools or thousands of dropouts who simply decided not to return to school once they had been suspended.

Moreover, not all school districts were included in the OCR survey, many school districts either failed to report suspensions or reported them inaccurately, and no count was made of multiple suspensions. CDF's door-to-door survey showed that 40 percent of suspended students had been suspended two or more times and 24 percent were suspended three or more times.

The subject of school suspensions is surrounded by a series of myths. Many people assume that suspensions affect only a few troublemakers who cause violence and vandalism. It is also widely assumed that suspensions are an effective educational tool, fairly administered and used only after other alternatives have been tried and failed.

*School Suspensions* states, however, that "the number of truly dangerous and violent children in schools is very small" and that "most children who commit violence and vandalism are not suspended but expelled." In fact the vast majority of suspensions are for nonviolent offenses: CDF's survey found that 63.4 percent were for nondangerous offenses (for example, 24.5 percent were for truancy and tardiness). Less than three percent were found to be for destruction of property, the use of drugs or alcohol, or other criminal activity. The high proportion of suspensions handed out for truancy and tardiness is particularly troubling, since it fails to deal with the underlying problems of why the children are truant or tardy and simply sends them out into the street—possibly the worst alternative.

Suspensions are often imposed arbitrarily, without prior notification of parents and students and without giving the students an opportunity to explain their side of the story. Only 3.4 percent of the suspended children in CDF's survey had a hearing.

There is tremendous variation in the length of suspensions and in the numbers of kinds of suspendable offenses among school districts and even among schools in a single district. Much of the inconsistency regarding discipline comes from the fact that too few school districts establish or disseminate written policies on discipline. When no clearly established and understood policy exists, defining suspendable offenses is left to the whim of individual administrators and teachers.

Most suspensions do not serve any demonstrated valid interests of students or schools, and they are frequently used by school officials instead of confronting tougher issues: ineffective and inflexible school programs; inadequate communications with students, parents and the community; and a lack of understanding about how to serve children of many different backgrounds and needs. The most frequently stated official rationale for suspensions among school officials interviewed for the CDF survey was to get the parents into school—a striking index of the lack of communication between schools and parents.

## Relevant court decisions, laws and regulations

In 1975, two landmark Supreme Court decisions, *Goss v. Lopez* and *Wood v. Strickland*, laid down important precedents in the area of disciplinary action against students. Although a number of lower court rulings had begun to acknowledge hearing rights, it was not until *Goss* that the Supreme Court recognized the hearing rights of children threatened with disciplinary exclusion from school. A month later the *Wood v. Strickland* decision recognized the right of students to recover damages from school officials whose actions violate a student's constitutional rights.

The *Goss* decision outlined what every student's minimal hearing rights are when faced with a suspension of less than ten days. Before suspensions can take place, students must be given oral or written notice of the charge against them. If they deny the charge, they must be given an explanation of the evidence against them and a chance to explain their side of the story. Students must be told what they are accused of doing in enough detail to defend themselves. Hearings must be held before students are sent home from school, except in the narrowly defined circumstance of continuing danger to persons or property or threat of disrupting the school. Under the exception, a hearing should be held no later than the next day. In most such suspensions, schools need not allow students the opportunity to have a lawyer, to listen to and question witnesses testifying against them or to call witnesses to support their case. Students and parents can, however, request a formal hearing.

Even though *Goss* did not go very far in establishing procedural hearing rights, some lower court decisions, several states and school systems have established more extensive hearing rights in some school districts. As a result of the *Mills* decision (1972), Washington, D.C. students faced with a suspension of more than two days must receive a hearing before an impartial hearing official. At this hearing students are entitled to be represented by an attorney, law student or community advocate. They may question witnesses testifying against them and have the right to bring their own witnesses. Similar rights have been established in New York, New Jersey, Philadelphia, parts of California, Maryland, North and South Carolina, Virginia, New Hampshire, Washington and several other states for suspensions of five days to ten days.

On the issue of long-term suspensions the *Goss* decision said only that "longer suspensions (more than ten days) or expulsions for the remainder of the school term, or permanently, may require more formal proceedings." The decision also did not address the question of the nature of offenses which can be punishable by disciplinary exclusion or the severity of that punishment.

OCR requires school districts to report data on suspensions and expulsions. Although OCR has not developed a comprehensive compliance program to combat its own findings of racially discriminatory discipline policies, it has recently revised its requirements for record-keeping on student discipline procedures and actions.

In August 1975 OCR issued a memorandum setting forth some precise record-keeping and reporting requirements on discipline to chief state school officers. This memorandum stated that "in many hundreds of school systems around the nation, minority children are receiving a disproportionate number of discipline actions in the form of expulsions and suspensions and are being suspended for longer periods than nonminority children." OCR also stated that in order to bring about compliance in school systems where there appear to be violations of Title VI (of the Civil Rights Act of 1964) and Title IX (of the Education Amendments of 1972), it would require school districts to furnish a number of documents relating to student discipline actions. The documents include state statutes; written statements on school policy, standards, practices and procedures for discipline; a detailed account of the numbers of students suspended (by racial and ethnic designation, sex, school attended, offense, person(s) reporting offense and imposing action, and accounting of the procedural history of the case); a detailed log of formal and informal hearings (including referral to special classes for behavior modification and transfers); an accounting of dropouts and the reason for withdrawals; and a log of referrals of discipline cases to courts or to juvenile authorities.

In a memo released in January 1976, OCR retreated significantly by making the list of documents illustrative rather than definitive and pushing back the timetable for implementation. Under the watered-down guidelines, OCR permits school districts which maintain discipline records in formats other than the one described in the original

memo to continue to use them. Further, although OCR "strongly encourages" implementation of the new reporting requirements during the 1975-76 school year, school districts are not required to adopt them until the opening of the 1976-77 school year. Finally, OCR has decided that for now the record-keeping requirements will be limited to the 3,000 or so school districts in the nation that enroll significant numbers of minority children.

The comprehensive Juvenile Justice and Delinquency Act of 1974 includes help for states and local communities to develop programs that will reduce juvenile delinquency by keeping students in school "through the prevention of unwarranted and arbitrary suspensions." Funding is provided through formula grants of no less than \$200,000 annually made by the Office of Juvenile Justice and Delinquency Prevention in the Law Enforcement Assistance Administration (LEAA) to states that submit acceptable plans. Seventy-five percent of these state funds must be spent on advanced techniques for preventing juvenile delinquency, diversion of juveniles from the juvenile justice system and provision of community-based alternatives to juvenile detention and correctional facilities. One of the techniques listed is funding educational programs or supportive services designed to keep delinquents and to encourage other youth to remain in school or in alternative learning situations.

## What you can do

☐ First of all, learn about the policies and practices of your school system. Study the policies on student discipline, the student conduct codes and the student handbooks.

☐ In what form does the school district disseminate information on its discipline policies to administrators, teachers, parents and students? Are individual schools' codes legal, fair and consistent with the school system's policy?

☐ Do student handbooks incorporate student input and "translate" students' rights into understandable language?

☐ Talk with the appropriate school authorities about how discipline is handled. In talking to officials, teachers and students, try to find out about any special programs or procedures that are being implemented as alternatives to suspensions. You may want to identify alternatives that could be used in the school system.

☐ Take a look at the discipline records required by OCR. Find out what plans your school district has for coming into compliance with OCR's new record-keeping requirements. It may already be revising or implementing new procedures. Does your school district analyze the data it collects on suspensions? Such an analysis should provide a profile of the pattern of suspensions, the number of class days lost and the corresponding reduction in state aid, which is based on average daily attendance in many states.

☐ Try to identify what some of the root problems behind an overuse of disciplinary exclusions might be, such as poor school community relations or poor leadership at a particular school. Once you have studied the problem and understand the issues, work out ways to begin a dialogue among citizens—not just parents—educators, and students.

☐ Try to educate the community about discipline problems.

Beyond studying the problem, exposing it and seeking support from other concerned parents and citizens, there are a number of strategies you can try out.

☐ Encourage your superintendent or school board to appoint a group of parents, students and educators to study the entire problem in depth and make specific recommendations.

☐ Work with concerned students to help them deal with discipline and suspension problems in their schools. By talking with students, you can also identify positive models within the system whose success at dealing with disciplinary problems can be shared with other teachers, school officials and the community. You could also develop a volunteer advocacy program for suspended students that aims to get them back into school as quickly as possible.

☐ If you find that the discipline process in your school district is racially discriminatory, submit a formal complaint to the regional OCR. State that the complaint is against your school district's violation of Title VI of the 1964 Civil Rights Act, document the complaint as fully as possible, ask for an on-site investigation of the problem and request to be informed as to the disposition of the complaint.

☐ Although litigation is not always the answer to remedying problems such as inadequate discipline policies and practices, consider legal action if the concepts of equal protection and due process have been violated.



## Children with special needs

Children with special educational needs have traditionally been labeled handicapped, then stigmatized as a result of the labeling process. In fact, there is a tremendous range of physical and psychological special problems that children exhibit, some of them as common as speech defects and others as severe as extreme mental retardation.

The Bureau of Education for the Handicapped of HEW defines the term "handicapped" to mean children with certain impairments that require special education and related services. It can refer to such labels as EMR (educable mentally retarded), EMH (educable mentally handicapped), TMR (trainable mentally retarded), TMH (trainable mentally handicapped), ED (emotionally disturbed), EH (emotionally handicapped), LD (learning disabilities), PH (physically handicapped), HH (hard of hearing), D (deaf), B (blind), VI (visually impaired) and SI (speech impaired).

Children with special educational needs suffer in several distinct ways at the hands of school systems. Particularly in the case of more serious problems such as blindness, deafness or severe physical handicaps, they are often excluded by school systems that either provide no services at all or maintain services that reach only a fraction of those who need them.

Another, perhaps even larger group is partially or functionally excluded from the education process. This group includes students who are shunted into inadequate programs, those who are unnecessarily segregated from all regular classroom experience and children whose problems have gone undiagnosed or misdiagnosed—with resultant placement in programs that do not fulfill their educational needs.

The ease with which school districts can deny an education to children with special needs is illustrated by the fact many states still have statutory exemptions for physically, mentally and emotionally handicapped children. In *Children Out of School in America*, the Children's Defense Fund (CDF) reported on the paucity of special education programs in the 17 school districts it surveyed first-hand. Eight school districts reported they had no special services for deaf or hard of hearing children; seven reported no inschool programs for blind or visually impaired children; five reported no services for children with learning disabilities; three reported no programs for children labeled emotionally disturbed; and ten provided no inschool programs for physically handicapped children unable to participate in the regular school program. CDF also found that when programs do exist, they are frequently not adequate to serve all the children who need them. Long waiting lists are common, particularly for ED and LD programs. Waiting lists for EMR programs, the most commonly provided special education programs (except for SI services), were found in nine of the school districts surveyed.

Local estimates of the need for special programs and numbers of children being served parallel the unclear figures available on the national level. (BEH stated that in 1971-72 44 percent of handicapped children aged 0-21 were being served in public schools or state-supported institutions, while a Rand study for HEW estimated that in the 1972-73 school year, 59 percent of handicapped children aged 5-17 were being served in public schools.) Precise data does not exist even where school districts are mandated to conduct a general census or a special census of handicapped children.

Poor placement procedures are rampant in special education. Parents are often not brought into the placement process, which includes testing, diagnosis and treatment of the child. Although some parents and parent groups are beginning to put more pressure on school officials to demand adequate services and fair, objective placements, parents are generally unaware of and uninvolved in the crucial decisions about their children's special education placements.

There are several other problems with the placement process. For example, the assessment techniques used are nearly always based on standardized tests that may be culturally and racially biased. For non-English speaking students, the problem is compounded by the scarcity of both tests in other languages and the bilingual personnel to administer and interpret them.

Some children are placed into special classes on the basis of subjective evaluations that may reflect teachers' desires to "dump" behavior problems that do not warrant special placement. LD, ED and EMR placements can all be used to "dump" children whom classroom teachers don't want to or can't deal with.

A related problem in the misclassification area is definitional. Educators, psychologists and others disagree among themselves about what the criteria are that apply to any specific handicap. Since

standards for both classification and program content vary, special classes bearing identical labels may connote very different programs in different school districts. Sometimes placement is arbitrarily determined on the basis of factors other than special need. White children, for example, are more likely to be placed in relatively less stigmatized LD classes, with ED and EMR classes carrying disproportionate minority enrollments.

In the many cases in which the school districts do not make available a full range of special education services, children are frequently placed into whatever special program is operating, even if it is inappropriate for them. Misplacement has been traditionally most endemic in EMR classes, since frequently they are the only special classes available.

There is evidence that the kind of funding available sometimes determines classification. As *Children Out of School* points out, school officials are sometimes careless about the classification and placement process. "Rather than seeking children with unmet needs who may be difficult to find, the temptation to label those at hand is appealing."

The most striking problem of misclassification involves racial discrimination in the placement of black students into EMR classes. CDF analyzed special education data submitted to the Office for Civil Rights (OCR) in the fall of 1973 by 613 school districts in five southern states and discovered that for the 505 districts reporting students enrolled in EMR classes, over 80 percent of the students in EMR classes were black, even though less than 40 percent of the total enrollments in those districts were black. Forty-six percent of those districts reported that five percent or more of their black students were in EMR classes, but only four districts reported five percent or more of their white students in EMR classes. Whether the disproportionate numbers of blacks in EMR classes in the south stems from an attempt to segregate black students or is a result of placement procedures, it is clear that the figures raise serious questions of racial discrimination.

Special education problems extend beyond the scope of placement procedures and misclassifications into the education services actually provided by special programs. For example, all the school districts surveyed by CDF except for Washington, D.C. reported placing a large proportion of their EMR children in separate classes. The tendency to label children and then physically separate them from their peers inflicts an almost automatic stigma on children with special needs. Moreover, the programs provided for them are frequently no more than custodial in nature. In many districts, particularly those in which special education programs do not extend beyond the elementary school level, children do not have the opportunity to realize their full learning potential and end up more or less marking time in school.

## Relevant court decisions, laws and regulations

Two federal statutes, the Education of the Handicapped Act-Part B (EHA-B), as amended in 1974, and the Education for All Handicapped Children Act of 1975 (P.L. 94-142) affect children who are handicapped or labeled handicapped by their school districts. Both laws not only protect children from misclassification, but also require the provision of extensive special education services.

EHA-B, as amended in 1974, distributes a specific amount of funds to each state (on the basis of number of children aged 3-21), which in turn distributes it to local school districts that apply for funds. States must give priority to programs serving children who are not in school at all and children who are severely handicapped. While not all school districts in a state receive EHA-B funds, each state must develop a "state plan" insuring compliance with the law in every school district. The major requirements include: ☐ providing all handicapped children with "full educational opportunities;" ☐ establishing due process safeguards for identification, evaluation and placement of children into special education programs; ☐ designing local and state procedures to educate handicapped children with nonhandicapped children ("mainstreaming") as much as possible; ☐ providing racially and culturally nondiscriminatory tests and procedures for special education evaluations.

The Education for All Handicapped Children Act of 1975 extends EHA-B until October 1977. At that time, several program funding changes will be made and the requirements outlined above will be strengthened: Funds will go directly to local school districts as well as to states, and recipient school districts will have to submit detailed plans to state education agencies. These federal funds can be used

only to pay the "excess costs" of special education, that is, the difference between the cost of educating a handicapped and a non-handicapped child.

Under the new law, by September 1, 1978 all handicapped children aged 3-18 must be provided a "free appropriate public education" unless prohibited by state law and by September 1, 1980 all such children aged 3-21 must be served.

The law also encompasses the former state plan requirements under EHA-B, particularly in the area of due process, and strengthens them. The strengthened due process safeguards which will take effect in FY 78 include: ☐ prior notice of any change in a child's program and explanation of procedures to be given to parents in written form and in their primary language; ☐ access to relevant school records and an independent evaluation of the child's special needs ☐ impartial due process hearings to be conducted by the state education agency or the local or intermediate school district, but in no case by a person "involved in the education or case of the child;" ☐ the right of a child to remain in his or her current placement while due process proceedings are taking place; ☐ designation of a "surrogate parent" to use the procedures outlined above for a child who is a ward of the state or whose parent or guardian is unknown or unavailable.

The new law also includes the requirements that tests and procedures for evaluating special needs be in the primary language of the child; that no single test or procedure be the sole basis for determining a child's placement; that handicapped children, including children in institutions, must be educated as much as possible with children who are not handicapped; and that written, individualized educational plans for each child evaluated as handicapped be developed and annually reviewed by a child's parents, teacher and designee of the school district.

Concern with possible sex and race discrimination in special education has also been manifested recently at the federal level. In August 1975 the Office for Civil Rights (OCR), charged with administrative enforcement of Title VI and Title IX in education programs receiving federal aid, issued a memorandum to chief state school offices and local school district superintendents on identification of discrimination in the assignment of children to special education programs. The memorandum establishes specific standards for Title VI and Title IX compliance in the area of special education.

At the outset, OCR states that compliance reviews have revealed a "number of common practices which have the effect of denying equality of educational opportunity on the basis of race, color, national origin or sex in the assignment of children to special education programs." The memo points out that the disproportionate over or under-inclusion of any group of children may indicate possible non-compliance with Title VI or Title IX. Evidence that a school district has used criteria or methods of referral, placement or treatment of students that have the effect of subjecting individuals to discrimination may also constitute noncompliance with Title VI or Title IX. Some practices may also violate section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of handicap. OCR is currently formulating the regulation for section 504.

The memorandum notes that OCR took into account the requirements of EHA-B for state plans in establishing its standards for Title VI and Title IX compliance in the area of special education. It instructs school officials to examine their current practices to assess compliance and to immediately devise and implement a plan to correct whatever compliance problems they might find. Such a plan must also provide reassessment or procedural opportunities for all students currently assigned to special education programs "in a way contrary to the practice outlined." Such students must be reassigned to an appropriate program and provided with whatever assistance is necessary to compensate for the detrimental effects of improper placement.

Court decisions have also played an influential role in establishing the education rights of children with special needs. Undoubtedly the most significant have been *PARC (Pennsylvania Association for Retarded Children) v. Pennsylvania* (1972) and *Mills v. D.C. Board of Education* (1972). The *PARC* consent decree laid the groundwork for establishing the legal right to an education for all children by upholding the claims of mentally retarded children to an education. The *Mills* federal court decision broadened the groups of special-needs children the D.C. schools are obligated to serve beyond the mentally retarded to children with other physical and emotional needs. Both of these suits established hearing rights in the area of special needs.

The Children's Defense Fund, in cooperation with local Mississippi attorneys, is presently bringing suit on behalf of 22 plaintiffs in six

counties who are not in school or who are not receiving any special services. The suit (*Mattie T. v. Holladay*) challenges the state's receipt of funds under EHA-B as amended in 1974—the first time that federal statutes have been used as a basis for arguing these right-to-education claims.

In recent years, several states, including Massachusetts, Michigan and Tennessee, have passed special education laws including in varying degrees many of the provisions now included in EHA-B and the Education for All Handicapped Children Act. In many cases these laws explicitly or implicitly supersede old laws on the books that allowed states to exclude children with special needs.

## What you can do

The passage of laws represents only the first step toward implementation of sound procedures and programs. It takes citizen involvement to translate legislation into practice.

☐ Find out what the status of the law and policies are for your school district and state.

☐ Does your state have a special education law?

☐ Do state statutes require more or less than EHA-B and the Education for All Handicapped Children Act? If the federal laws' requirements are stronger than the state law, then you can exert pressure to bring the state guidelines into conformity with the federal law.

☐ Monitoring of state and local school systems by parents and concerned citizens will be crucial in assuring that EHA-B and the Education for All Handicapped Children Act are implemented. You may want to work with other concerned individuals or groups who are interested in the plan not only to study and comment on plans as they are revised periodically, but also to monitor them on an ongoing basis. Begin by familiarizing yourselves with the 1975 and 1976 plans and assessing the degree to which they have been implemented by talking to state education agency officials, local school officials, teachers, parents and concerned community people.

☐ State plans are available to the public for comment and then submitted to BEH for approval. Parents have a right to participate in the development of these plans and to make comments to their state departments of education. Amendments to state plans for the 1974-75 school year, the first year of implementation, were not approved until the spring of 1975. Although additional amendments to the state plans for 1975-76 were due on August 21, 1975 most states were late with their '76 plans. Find out when these plans were developed and approved in your state. The comment period may vary from state to state.

☐ The '76 state plans must describe in detail the steps a state will take to identify and evaluate all children with special needs and provide special education services to those children who need them. Check the ongoing due process safeguards that should have been adopted in your state's plans to assess whether your school district is in compliance. Hearing procedures should be part of the due process safeguards. Find out what written policies exist for hearing procedures and how they have been disseminated to parents and the community. Help make other parents aware of their rights and their children's rights and how a parent can use available procedures to challenge a decision about his/her child's educational program.

☐ In examining the implementation of the state plan, look at how the state and local school districts are carrying out the following activities: 1) making parents and others in the community aware of the rights of handicapped children, the existing programs, and where parents can go for information about special needs; 2) identifying and locating children with special needs; 3) providing a comprehensive diagnosis and evaluation of every child before any special placements are made; 4) providing special educational services to all children identified and evaluated as handicapped and in need of them; 5) providing regular reassessment of placements and a mechanism for changing or modifying them as necessary.

☐ Find out to what extent your local school district has been involved, if at all, in developing the 1975 and 1976 state plans, how EHA-B funds are being used locally, and to what extent there are any provisions for involving parents in any program or expenditure decisions.

☐ If you find a situation which you think violates the state plan or the law, write a complaint to the state department of education and to BEH. If you think that handicapped children are being discriminated against on the basis of race, national origin or sex, then file a complaint with OCR.



## Sex discrimination & Title IX

A not-so-quiet revolution is taking place today in America's schools. School administrators, teachers, parents, students and interested citizens are taking steps to overcome the pervasive sex bias, role stereotyping and discrimination in education institutions. What distinguishes this current movement from past activity is that now there is a federal law explicitly prohibiting sex discrimination in elementary and secondary school districts, colleges and universities that receive federal funds. Virtually all of the 16,000 public school districts and 2,700 post-secondary institutions are covered by Title IX of the Education Amendments of 1972, which states: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance."

Title IX applies to the treatment of students and employees and affects a number of areas including: housing, counseling, athletics, financial aid, employment, recruitment and admissions. HEW's Office of Civil Rights (OCR) is responsible for compliance and enforcement activities. Since the major support for Title IX passage came from women, there is a tendency to think of the legislation as beneficial only to women, but the law in fact covers discrimination against both women and men on the basis of sex.

### Coverage

The regulation implementing Title IX became effective July 21, 1975, nearly three years after the law was passed. This article will discuss how Title IX will operate in selected areas. (See the final regulation for details on how other activities will be affected.)

**Admissions:** The admissions policies of vocational, professional and graduate schools and public undergraduate schools (except those that have been and continue to be single sex) are covered by Title IX. The admissions policies of preschools, elementary and secondary schools (except vocational schools) and private undergraduate schools are exempt. However, even institutions whose admissions policies are exempt from Title IX must treat all admitted students (male and female) on a nondiscriminatory basis. Specifically exempt are:

- 1) military institutions at the secondary level whose primary purpose is to train individuals for U.S. military service or service in the Merchant Marine;
- 2) educational institutions run by religious organizations to the extent that compliance would not be consistent with the tenets of the religious group;
- 3) social fraternities and sororities and organizations like the YMCA, YWCA, Girl Scouts, Boy Scouts and voluntary youth service organizations whose membership has been traditionally limited to youth nineteen years old and under.

An institution whose admissions policies are not exempt from Title IX coverage is prohibited from discriminating on the basis of sex in recruiting students and cannot recruit exclusively at schools for one sex only. To overcome the effect of past exclusionary recruitment policies some institutions may have to take affirmative action.

**Employment:** All employees of institutions receiving federal funds are covered by Title IX. Institutions cannot pursue employment policies that discriminate in recruitment, advertising, hiring, upgrading, promotion, rate of pay (or other forms of compensation), fringe benefits and leaves of absence (pregnancy is to be treated as any other temporary disability).

**Athletics:** The activity affected by Title IX that has received the most media coverage is athletics. Because the inequities in athletics and sports are so deep rooted, schools may encounter such difficulty in providing equal athletic opportunities that inequities will probably continue, in the view of some observers.

The regulation permits schools to maintain separate teams when selection for teams is based on a competitive skill or when the activity involved is a contact sport. HEW includes boxing, wrestling, rugby, ice hockey and football as contact sports. If a school has maintained a team in a particular noncontact sport for one sex only, then the previously excluded sex must be allowed to try out for the existing team.

Although schools are required to provide equal athletic opportunities, they are not required to make equal aggregate expenditures. Among factors HEW will consider in determining whether equal athletic opportunities are being provided are: travel and per diem al-

lowances, provision of equipment and supplies, provision of housing, dining facilities and services.

**Physical Education Classes:** Separate physical education classes for boys and girls are prohibited under Title IX, with a few exceptions. Students may be grouped according to sex within classes when contact sports are involved. Also, separate classes may be held if they deal exclusively with human sexuality. The grouping of students according to ability (based on objective standards) is permissible, despite the fact this may result in classes made up predominantly of one sex.

Elementary schools are allowed an adjustment period of up to one year to comply with the athletics regulation; secondary and post-secondary institutions have three years to comply. HEW has repeatedly emphasized that the adjustment period is not a waiting period and that all schools should take immediate steps to comply. They may justify taking the full adjustment period only if they can demonstrate the existence of real barriers to immediate compliance.

**Financial Aid:** In general, schools are prohibited from administering trust scholarships that designate a particular sex. Under Title IX, schools must initially select students to receive financial aid on a non-discriminatory basis. If a situation arises where there is insufficient financial aid from non-sex-restrictive sources to balance out the sex-restricted funds, then the school must obtain money from other sources to eradicate the imbalance or award fewer funds from sex-restricted sources.

Schools may administer single-sex scholarships for foreign study, so long as similar opportunities are provided to members of the other sex.

**Vocational Education:** In the past, the assignment of girls to home economics classes and boys to industrial arts classes was an accepted practice. Vocational education has reflected traditional social norms for "appropriate" life and career roles for females and males. Studies on the treatment of males and females in vocational education show that generally female students have not been allowed to get training in those courses that lead to higher paying skilled and semiskilled jobs. Title IX prohibits sex discrimination in such vocational programs as shop and business, including courses offered at the elementary and secondary level.

**Counseling:** Schools covered by Title IX are prohibited from: (1) providing career, personal or class counseling services that differentiate on the basis of sex; (2) classifying occupations by sex in counseling and testing programs; (3) providing materials that state or imply that certain academic, career or personal choices are more appropriate for one sex than the other; (4) assigning students to counselors on the basis of sex. In addition, schools must identify those courses that contain a disproportionate number of students of one sex and determine whether the makeup of these courses is the result of counseling discrimination or related instruments or materials.

### What institutions must do by July 21, 76:

☐ Notification of policy: Schools must notify the following applicants that it cannot discriminate on the basis of sex under Title IX: applicants for admission and employment, students and parents of elementary and secondary school students, employees, sources of referral for applicants for admission and employment, unions and other professional agencies with whom it has contacts or agreements. Institutions were required to place notification of the nondiscrimination policy in publications such as student handbooks, application forms, bulletins, catalogs, newspapers and magazines by October 19, 1975.

☐ Designation of Title IX Coordinator: Schools are required to designate an employee to coordinate its Title IX activities and to inform students and employees of the appointment.

☐ Grievance Procedures: Schools are required to adopt and publish grievance procedures for prompt and equitable resolution of student and employee discrimination complaints. The structure of the grievance procedure is left to the discretion of the school. A school district may set up a central office to handle grievances for the entire district or it may decide to let each school set up its own. Employees and students must be notified that a procedure has been established and how grievances will be handled.

☐ Self-Evaluation: In the process of conducting the required self-evaluation schools must: (1) evaluate their current policies and practices; (2) modify inadequate practices and policies; (3) take remedial steps to correct past discriminatory practices and policies. Schools are

required to keep their self-evaluations and related materials on file for at least three years.

☐ Assurance of Compliance: The regulation does not specify that the assurance of compliance must be submitted by July 21. However, since institutions must complete and submit their self-evaluations by July 21, it is generally assumed that assurances will be submitted shortly thereafter. Each school applying for federal funds is required to submit an assurance of compliance with Title IX to the director of the Office of Civil Rights. Before an assurance can be submitted and accepted by HEW, schools must have conducted a self-evaluation and documented remedial actions and modifications in policies taken to bring them into compliance with Title IX.

### Citizen monitoring: a must

Citizen monitoring is essential if the goals of Title IX are to be achieved. Citizens can organize such a monitoring effort in a number of ways, including formation of a citizen's advisory committee or participation in monitoring projects. If you plan to monitor you should know the law (see *Resources* on how to get copies of the regulation) and the location of the regional HEW office for your state.

The most crucial period for schools in terms of compliance is the first twelve months. No matter how your monitoring effort is structured, the following questions on the tasks to be completed by July 21, 1976 should be on your checklist:

- ☐ Has your school district published a notification of policy?
- ☐ Has a Title IX coordinator been designated?
- ☐ Has a grievance procedure been established?
- ☐ Has a self-evaluation been completed?
- ☐ Has an assurance of compliance, complete with documentation showing the remedial steps that have been or will be taken to correct past discriminatory practices and policies been submitted to HEW?

Get involved and find out what is being done now in the schools to overcome past discriminatory policies and practices. In addition to monitoring, consider engaging in other activities to help schools and the community during the period of transition. Cosponsor with the school board a public discussion on what changes are taking place as a result of Title IX or recommend materials that would help schools conduct comprehensive self-evaluations.

### What you can do

Anyone who feels (s)he has been discriminated against on the basis of sex by the education system should file a complaint with HEW. By letting HEW know that the public expects enforcement of Title IX and letting the educational institution know that discriminatory practices will not be tolerated, filing a complaint has a dual benefit. Moreover, the mere act of filing a complaint may prompt the institution to correct these practices immediately on its own. Here are some tips on how to file a complaint.

**What Is The Deadline?** Generally, complaints must be filed no later than 180 days after the discrimination occurs. However, if the discrimination is an ongoing problem, for example, unequal pay for equal work, a complaint can be filed at any time.

**What Should Be in A Complaint?** ☐ name of the school district (and the individual school), college or other institution; ☐ name of the person discriminated against; ☐ description of the discriminatory action or policy; ☐ supporting evidence (if available); ☐ your name, address and telephone number (and those of additional persons you feel should be contacted—be sure to explain why); and ☐ a request for prompt action. The more information you provide HEW in the complaint, the more effectively HEW can handle it.

**To Whom Should It Be Sent?** Send complaints to the director of the appropriate HEW regional Office for Civil Rights. In addition, you may want to send copies to your congressional delegation, school board, local newspaper and organizations concerned with sex discrimination and/or women's issues.

**What About Confidentiality?** HEW must keep confidential the name of the person or group filing a complaint; however, names may have to be revealed during an investigation. If you wish your name to remain confidential, stress this in your complaint and ask HEW to let you know in advance if your name has to be revealed.

**What Will HEW Do With Your Complaint?** Once HEW has received a complaint it will generally notify the affected institution that a complaint has been received, attempt to resolve the complaint with a few telephone calls or conduct an on-site investigation, notify the complainant and the institution in writing of HEW's findings and

negotiate with the institution to set up procedures to overcome any discrimination found. HEW's ultimate weapon is the cutting off of federal education funds.

Although the regulation requires institutions to establish a formal local grievance procedure, anyone with a sex discrimination complaint may file with HEW and bypass the local grievance procedure altogether.

## Title I—compensatory education

Title I of the Elementary and Secondary Education Act of 1965 is the largest federal education aid program. It provides federal financial assistance to local education agencies that serve large concentrations of children from low-income families. This federal money must be used to expand and improve educational programs that contribute to meeting the special educational needs of educationally deprived children. Through this same title federal aid is provided to state education agencies (SEAs) for programs designed to meet the special educational needs of handicapped, neglected, delinquent and migrant children and the administration of Title I.

The education amendments of 1974 make many changes in the 1965 act. They:

- ☐ change the way Title I funds are distributed,
- ☐ provide better opportunities for parental involvement,
- ☐ attempt to guarantee participation in Title I programs to eligible children in private schools,
- ☐ expand programs for migrant children,
- ☐ set aside a precise amount of funding for a national evaluation of Title I programs.

This article will briefly review the Title I law and focus major attention on the role opened up to parents and citizens through new mandates for parent advisory councils (PAC).

Without the attention of local citizens and the involvement of parents, it is doubtful that compensatory education programs will go very far to provide equal educational opportunity for all children. In the early years of the program, local school districts had few guidelines on how to spend the money and much of it was misused. While subsequently the law and guidelines for implementation have been tightened and expanded to give more precise direction to school districts, they have been largely ignored and violated. Federal enforcement has developed slowly and touches a small portion of the schools receiving Title I money. But parents, interested citizens and community organizations across the country have begun to monitor the use of funds, to establish parent advisory councils, to file complaints, to initiate lawsuits and to find that their activity can make a difference.

### How the program works

The 1974 amendments extend the authorization for Title I through June 30, 1978. Of the 16,000 school districts in the nation, approximately 12,000 received a portion of the total \$2 billion appropriated for Title I in fiscal year 1975-76. On March 11, 1975, the commissioner of education issued the proposed regulation for Title I as amended in 1974. However, more than one year after the proposed regulation was issued and two years since the enactment of the education amendments affecting Title I, no final regulation has been issued. School districts are still required to implement the revised law.

### Funds distribution

Title I funds are distributed to state education agencies and then to local school districts whose applications have been approved. The amount of money allocated to each state is determined by the number of children age 5-17 from families below the poverty level and two-thirds of the children from families above the poverty level through receipt of A.F.D.C. payments, children in institutions for neglected or delinquent children and those supported in foster homes with public funds. A school district's application must indicate attendance areas within the district that are eligible to receive funds.

If funding is insufficient for all eligible school attendance areas, a school district must select target areas in which the incidence of poverty is highest. Once the attendance and target areas are determined, educational deprivation, not economic deprivation, becomes the basis for determining which students may participate in Title I programs.

The Title I law and the current regulation do not specify the programs and projects to be funded under Title I.



## Parent advisory councils

One of the most important areas of the new Title I law is the expanded provision for parental involvement in Title I programs. Now, each school that has a Title I program must have a PAC in addition to the district-wide PAC. The history of Title I has demonstrated that involvement of parents can make the critical difference between success and failure of the program.

**Role of the PAC:** Parent advisory councils have been given responsibility for advising the school district in the planning, operation and evaluation of the Title I program. The law guarantees the PAC's access to information necessary for carrying out these responsibilities. Local school district officials are required to meet with PACs to explain the program and to permit PAC participation in assessing needs, selecting priorities and target schools, developing the program design and evaluating program effectiveness.

**Selection of PAC Membership:** A majority of the members of each PAC must be parents of children served in Title I programs. Remember that all children counted in the formula may not be receiving Title I services. Membership for an individual school's PAC is selected by parents in each target school attendance area. The particular selection process is left to the discretion of school district officials. The Buckley Amendment protecting the privacy of students' records has made the identification of Title I parents and the PAC selection process more difficult. However, there are many ways to handle this. For a discussion, see "New Legal Requirements for Parent Involvement in Title I Projects," available free from the Lawyers' Committee.

## What you can do

Many people feel that involvement of citizens in Title I programs is the key to their success. Therefore, monitoring the implementation of the PAC requirements is an important citizen task and one that is not limited to PAC members. Some of the points a monitoring group should check:

- ☐ Is there a district-wide PAC and a PAC in each Title I assisted school?
- ☐ Was the selection of PAC membership carried out properly?
- ☐ Are the majority of each PAC's members parents of children receiving Title I services?
- ☐ What information is made available to PACs?
- ☐ Are PACs involved in program planning, development, operation and evaluation?
- ☐ Do PACs have any access to Title I funds for carrying out their responsibilities? This is a permissible expenditure.
- ☐ Were PAC comments on the local school district's Title I proposal sent to the SEA with the program application?

Individual citizens who are not PAC members may want to give assistance to the PAC on budgeting, planning and evaluation activities.

## Privacy & the right to records

There is a new law on the books that gives parents of all students under 18, and students over 18, the right to see, correct and control access to student records. The Family Educational Rights and Privacy Act, popularly called the Buckley amendment, was signed into law on November 19, 1974. All education agencies and institutions that get federal financial aid must follow the procedures prescribed by this law. Since almost all public school districts (elementary and secondary schools) and public and private colleges and universities do receive federal funds under one or another of the many federal aid programs, almost all fall within the coverage of the new requirements.

## What the law requires

The law says that schools must notify parents and students over 18 of their rights under the Buckley amendment. Notification must include a description of how access to records may be obtained and the process for removal of false and misleading information. Once a student reaches 18 or enters a postsecondary education institution, the rights previously accorded to the parents are transferred to the student. There are some exceptions. A teacher's or counselor's personal notes taken for his/her own use, records of security police, and personnel records of school employees are exempt from access. Students, even over 18, can be denied access to their own psychiatric or treatment records, confidential letters of recommendation written prior to

January 1, 1975, and parents' financial records.

Requests to see the student records must be granted within 45 days. The school must provide a list of all the records maintained on the student. Schools also have a legal obligation to establish hearing procedures and hold hearings within a "reasonable time" (the law does not define "reasonable") to resolve conflicts over the removal of alleged misleading or false information. If a hearing decision goes against the request of a parent, (s)he may insert a statement into the record which states why (s)he thinks a particular record is false, misleading or inappropriate.

The Buckley amendment also protects the student's records from being made available to third parties without the consent of the parents or student over 18. When a third party asks for information from a student's records, the school must tell the parent what records or information have been requested, why the request was made and who will receive the records as part of the request for permission to release of the records. This procedure must be followed each time a request for information is made and the school must keep a list of everyone who has made a request and received information in the student's records. School officials in the same district or educational institution with a legitimate educational interest, a school district to which a child is transferring, enforcement agencies and research organizations helping a school, school financial aid officials and those with court orders are not considered third parties and their requests for student records do not require the clearance procedure. However, in the case of a student transfer, parents must be allowed to see and challenge the record's content before it is transferred to another school district.

Many schools publish student directories. Under the Buckley amendment, schools must now send parents a list of the information that will be published in the directory. The law defines directory information as name, address, telephone number, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees, awards and the most recent previous educational agency or institution attended by the student. If parents or students over 18 do not want the information published, they must take the initiative and ask the school to omit the student's name from the directory.

## Implementation

The Buckley amendment became law on November 19, 1974 and proposed regulations were published on January 6, 1975. Complete final regulations have not been published. This delay has caused considerable confusion in some school districts, colleges and universities. The new law raises many questions, some of which the final regulation should clarify. Still, in the absence of a final regulation, schools are required to implement the law now and cannot wait for specific guidelines from the federal government. Some state legislatures and state education agencies have taken the initiative and are trying to help local education institutions by passing statewide laws or policies to implement the Buckley amendment. The development of sample notification forms and technical assistance in resolving problem areas have been particularly useful.

## Why the Buckley amendment is so important

In the past parents and students have not always been allowed to see the information contained in student records or even been informed about what kind of information is in the records, let alone given the opportunity to challenge their veracity or exert any control over their availability to individuals outside the school. Correcting this situation is important, but the new law also plays a critical role in the movement toward the establishment of more carefully defined procedures for student discipline and student rights. In recent years, more and more schools have established both specific policies for student discipline, and hearing procedures for resolving disputes and administering disciplinary actions. As schools begin to implement and rely more heavily on hearing mechanisms the use of student records for documentation of school's charges or defenses of particular actions increases. The Buckley amendment helps to assure that student records are accurate and open to parents and students. It puts school officials on notice to refrain from any careless or inappropriate notation regarding the student. It also makes parents responsible for

exercising the right and responsibility to know what is in their children's records and what they mean.

## Special problems for title I PACs

The 1974 education amendments require all schools providing Title I services to educationally deprived children to have parent advisory councils (PACs) with the majority membership parents of children being served by Title I. Parents in Title I attendance areas select PAC members. A list of eligible PAC members that identifies parents of Title I students would automatically identify a child's performance. Under the Buckley amendment, such a list cannot be made public or given to persons other than school officials without written consent of each child's parent. School districts have no guidelines to follow in this matter and must proceed carefully since they are required to set up PAC's now.

There are ways to recruit PAC members without violating the Buckley amendment. One way, for instance, is to distribute to Title I parents consent forms requesting permission to list the parents' names as eligible PAC members. School districts or PACs having problems in complying with seemingly conflicting demands of Title I and the Buckley amendment are urged to seek technical assistance or advice from the appropriate federal agency or any of the organizations listed under *Resources*.

## What you can do

- ☐ Ask for a copy of the written procedure for obtaining access to and removing false or misleading information from student records.
- ☐ Ask your school officials how notice of the written procedure was given.
- ☐ Find out what state laws and guidelines have been issued that address implementation of the law.
- ☐ To test the adequacy of compliance procedures by schools in your community, try out the procedure. A parent whose child is in a covered school can ask to see the child's records. How long did it take to grant the request? Were school officials cooperative? Was a list of what the records included provided? What was in the records? Did they contain any wrong or misleading information? If so, was it removed upon request? If such a request was denied, were adequate hearing procedures implemented? Was an advocate allowed to assist or speak for the parent? Was the hearing carried out properly and in accordance with established written procedures?

If a school fails any of these tests and the matter is not satisfactorily resolved, write a complaint to Family Education Rights and Privacy, U.S. Department of Health, Education, and Welfare, 330 Independence Avenue, S.W., Washington, D.C. 20201. This office is responsible for enforcing the Buckley amendment. Also send a copy of the complaint to one of the parent or student advocacy groups listed under *Resources*.

## Racism and sexism in text materials

Text materials are much more than just the vehicles for teaching children to read, write and do arithmetic. The written and spoken word and pictures have tremendous control over how people think, feel and behave. They interpret and pass on our social, political and cultural environment.

These instruments of instruction have been like the society that produces them, often loaded with bias, prejudice, discrimination and misinformation. Since the early 60's the law has gone far in its attempt to bring about equal opportunity in education, the American gateway to economic opportunity and prosperity. Still many text materials continue to pass on stereotypes, prejudiced viewpoints and untruths. In many ways the subtlety of racism and sexism in text materials today may be more serious than the obvious bias of the past because it often goes unrecognized.

Antidiscrimination provisions of federal education legislation have eliminated many aspects of racism and sexism in schools, but neither Title VI of the Elementary and Secondary Education Act nor Title IX of the Higher Education Amendments of 1972 specifically addresses text materials in either the law or regulations. The debate over the Title IX regulation in the early 1970s revealed a great reluctance by the majority of Congress to create legislation that would hit the Constitution's first amendment guarantee to freedom of speech head

on and tie up the courts with endless challenges to any legislative mandate for standards by which to evaluate text materials for racism and sexism.

To overlook the effect of text materials on the development of values is foolish. The same institutions that have helped to perpetuate racist and sexist stereotypes—including the education establishment—can do a lot to correct the problem. Yet, without vigilance and action on the part of parents and concerned citizens, it is unlikely that change will take place with any speed, if at all.

## What you can do

There are two major approaches to dealing with the problem of racism and sexism in text materials. One is to learn (and teach students and educators) how to identify, discuss and compensate for racism and sexism in the materials that are currently available and being used. The other is to influence the text book selection process. Both approaches should be used as part of a continuing effort to eliminate racism and sexism from our cultural environment.

### Guidelines for Identifying Racist and Sexist Materials:

- ☐ Check illustrations for stereotypes, tokenism and simplistic or unfavorable portrayals of lifestyles of minorities and women and for how often they appear.
- ☐ Check the storyline for subtle forms of bias in power and role relationships, comparative standards for success, viewpoint and the relative importance of sex to characterizations in literature.
- ☐ Analyze the effect of a book or story on a child's self-image and aspirations.
- ☐ Try to evaluate the author's or illustrator's qualifications for handling particular themes or subject matter and his/her point of view.
- ☐ Check the copyright date for clues to bias.
- ☐ Look for what is omitted as well as what is included and handled improperly, especially in history texts.
- ☐ Look for loaded words and racist and sexist language.
- ☐ Note the particular selection and omissions of heroes and heroines. (Guidelines adapted from Vol. 5, No. 3, 1974 of *Interracial Books for Children*)

Once racism or sexism has been identified in instructional materials, teachers and students should learn to discuss it openly in the classroom. Parents and students should discuss the problem at home, and teachers and administrators should discuss it in school meetings and workshops. Avoidance of these critical discussions will let racism and sexism continue to be a dominating influence in the thinking and behavior of children who will then perpetuate a racist-sexist society.

**Selection of Text Materials:** Statistics compiled by the Educational Products Information Exchange Institute reveal that 75 percent of a student's learning time is spent with text materials. Yet few text materials are tested for effectiveness prior to marketing and fewer still are closely examined for racist and sexist content or omissions. In 1971, 150,000,000 textbooks were sold for over 1/2 billion dollars. This was about \$10 per child. Another \$10 per child was spent on instructional materials other than textbooks. Textbooks and instructional materials are big business in the United States.

The way that text materials find their way into the hands of children differs in each state. About half of the states have commissions, while the other half are "open adoption" states which leave the choice and purchase of materials up to each school district. Before you can have an impact on the textbook and instructional materials selection process, you will need to find out which process is used in your state. These are some of the questions you will want to ask of those who are responsible:

- ☐ Is there a state textbook commission or are choices made by the local district or individuals schools?
- ☐ Who is on the state commission (or local district committee)?
- ☐ How are members selected?
- ☐ How do they go about reviewing available materials?
- ☐ How many choices are available on the approved list for a given subject and grade level?
- ☐ How do local administrators and teachers make selections from approved lists?
- ☐ Can a local school purchase books that are not on any adoption list? If so, from what funding source?
- ☐ Do parents and students participate in the process? How?
- ☐ How do publishers present their products to the commissions and local educators?



- ☐ Does the state regulate contact between publishers' representatives and state and local school officials?
- ☐ Do small publishers have an adequate opportunity to compete with the big companies?
- ☐ How are new textbooks and educational materials selected?

Most publishing companies have local representatives who handle sales in a particular region. You will want to talk to these representatives in addition to the school officials. These are some questions you should ask of the publisher representatives:

- ☐ How do publishers decide what books to publish?
- ☐ How do they choose authors and consultants?
- ☐ Do they have their own research and development programs?
- ☐ How do they go about selling their products to state commissions and school districts?

Next, you need to find out how the materials are evaluated. Is there a formal evaluation procedure or list of criteria at the state, school district and individual school level? What is it? Who is involved in the process? How were they selected? Is the evaluation criteria written and formalized? Then you will want to ask questions of people at various parts of the educational process, including students, parents, teachers, administrators, textbook commission members and publisher representatives:

- ☐ Are materials consistent with the school system's objectives?
- ☐ Do materials attract student interest?
- ☐ Have materials been pretested with students to ascertain their response to them?
- ☐ Are materials equitable, representative and nondiscriminatory in treatment of racial, ethnic and socioeconomic groups and the sexes? How was this evaluated?

Once you know who all the decision makers are, how they are selected and how they make their decisions you can begin to have an impact on the process either by direct participation in the process or by educating those who are involved through publications, the media or workshops.

(Questions were adapted from an unpublished paper by John Egerton for a Southern Regional Conference Seminar held October 26-27, 1973.)

## Resources

Materials and organizations that can provide technical assistance and/or information are listed below. Additional resources can be found in *An HR Source Guide*, LWVUS, Pub. No. 590, 16 pp., 1975, 75c. Publications are available free unless the price is listed.

### General

Children's Defense Fund, 1520 New Hampshire Ave., N.W., Washington, D.C. 20036: *Children On File*. To be published in May 1976, price to be designated. \* *Children Out of School in America*. 365 pp., October 1975, \$4.00. \* *How To Look At Your State's Plan For Educating Handicapped Children*. 21 pp., September 1975. \* *School Suspensions — Are They Helping Children?*. 225 pp., September 1975, \$4.00. \* *Your School Records: Questions for Parents and Students*. 11 pp., March 1976. *Your Rights Under the Education for All Handicapped Children Act*, March, 1976.

National Committee for Citizens in Education, Suite 410, Wilde Lake Village Green, Columbia, Maryland 21044.

National Education Association, Publications Department, The Academic Building, Saw Mill Road, West Haven, Connecticut 06516.

Southeastern Public Education Project of the American Friends Service Committee, 52 Fairlie Street, N.W., Atlanta, Georgia 30318.

Office for Civil Rights, U.S. Department of Health, Education, and Welfare, 330 Independence Ave., S.W., Washington, D.C. 20201.

### Pregnant Girls and Teenage Mothers

The National Alliance Concerned with School-Age Parents, Suite 516E, 7315 Wisconsin Avenue, Washington, D.C., 20014. For May 1975 special

issue on school-age parents cooperatively presented by the National Alliance Concerned with School-Age Parents and the American School Health Association, send \$2.50 to the American School Health Association, P.O. Box 708, Kent, Ohio 44240.

Federal Interagency Task Force on Comprehensive Programs for School-Age Parents, U.S. Office of Education, Room 2089-G, 400 Maryland Avenue, S.W. Washington, D.C. 20202.

Consortium on Early Childbearing and Child Rearing, 1145 19th Street, N.W., Washington, D.C.

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Council for Exceptional Children, 1920 Association Drive, Reston, Virginia 22091.

National Association for Retarded Citizens, 2709 Avenue 'E' East, Arlington, Texas 76011; Government Affairs Office: 1522 K Street, N.W., Suite 516, Washington, D.C. 20005.

## Title IX — Sex Discrimination

Title IX Regulation: Office of Public Affairs, Office for Civil Rights, Department of Health, Education and Welfare, 300 Independence Avenue, S.W., Washington, D.C. 20201.

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The Project on the Status and Education of Women, Association of American Colleges, 1818 R Street, N.W., Washington, D.C. 20009, Bernice Sandler — Director.

Project on Equal Education Rights (PEER), 1029 Vermont Avenue, N.W., Suite 800, Washington, D.C. 20005, Holly Knox — Director.

## Title I — Compensatory Education

Lawyers Committee for Civil Rights Under Law, 733 15th Street, N.W., Washington, D.C., 20005. *The Federal Education Project Newsletter*. \* *New Legal Requirements for Parent Involvement In Title I Projects*. 4 pp., 1976. \* *A Parent's Guide to Comparability*. 20 pp., 1974, 25c.

National Coalition of ESEA Title I Parents, 412 West 6th Street, Wilmington, Delaware 19801, William A. Anderson — Director.

## Racism and Sexism in Text Materials

Council on Interracial Books for Children, Inc., 1841 Broadway, New York, NY 10023.

Researched and written by Barbara Burton, Marlene Provizer and Linda Brown, Staff Specialists, Human Resources Department.



### A LEGEND OF THE PARTRIDGE AND THE LOON

In Glooscap's day the loon and the partridge competed for the honor of being the official canoe builder of the Micmac Indians.

Loon's canoe was too big and heavy. Partridge's canoe was round and sank. However, Partridge tried again and again and succeeded in building a fine canoe and thus won the contest.

Today you can hear loon's mournful cry of failure and partridge's drumming as a sign of the honored profession of his great ancestors.

Designed by Michael Francis and Stephen Dedam

Screen printed by Micmac Indian Arts & Crafts, Big Cove Reserve, N. B.

Series 3

Printed in Canada





for teachers to help them  
work with mildly retarded  
and learning disabled children.

It is H.F. 1295 and was  
introduced by Norton, Graba,  
C. Johnson, etc.

As the trend toward  
mainstreaming handicapped  
children increases, there  
is a strong need for  
teacher training.

Please feel free to call if  
there are any questions.

Sincerely, Pauline Goldens

Dear Helene + Nancy, FEB 5 1976

This is to confirm our  
phone conversation of last  
week (NANCY) and last year  
(Helene) in which the LwV of  
Minnesota feels it is all right  
for the Minneapolis LwV to  
lobby for the 5 pilot projects  
to provide in-service training



GRIGGS MIDWAY BLDG./1821 UNIVERSITY AVE./ST. PAUL, MINN. 55104/612-646-6136

February, 1976

### RESOLUTION

At present there are handicapped students in the State of Minnesota whose needs are unserved, and others greatly underserved. The goal of our State Department of Education is to deliver an appropriate educational program to all handicapped students.

Therefore, be it resolved that Minnesota achieve its full service goal of providing appropriate educational instruction and services to all handicapped children. We strongly urge the state Legislature to commit itself to providing the financial resources necessary to reach that goal.

Let's Take

Another Look

at the Minnesota Miracle

We in Minnesota place a high value on education. Our state allocates more than half its budget for education at all levels. The funding formula which Minnesota adopted in 1971 is considered a model for other states where equalization is still a dream of reformers, and educational programs are dependent on the wealth of the property owners in their school district.

LEAGUE'S POSITION

Education

Support of increased state responsibility in creating equal public educational opportunities for all Minnesota children through measures to correct racial imbalance and ensure adequate financing of public schools.

Positions:

\* Correction of racial imbalance in the schools. The state should have the power to investigate, to set and enforce standards, and to give extra financial help to achieve these standards.

\* An equalization aid formula which would include a greater proportion of local operating expenses, consideration of per capita income in addition to assessed valuation, continued consideration of the proportion of

children at different grade levels, recognition of the proportion of property taxes used for municipal services, and partial financing by property tax to maintain local control.

\* Transportation aid reflecting current costs.

\* Adequate financing of special aids for children with physical and mental problems, gifted children, and children with other learning disabilities.

\* Increasing state responsibility for phases of education which may require financial aid, specifically assistance in capital improvements, upgrading local educational standards, and encouraging experimental programs.

When the 1971 Omnibus Tax Bill was passed, League positions, reached in 1969 (see box) was supportive. In the Minnesota VOTER, January-February 1975, the effects of that legislation were reported to League members. The report showed that the state had assumed a greater proportion of school operating expenses including transportation while taking into account assessed valuation and costs of children at different grade levels, but maintaining partial funding and local control-through property taxes.

Funds for transportation and special education programs have been increased. It also showed that unexpected inflation and enrollment fluctuations had placed school programs in jeopardy. Some of the proposed solutions were described. In the meantime the Legislature has made further adjustments to the finance laws in response to the dilemma of the schools.

At the League's state Convention in 1975, delegates voted to take a further look at the financing of education in a study as follows: Study of the Foundation Aid Formula: focus on cost differences caused by location and/or degree of urbanization and the effects of fluctuating enrollments. The study was adopted to provide League members the opportunity to assess the present situation and perhaps reach a consensus that will provide program support for (or opposition) issues currently being addressed in the Legislature. It is almost impossible to separate one issue involving education or a legislative remedy from another. Every factor in the Foundation Aid Formula, every regulation from the State Department of Education, every new addition to public employee legislation is inter-related in the total picture. Each has an impact on the other.

In this VOTER report, the special (categorical) aids and special levies now in effect will be briefly described. We will look at some of the ways the Legislature has devised to respond to the differing needs of school districts and the students they serve, and discuss pending proposals. In unit discussions

League members will discuss the adequacy of present plans, and decide whether changes are needed.

#### HOW THE STATE DISTRIBUTES AID DOLLARS

Financing of Minnesota schools is accomplished through a foundation aid formula which is a combination of state funds and local tax moneys levied by the school districts themselves. In addition to the basic average sum per pupil unit which the state determines, a variety of extra levies, formula adjustments, pupil unit weightings and categorical aids help finance Minnesota's public schools. The basic formula amount for local operation costs was \$663 per pupil unit in 1971, increased to \$900 for the current 1975-76 school year, and is set at \$960 per pupil unit for the 1976-77 school year. ("Pupil units" are not the same as actual pupils, but instead are weighted to reflect the different costs of educating different kinds of students.)

An extra levy known as the "grandfather levy" is for schools which were spending more than \$663 per pupil unit, the state average, in 1971. These schools are allowed to levy the difference between \$663 and their actual average in that year. This additional levy was to have been reduced by 2½% of the original sum per year over a 40-year period, so that eventually all districts would be spending the same amount per pupil. However, in response to rapidly-increasing costs, the 1975 levy was reinstated at the 1971 level with 2½% reductions to begin in 1976. In "cities of the first class" (the Legislature's designation for

Minneapolis, St. Paul and Duluth), this same "grandfather" levy would have placed an excessive burden on local taxpayers, so the extra funds were raised by a levy of 1.9 mills times assessed valuation. In 1975 the Legislature increased this levy to 2 mills times the 1974 adjusted assessed valuation, divided by the number of pupil units. This new formula translates into a dollar sum per pupil amount rather than a specified mill levy. It is, of course, different for each city.

A special clause in the 1975 tax bill was included for Hennepin and Ramsey county school districts whose excess levy per pupil unit was in the lowest 20% of the schools which gained "grandfather levies" in 1971. If such districts find their enrollment declining, they may levy the difference between their original excess and the average excess levy per pupil unit for other districts in these counties. In other words, the clause allows a "catch-up" "grandfather levy" for the one district to which it applies.

Another source of state aid money is Aid for Handicapped Children. The state pays 65% of the salary of "essential personnel" up to a limit of \$10,000 per full time person employed. In the past this aid was distributed at the end of the school year as reimbursement for actual expenses. Beginning in 1976, the state will pay aids for the coming 1976-77 school year, and for each year thereafter, at the beginning of the year, based on a program and budget for such personnel approved by the State Board of

Education. While aid will be paid for the changeover year, 1975-76, the law provided an increase in payments received at the end of the 1974-75 school year to compensate for the loss. Groups are lobbying for an increase in such aid to 70% of salaries of essential personnel, with no maximum. As further recognition of the needs of handicapped children, there are special funds available for transportation and the age limit for school attendance is extended beyond that for other students.

Aid for Vocational Education goes to all districts which have a vocational school, department or classes for secondary students or adults which meet state and federal regulations for such programs. The state reimburses the district for all expenditures on salaries and necessary travel for vocational teachers.

Eligible Teacher Aid should make it easier for experienced teachers to find a job if they are forced out by declining enrollments or other conditions, and also will make it possible for growing school districts to afford to hire teachers with experience. Under this program, which begins in 1976, any tenured teacher who is laid off may petition the State Board of Education to be placed on the Board's "eligible teacher list." Districts which need teachers may petition the State Board to receive financial aid for hiring teachers on the "eligible" list. If such a teacher is hired for the 1976-77 school year, the state will pay the hiring district an amount equal to 80% of the difference between the



minimum salary for a teacher with a B.A. degree in the hiring district and the salary the teacher is entitled to based on the teacher's training, credits and experience. The state aid would be reduced to 60% of the difference the next year, then to 40%, and would terminate at the end of the third year.

#### Adjustments for Enrollment Fluctuations

give state aid to help compensate for problems caused by decreasing enrollments, or by rapidly increasing ones. When enrollments decrease, the basic state aid based on pupil enrollment goes down immediately, while the school district struggles with the financial burden of unused building space and excess personnel costs. To help solve this problem, the state computes foundation aid for cities of the first class by averaging actual pupil units for the current year and the preceding year. For other districts, the basis for computing state aid is to take the actual pupil units for the current year and add to it a figure equal to .6 times the difference between pupil units for the current year and the preceding year.

When enrollments increase rapidly, schools need extra dollars to gear up quickly to meet the needs of the incoming students. The state thus allows that when pupil units increase by 2% or more -- which in a large district can mean several hundred unexpected students -- the actual increase in pupil units is multiplied by .1 for each % of increase. For example, if a district had 10,000 pupil units in 1974-75, but added 150 pupil units in 1975-76, this is an increase of only 1.5%

so no special state aid is available. However, if enrollment had jumped to 10,200, which is an increase of 2%, the allowed number of pupil units would be 10,240 ( $.2 \times 200 = 40 + 10,200$ ), and the district would receive aid for 40 pupil units which exist only on paper. The maximum % increase on which it is payable is 5%.

A.F.D.C. Impact Aid is state aid available to schools which have a so-called "educational overburden" caused by the special needs of poverty and low income students or those from broken homes. It is assumed that schools with large numbers of such students will provide compensatory programs to help such students overcome deficiencies of experience or motivation caused by their personal circumstances. The measure used to determine "overburden" is the number of students in the district from families receiving Aid to Families with Dependent Children (AFDC). Each such student is counted as and addition .5 pupil unit. Then, if more than 5% of the actual pupil units in the district are AFDC children, each such pupil is counted as an additional .1 pupil unit for each % over 5%. For example, if AFDC enrollment is 7%, each AFDC pupil in elementary school would be counted as 1.7 pupil units (1 plus .5 plus .1 for each % over 5%). The AFDC pupil add-on may not exceed 1.1 pupil unit.

Aid for Extraordinary Tax Delinquency provides state aid for school districts which find that the anticipated tax income on which they based their budget is not being received because taxpayers in

their district are delinquent. If delinquency exceeds  $2\frac{1}{2}\%$ , the state will advance the difference between anticipated and actual receipts, and will not charge interest on this "loan." The district has six years to pay off the loan by subtracting it from aid payments in years when delinquency is less than  $2\frac{1}{2}\%$ . In any case, the balance remaining at the end of the six years is subtracted from the district's foundation aid.

Summer Programs, Adult Education Programs, and Shared Time Programs also receive extra funding from the state.

In short, the State of Minnesota has provided state funding for a number of special situations encountered by school districts. The question the League is now considering is whether the funding formula should be further adjusted to assist school districts which have higher than average costs.

#### THE TIGHTENING SQUEEZE

##### Fluctuating Enrollment

Demographers project a decline in total school enrollment in Minnesota over the next 10-12 years, which follows a national trend. The table shows statewide projections that were prepared for the Commission on Fluctuating Enrollments. Between 1985 and 1990, a slight increase is anticipated, but by 2000 totals will again be about those of 1975. While some districts will show a marked decrease in enrollment, others will grow. The map shows where projected growth will take place. The school population in most outstate counties will decline, as will that in Minneapolis, St. Paul, and their

"inner ring" suburbs. But the "outer ring" of the seven-county Metropolitan Area will see a marked increase in number of pupils.

Chart and Map here - see separate sheet

Fluctuations in enrollments cause a number of problems and tend to increase per pupil costs. When enrollments shift, classrooms become vacant and schools must be closed in districts with declining enrollment. Meanwhile, other districts find it necessary to build new schools. Busing from one school district to another could help, but parent/student/community resistance to long bus rides, plus the high cost of transportation, make this politically difficult. Administrative costs do not decrease as fast as pupil counts do, because programs still need directors, and buildings need maintenance. Smaller enrollments make it difficult to maintain pupil-teacher ratios at currently acceptable levels. Services such as S.L.B.P. tutors (tutors for those with Special Learning and Behavior Problems), counsellors, etc. are maintained for fewer students and these factors continue to add to per pupil costs while per pupil income does not go up proportionately. The end result is often a curtailment of program.

The age-experience mix of teaching staffs is also affected. Minnesota teacher tenure laws require that the most recently hired teachers be laid off

first, thus the school system loses the new ideas and enthusiasm, which younger teachers might add. Laying off the newer teachers in turn leads to still higher per pupil costs, since the remaining teachers are more experienced and therefore are paid higher salaries. (Almost all teacher contracts add salary increments for years of service, as well as for the additional college credits and advanced degrees more common among the more experienced teachers.)

The fiscal problems arising from this situation require thoughtful consideration. In 1974 the Legislature established a Commission on Fluctuating Enrollments whose task is to "examine...the impact of fluctuating school enrollments and their consequential effects on the quality and cost of education." Its first report is due on January 15, 1976. In 1974 the Citizens League studied the problem in the Metropolitan Area and issued a comprehensive report and suggestions for solution. School districts, caught in a squeeze between legislatively imposed limits on levying power, salary increases, inflationary costs in materials and services, and pupil enrollment shifts are asking for help. One frequently mentioned solution is aid for "mature and experienced staff."

The cost-bind of school districts is well documented, but legislators and school boards must consider whether additional expenditures for teacher salaries are necessary to insure that Minnesota children have access to quality education. Is it essential to maintain

small class sizes? Would students receive the same quality education in classes of larger size, or of a different organization (open classrooms, team groupings, etc.) with the professional teacher being assisted by para-professionals or teacher aids? Studies show that even in traditional settings -- one teacher in a selfcontained classroom -- class size is not an important determinant of achievement except for very young children and for low achievers. In a study of the effectiveness of dollar resources done in Philadelphia's inner city schools, teacher experience up to 10 years was shown to be a positive factor in measuring student achievement. As teachers' experience increased past the 10-year-mark, however, student achievement began to drop! And for low achievers, teacher-experience had a negative correlation. Does this indicate that pupil weightings should be adjusted, with aid being given for specific education programs rather than for all teachers who are in higher salary categories? Should training and experience continue to be the only criteria by which teachers earn salary increments?

With costs for schooling climbing rapidly, and the defeat of referenda in district after district, the need for a system of accountability is becoming more apparent. Where should emphasis be placed? How much money is necessary?

Recent studies have attempted to measure the effects of various "inputs" on student learning. Most show that native ability and socio-economic background



have the most profound correlation to achievement. Both of these factors are beyond the schools' control. Of the factors the school can control, class size and teacher training and experience have the greatest impact on costs. During the 1976 legislative session, bills again will be introduced to institute systems of accountability in school districts. Although accountability often arouses negative reactions from educators, legislators and state officials are joining tax-paying citizens to urge that ways be found to measure and report on school cost effectiveness.

The Citizens League report on fluctuating enrollments questions some of the underlying assumptions in education today and states that "the most fundamental 'given' about our present educational system is that a child must go to school, and must go to the school in the attendance area where he lives. This policy... may reduce incentives on the school to put its primary emphasis on responsiveness to the 'clients' of the system and on accountability for its results... This situation (also) leaves the system with few incentives to seek out other and more innovative ways to organize staff and facilities in the face of rising costs. The existing system tends to hold these inputs constant...and to let the impact fall -- or threaten to fall -- instead on the range of program offerings. Nothing is more common, as a result, that for almost every study of the education problem to conclude with a recommendation for increased funding. And nothing is more familiar than the frustration of

the Legislature and the taxpayers with their futile effort to make the system change by trying to limit the overall level of funding."

#### Urban Costs.

School district budgets are also affected by the higher cost of living in metropolitan areas. The Association of Metropolitan School Districts, using data from the U.S. Department of Labor, the 1970 Minnesota Census of Housing, and the 1974 Minnesota Salary Survey, found that the cost of living was higher in metropolitan areas, that cost of buying or renting a home was highest there, and that median monthly salaries for employees in 20 of the 27 job areas surveyed were higher in metropolitan area than in all other areas of the state. Similarly, a National Urban Coalition report indicates that in every school cost category except transportation and administration, educational services are more expensive in urban areas. Using data from the U.S. Office of Education and the National Education Association, the report concluded that in urban areas serving 75,000 or more pupils the lowest salary minimum was at least 3% higher than in any non-urban area, while maximum salaries ranged up to 13% higher. A research paper prepared for the state Legislature also showed a very high correlation between urbanization and expenditures classified as "school maintenance" (operating costs also include personnel salaries). A study done at University of California showed that teacher salaries have gone up 160% in urban areas during the past 20 years, compared with an increase of



130¢ for most other workers. Perhaps these figures explain why so many urban school districts were spending more than the state average in 1971. We can speculate that an additional contributing factor might be that during the teacher shortage of the 1960's, the rapidly-growing urban areas used higher salaries as a "carrot" to attract teachers. Their per pupil salary averages climbed, and so did their local property tax. Districts with lower assessed valuations and lower tax revenues were in a less favorable position to raise salaries, and their average expenditure stayed low. However, there are so-called high cost districts in all regions, personnel being the largest percentage of cost.

#### Desegregation/Segregation Costs

Desegregation seems to be a factor in cost differences caused by location and degree of urbanization.

Still another added cost of education today is the need to deal with new stresses on today's children -- the stresses of urban or metro area living, which some think are as difficult for children in middle income families as for those in deprived circumstances. The proliferation of single parent families also places new strains on children -- and all this is happening when many schools are saving money by cutting back on counselors, psychologists, tutors and extracurricular activities. Some cognizance of "education overburden" is given by AFDC aid, but is another measure needed to offset societal stressed experienced by other students.

The immediate question is whether the state should provide additional money to those school districts experiencing serious problems right now..how it should apportion the money...and where the money will come from.

#### POSSIBLE RESPONSES TO THE CHALLENGE

Several plans have been suggested to provide solutions to problems of school districts in financial trouble.

One such plan is the establishment of Educational Cooperative Service Units (ECSU's). Under this plan, ECSU's would be established in each development region to plan for, manage or purchase on a co-operative basis such items as administrative services, curriculum development, data processing, evaluation and research, educational TV, media centers, pupil personnel services, and programs for the gifted and handicapped. If at least half the school districts in a development region agreed to join, an ECSU would be set up, with the state providing funds for administration of \$100,000 per year for an ECSU in the metropolitan Twin Cities region and \$50,000 per year in other regions. Participating school districts would share the other costs of ECSU-funded programs or services, and the ECSU could also apply for additional state, federal or private funding. A pilot ICSU study in southwestern Minnesota known as MESA (Minnesota Educational Service Area) was judged a success by participating school districts. Supported by LWV, a bill to permit establishment of ECSU's (S.F. 22) passed the

state Senate in May 1975, and is expected to pass the House during the 1976 session.

Consolidation of school districts is a more drastic possibility for providing better quality curricula and services. The State Department of Education is asking for funds to help ease the transition period in consolidation which might prove an incentive. The need is seen now in the metropolitan area -- it is no longer confined to rural districts -- but resistance is as keen as ever. People like to have schools close to their homes. Perhaps the ECSU's would alleviate some of the need for consolidation by providing the elements for quality education through shared services and personnel.

Aid to school districts based on training, experience, and ratios of professional staff is also due for consideration by the 1976 Legislature. The Commission on Fluctuating Enrollments will probably consider several possible methods of achieving such aid, such as adding a factor to the foundation aid formula, establishing additional categorical aids, or increasing local tax levies.

Temporary salary relief, though categorical aids for school districts has been suggested by the Citizens League study which found it impossible to provide comparable services at the same pupil unit expenditures in every district. The Citizens League recommended that the state pay a portion of additional salary costs in districts with declining enrollments by offering aid equal to the difference between the salary of each teacher

who is laid off and the average teacher salary in that district at that time. This additional aid would decrease each year at the same rate at which the laid-off teachers' salaries would have approached the average salary.

Providing added funds for teacher salaries by adjusting the foundation aid formula to include this additional item was recommended in 1974 by the State Department of Education's Task Force on School Finance. Under this plan, an "index of staffing" would be prepared for each school district based on teacher training and experience in the district and teacher/pupil ratios. Foundation aid to each district would then become the product of the basic foundation aid for the entire state, times this "index of staffing" ratio, less the mill levy. Critics of such a plan point out that it would not only further complicate the process of computing state aid, but would also have other implications. It would make local tax budgets more complicated. It would be very difficult to estimate future costs to the state. And it might institutionalize higher staff costs, possibly discouraging exploration of ways to reduce such costs.

A further suggestion for providing funds to districts with high salary costs is to allow those districts some extra limited levy authority. This would allow the problem to be handled on a local level where it occurs, instead of adding to an already complicated state formula. These extra levies could be provided for in several ways:

\* Referendum - this is already provided for in present legislation. A community may vote to levy more than the state-approved mill rate. However, in most communities where school population is decreasing, it is very difficult to get a referendum passed.

\* Reverse Referendum - the school board would be able to levy a certain extra amount which would become effective after a certain time unless a percentage of the district populations petitions that it be brought to a vote.

\* An extra allowable mill rate - could be provided for on a power-equalized basis (see following explanation of power equalizing). In this case the state would guarantee that 1 mill would raise a certain amount of money. In districts whose total assets are not enough to raise that amount, the state would make up the difference.

\* The state could grant districts authority to levy extra funds based on the percentage of teachers in the high experience-training salary levels. The amount of allowable mill rate increase could be on a graduated scale.

Power equalizing is often suggested as a way of allowing school districts to levy taxes for needed funds, while at the same time preventing further disparities in income between districts.

The theory of power equalizing is that school districts have "equal school power" when they have equal amounts of money to spend for education after having made equal local tax effort (that is, mill levies). With power equalizing the

state commits itself to the proposition that the dollar offering received per pupil unit (or whatever measure the state chooses to use) will be uniform if the local tax levy effort is uniform. All districts which tax "A" number of mills ends up with "X" number of dollars per pupil, either through their own tax revenues or through state supplements to such revenues. The state would set the upper limit on efforts, so that it could control and predict its liability in state aid collars. If the state says that a 10-mill local effort should raise \$400 per pupil, but this happens only in the richest 5% of the districts in the state, the state then commits itself to making up the difference in the other 95% of the districts. More realistically, the state might say that a 10-mill local effort should raise \$200 per pupil. The state then would "recapture" the extra dollars raised in districts bringing in more than \$200 per pupil, and redistribute the funds to districts where the 10-mill levy did not raise the established \$200 per pupil. In other words, some school districts would be taxed to support schools in other districts in a much more direct fashion than they are now. Seven states use a form of power equalizing to finance their schools; four of them have, or soon will have, the "recapture" feature as well.

In addition to setting a ceiling on state aid dollars, establishing an "effort/offering" formula, and deciding what to do when districts' local efforts exceed or fail to meet the state's es-



established dollar sum per pupil, the state must deal with other problems when it uses power equalizing. If the local property tax levy is the measure of effort, then the state should see to it that assessment practices are consistent from district to district, and that various kinds of property (residential, public utility, commercial, vacant land, etc.) are assessed at a uniform percentage of market value from district to district. (In Minnesota, Equalization Assessment Review Commission(EARC) adjusts each school district's tax levy according to assessment practices.)

The state also must decide whether it will measure the offering received by local districts in terms of individual pupils, or by some form of "pupil unit." In doing so, it must decide whether weighting for outside factors like percentage of AFDC families or higher costs of secondary schooling should be added before or after effort/offering results are totalled up, and whether extra funds should go for all pupils or just for the weighted pupil units. Currently, Minnesota does not require that additional funds allotted school districts under the weighting formula be spent only on the weighted units -- that is, the AFDC or secondary students -- but assumes these extra cost burdens are reflected in the local budget, and will be cared for accordingly.

In considering power equalizing for Minnesota, one critic has pointed out that "statewide uniformity would mean that all children would receive the same compromise level of education and, con-

sequently, that the only freedom of choice for parents would be freedom to leave the state." Others point out that such a system shows more concern for taxpayers than it does for children's education. However, Minnesota already sets a minimum standard for local tax efforts in all school districts, and also places a ceiling on per-pupil unit expenditures per year. It has been suggested that school districts themselves be allowed to exceed these state-imposed per pupil expenditure and levy limits on a power-equalized basis, but some say this use of power equalizing would result in the Legislature abrogating the responsibility for funding public education assigned to it by the state Constitution.

#### WHO WILL DECIDE?

One hears it said that decision-making power has been taken away from local school boards...that increased state aid to local school districts along with levy limits have drastically increased the state Legislature's control over local public education...that teachers' unions are influencing school finances, and, through them, school policy...that parents have no voice in their children's education.

Where does the decision-making power rest in education today? The answer is that it is shared, although there has been some shift of power in Minnesota during the five years since passage of innovative state education financing legislation in 1971 which came to be known as the "Minnesota Miracle." It is left to each local school board to



decide how to divide up the money it receives. No longer can districts with more taxable property spend more money on their schools, while areas with less taxable property have less. But local school boards can still decide which is more important -- a superior hockey program or advanced placement courses, field trips or new textbooks, football or foreign languages -- assuming that there is enough money to pay for their choices. The excess levies and categorical aids that are added to the basic formula amount for the most part are added to this total "pot."

The voter retains some decision-making power, too. Through a referendum, local voters may choose to levy more school taxes than the amount set by the state Legislature. The local voter also elects the local school board, and elects or turns out of office the state legislators who set school aid policy.

A great deal of decision-making power indirectly lies with teachers, because of the high percentage of the total budget which goes to teacher salaries. The greater unionization of teachers in recent years, and the 1975 state law which gives them the right to strike, has given teachers much greater power at the bargaining table. The new bargaining laws also add a third party to school/teacher decision-making by providing that salary disputes that cannot be settled locally must go to binding arbitration by three non-elected state arbitrators. If a school board refuses to submit to arbitration, or refuses the arbitrators'

settlement, teachers may legally strike.

Another level of decision-makers would be created if ECSU's are approved by the Legislature. Because ECSU administration would cross school district lines, some fear an erosion of local control leading to ever larger consolidated school districts or perhaps metropolitan school districts. However, membership in an ECSU is voluntary, and the governing body would be made up of elected members of local school boards.

In considering formula changes, League members must decide where responsibility -- therefore decision-making power -- should reside. Basic formula changes and specific categorical aids give the Legislature the decision. This corresponds to the constitutional provision that the Legislature must provide a system of general and uniform education that is "thorough and efficient."

Increasing local levying power gives the decision to local school boards who are, theoretically at least, closer to the people and to the needs of the district. However, this solution could lead again to the very situation the 1971 law and subsequent court decisions have sought to remedy. That is, education opportunities depending on the wealth of the school district and property owners.

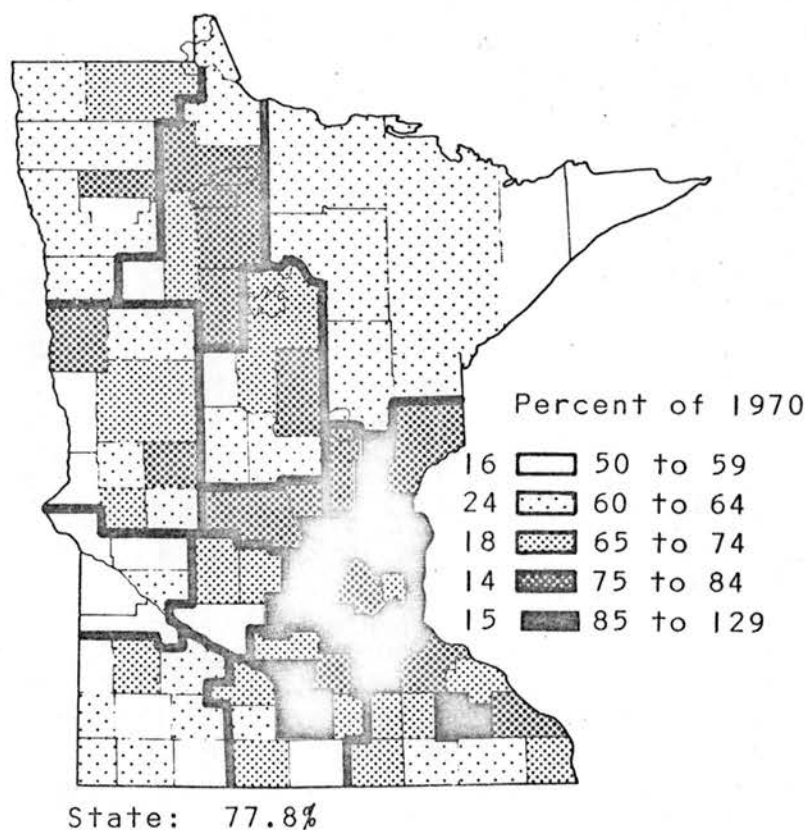
If state aid were to be given for the salaries, would the board still retain authority to allocate the total sum? Or would there be pressure to regulate both salaries and programs through regional or statewide salary schedules,

state regulations of pupil-teacher ratios, or minimum or maximum program offerings?

Perhaps the most prudent approach is expressed in a publication of the Advisory Council on Fluctuating Enrollments:

"The Council's function is not to decide the future; that is an immense problem and better left to more appropriate bodies. The Council is concerned that the state should not adopt anything which 'locks in' the present system... What eventually emerges should be an arrangement which allows the state to respond to a fluid and shifting future."

1985 PROJECTED SCHOOL AGE POPULATION  
AS A PERCENT OF 1970, BY COUNTY



*School Enrollments in Minnesota  
as projected by State Demographer*

|              | 1970           | 1975           | 1980           | 1985           |
|--------------|----------------|----------------|----------------|----------------|
| Kindergarten | 72,481         | 61,126         | 60,628         | 67,956         |
| Elementary   | 500,645        | 421,905        | 348,837        | 373,445        |
| Secondary    | <u>546,234</u> | <u>570,418</u> | <u>523,994</u> | <u>429,542</u> |
| Total        | 1,119,360      | 1,053,439      | 933,459        | 870,943        |

Source: Office of State Demographer  
and State Department of Education

M  
E  
M  
O

TO: LWVMN Education Committee  
Jerry Jenkins, Mary Watson

FROM: Nancy Atchison, Chairman

SUBJECT Consensus reports

LEAGUE OF WOMEN VOTERS OF MINNESOTA

555 WABASHA

ST. PAUL, MINNESOTA 55102

PHONE: 224-5445

DATE March 17, 1976

COMMITTEE MEETING: Tuesday, April 6, 1976, 9:30 a.m.  
State Office

Purpose: compiling of consensus reports for first part of  
Education study.

preliminary report on second part---tenure/seniority

Well, here we are at the home stretch in our work for this year. Hope you all felt good about the VOTER and the unit meetings. I am anxious to see what has come from all the work.

I have appreciated your efforts and your patience with me. Some of you ~~names~~ were not listed in the VOTER. The reason for that was that I felt only those who did actual writing and research should take the blame and/or credit. Nevertheless, Board members and outstate consultants contributed a great deal. My thanks to all of you.

Let the office know if you will NOT be at the meeting.





**LEAGUE OF WOMEN VOTERS  
OF MINNESOTA**

PHONE (612) 224-5445

555 WABASHA • ST PAUL, MINNESOTA 55102

Education Committee Guide

Background Interview Survey

Pm-T

Memo to: Local League Education Study Chairpersons  
From: Betty Shaw, LWVMN Education Committee Chairperson  
Date: October 22, 1976

As you know, the education committee is working hard to try to provide adequate study information on tenure and collective bargaining in education. Your help is essential in gaining accurate information on a statewide level.

Enclosed is a brief Background Information Survey which we would very much like to have the superintendent in your school district fill out for us. This may be done either in person or by mail. If you have more than one school district within your area, please ask that the survey be answered by each superintendent. If there is more than one League in your school district, coordinate with those other Leagues and determine which one will be responsible for getting the survey completed (and sharing that information with the other Leagues in the district).

If you plan to have this survey done by mail rather than through a personal interview, please include a cover letter explaining that we are doing a statewide education study and asking their cooperation. Assure the superintendent that these surveys will be held in the strictest of confidence. If need be, they may omit district identification as long as the response comes in an envelope -- preferably your League's -- that can be identified if it's mailed directly back to the state office. That's just so we can check off which districts have responded. Attached is a sample of what such a cover letter might include. Also include a self-addressed envelope, either to the state office or to yourself.

If you have questions, please feel free to call (926-6093) or write me (2649 Huntington, St. Louis Park, MN 55416) about anything.

(Over)

SAMPLE LETTER

Dear Superintendent:

The League of Women Voters of Minnesota is doing a study of tenure and continuing contract laws and of Public Employee Bargaining laws in Minnesota. We would appreciate your assistance in gaining some background information from your district.

Please answer these questions as completely and candidly as possible. The enclosed envelope is provided for your convenience in returning this questionnaire. Please be assured that these surveys will be held in the strictest of confidence. District identification may be omitted if you feel the need to do so. We do, however, request that you use the enclosed envelope so that either we (or the state committee chairman) has some destroyable identification as to the district responding.

If you have any questions, please feel free to call me or to write the study chairman, Betty Shaw, at 2649 Huntington, St. Louis Park, MN 55416.

Thank you very much.

Sincerely,

Chairman, Education Committee  
League of Women Voters of

BACKGROUND INFORMATION SURVEY  
LEAGUE OF WOMEN VOTERS OF MINNESOTA EDUCATION COMMITTEE

1. School District Name \_\_\_\_\_  
b. School District # \_\_\_\_\_
2. Number of pupils in district \_\_\_\_\_
3. Number of teachers in district \_\_\_\_\_
4. Number of elementary schools \_\_\_\_\_  
b. Number of secondary schools \_\_\_\_\_
5. Are district enrollments stable, increasing, declining? \_\_\_\_\_
6. Has your district been involved in contract mediation? \_\_\_\_\_  
b. Has your district been involved in impasse arbitration? \_\_\_\_\_
7. Do principals have a bargaining unit in your district? \_\_\_\_\_  
b. Do administrators have a bargaining unit in your district? \_\_\_\_\_
8. Are principals' salaries based on the teachers' salary schedule? \_\_\_\_\_
9. How are principals' and administrators' contracts arrived at? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
10. Has your district ever released a tenured teacher? \_\_\_\_\_  
b. How many in the last 5 years? \_\_\_\_\_  
c. Under what circumstances were they released? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
11. Has your district ever counseled out of teaching a tenured teacher? \_\_\_\_\_  
b. How many in the last 5 years? \_\_\_\_\_
12. Has your district ever gone to court to release a tenured teacher for cause? \_\_\_\_\_  
b. How many in the last 5 years? \_\_\_\_\_
13. Has your district retained a tenured teacher whose job performance was inadequate because of tenure protection? Please elaborate if you will. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
14. How does your district evaluate its teachers? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

How often? \_\_\_\_\_

By whom are they evaluated? \_\_\_\_\_

Is the evaluation voluntary? \_\_\_\_\_ or mandatory? \_\_\_\_\_

15. How are principals evaluated? \_\_\_\_\_

\_\_\_\_\_

How often? \_\_\_\_\_

By whom are they evaluated? \_\_\_\_\_

(Please attach any sample forms for teachers and/or principals' evaluation.)

16. Has your district attempted to negotiate an alternative to the "straight seniority" basis for determining which teachers are laid off? \_\_\_\_\_

b. Were you successful? \_\_\_\_\_



## BACKGROUND ON TENURE

Teacher tenure laws were passed to protect teachers from arbitrary dismissal. These laws granted teachers job security by removing them from the spoils system, nepotism, and political pressures. It was also <sup>thought</sup> ~~felt~~ that with permanent jobs teachers would become more a part of their schools' communities. They would also gain more academic freedom. The probationary period would eliminate poor teachers. In Minnesota, tenure is obtained through two laws.

The Teachers Tenure Act (Minnesota Statutes 125.17) applies to the cities of the first class: Minneapolis, St. Paul, and Duluth. This provides for a probationary period of three years for teachers, during which any annual contract "may or may not be renewed as the school board shall see fit." The term teacher includes principals, classroom teachers, supervisors (consultants), visiting teachers (school social workers), counselors, and school librarians. After the probationary period, teachers may not be dismissed except for cause and after a hearing. Grounds for discharge are

- (1) Immoral character, conduct unbecoming a teacher, or insubordination;
- (2) Failure without justifiable cause to teach without first securing the written release of the school board;
- (3) Inefficiency in teaching or in the management of a school;
- (4) Affliction with tuberculosis or other communicable disease;
- (5) Discontinuance of position or lack of pupils.

The charges against a teacher shall be in writing, and a hearing shall be held before the school board, with both sides having the right to counsel and to subpoena and examine witnesses.

The Continuing Contract Law (Employment; Contracts; Termination, Minnesota Statutes 125.12) applies to all school districts except those of the first class. This was passed some years after the Teacher Tenure Act to give other teachers in the state similar protection, though it differs in many provisions. Here the definition of teacher includes the superintendent and all professional employees required to hold a certificate from the state Department of Education. "The first and second consecutive years of teaching experience in Minnesota in a single school district shall be deemed a probationary period of employment, and after completion thereof, the probationary period in each district in which he is thereafter employed shall be one year." During this period, a contract may or may not be renewed provided a written notice is given by April 1st.

After the probationary period, a contract may be terminated upon majority roll call vote of the school board on one of the grounds specified in the law. They are:

- (a) Inefficiency;
- (b) Neglect of duty, or persistent violation of school laws, rules, regulations, or directives;
- (c) Conduct unbecoming a teacher which materially impairs his educational effectiveness;
- (d) Other good and sufficient grounds rendering the teacher unfit to perform his duties.

A written notice of termination stating the grounds for dismissal shall be sent the teacher 14 days before the vote is taken, and the teacher may demand a hearing. Similar provisions to the Teacher Tenure Act are made for due process at the hearing.

Teachers may be placed on unrequested leave without pay or fringe benefits because of the discontinuance of a position, lack of pupils, financial limitations, or merger of classes caused by consolidation of districts. A plan for such leaves of absence may be negotiated with the teachers' bargaining agent, or placement on unrequested leave shall follow the rules of seniority.

The growing discontent with teacher tenure seems to be influenced by decreasing school enrollments and the increasing financial difficulties of school districts. Some parents <sup>think</sup> ~~feel~~ that weak teachers are retained while good teachers are dismissed. The charge is also made that inefficient administrators are protected. The retention of older teachers is blamed by some people for the continuing of ineffective educational programs and the failure to gain reforms and create new promising programs. Some taxpayers argue that costs could be cut if boards were allowed to dismiss higher paid teachers who are locked into automatic pay raises. They would then be able to retain younger, less expensive teachers. This argument does not consider the quality of teaching. Administrators and school boards resent restraints on their management of school systems. Poor teachers are not dismissed because of the difficulty of proving just charges against them according to the due process of law provisions. Timid administrators are reluctant to lay charges against inefficient teachers. Some of this difficulty may be caused by sloppy evaluative processes.

The tenure laws do provide for the dismissal of ineffective and otherwise undesirable teachers. Where school boards have dismissed such teachers after hearings of well documented charges and under due process proceedings, such cases have been upheld by the courts. The probationary period, before a teacher is tenured, can set criteria to differentiate between good and bad teaching. It provides a time to test and eliminate inadequate teachers.

Tenure ensures the maintenance of a staff of capable, experienced teachers by preventing their removal for personal or political reasons. It guarantees worthy teachers employment after long periods of satisfactory service. Classroom teachers' productivity and enterprise are crucial factors in attaining quality education for children. Tenure ensures teachers freedom to teach and children freedom to learn. As special interest groups try to force their specific views on the curriculum, tenure protects teachers who resist such pressures and present objective and many faceted views of issues. It guarantees a corps of qualified teachers free from dismissal for causes that have no relation to their relationship as teachers.

Are there alternatives to tenure? The most commonly proposed is bargaining agreements with teachers that set the terms, including termination, of employment. The American Association of School Administrators has produced a pamphlet which proposes the following "creative alternatives":

- Written personal<sup>al</sup> policies
- Position descriptions
- Performance expectancy
- Renewal contracts
- Impeccable due process
- Negotiated agreements

There should be teacher input into the first three, or they could develop into devices for getting rid of teachers for other causes than inefficiency. Renewable contracts could, by themselves, deprive teachers of job security and place them at the whims of administrators or school boards, as each contract expires. The authors <sup>think</sup> ~~feel~~ that the agreements negotiated with teacher organizations should provide a process for defining and describing the teacher performance expected and for participating in the evaluation of such performance. The agreements should also provide for the means of removing ineffective teachers.

Another solution for the problem of tenure is a more vigorous enforcement of the provisions for the removal of poor teachers. This, of course, means more administrative work in the careful documentation of charges and

the carrying out of due process of the law.

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Sinowitz, Betty, "What About Teacher Tenure?" TODAY'S EDUCATION, April, 1973, pp. 40-42

TEACHER TENURE AIN'T THE PROBLEM (pamphlet), American Association of School Administrators, 1973



EDUCATION QUESTIONNAIRE

Card 1 COL 1,2,3 interview number \_\_\_\_\_  
1/4-8 District characteristics

PLEASE CHECK HERE WHO YOU ARE INTERVIEWING

Position: Superintendent \_\_\_\_\_ (col 9/1)  
Elementary Principal \_\_\_\_\_ (col. 9/2)  
Secondary Principal \_\_\_\_\_ (col. 9/3)  
School Board Member \_\_\_\_\_ (col. 9/4)  
Elementary teacher with more than 10 years' experience \_\_\_\_\_ (col. 9/5)  
Elementary teacher with less than 10 years' experience \_\_\_\_\_ (col. 9/6)  
Secondary teacher with more than 10 years' experience \_\_\_\_\_ (col. 9/7)  
Secondary teacher with less than 10 years' experience \_\_\_\_\_ (col. 9/8)  
  
President of teacher association \_\_\_\_\_ (col. 10/1)  
Member of teacher bargaining team \_\_\_\_\_ (col. 10/2)

OPINION QUESTIONS

Please check the proper response in the blank provided. Please add any comments after each question in the space provided or on an additional paper (indicate the question # if additional paper is used).

PLEASE READ THE INTRODUCTORY STATEMENT BEFORE ASKING THE QUESTIONS

I. The League of Women Voters of Minnesota has chosen to study the tenure/continuing contract laws and their impact on schools. Please help us evaluate this relationship by answering the following questions:

- 1/11 1. Tenure laws are necessary or advisable to insure academic freedom.  
Strongly agree \_\_\_(1) Agree \_\_\_(2) Uncertain \_\_\_(3) Disagree \_\_\_(4) Strongly Disagree \_\_\_(5)
- 1/12 2. Tenure laws are necessary or advisable to allow freedom for differing teaching styles.  
Strongly agree \_\_\_(1) Agree \_\_\_(2) Uncertain \_\_\_(3) Disagree \_\_\_(4) Strongly Disagree \_\_\_(5)
- 1/13 3. Tenure laws are necessary or advisable to prevent a "spoils system" or personal favoritism.  
Strongly agree \_\_\_(1) Agree \_\_\_(2) Uncertain \_\_\_(3) Disagree \_\_\_(4) Strongly Disagree \_\_\_(5)

- 1/14 4. Tenure laws are necessary or advisable to protect a teacher from community pressure.  
Strongly Agree \_\_\_(1)Agree \_\_\_(2)Uncertain \_\_\_(3)Disagree \_\_\_(4)Strongly Disagree \_\_\_(5)
- 1/15 5. Tenure laws are necessary or advisable to protect against prejudice (ethnic, sex, age, etc.)  
Strongly Agree \_\_\_(1)Agree \_\_\_(2)Uncertain \_\_\_(3)Disagree \_\_\_(4)Strongly Disagree \_\_\_(5)
- 1/16 6. Tenure laws are necessary or advisable to prevent release of high-salaried teachers as a means of budgetary reductions.  
Strongly Agree \_\_\_(1)Agree \_\_\_(2)Uncertain \_\_\_(3)Disagree \_\_\_(4)Strongly Disagree \_\_\_(5)
- 1/17 7. Other reasons for tenure laws are \_\_\_\_\_
- 1/18 8. Please rank the above statement in order of importance for the preservation of tenure laws. (Most important goes in blank #1, etc. Place in the blank the question number which corresponds to the most important reason for tenure preservation. For example: if protection of teaching styles is most important, put the number 2 in blank number 1.)  
1. \_\_\_\_\_ 2. \_\_\_\_\_ 3. \_\_\_\_\_ 4. \_\_\_\_\_ 5. \_\_\_\_\_ 6. \_\_\_\_\_ 7. \_\_\_\_\_
- 1/19,20 9. If tenure laws were to be modified, what modifications would you find acceptable?  
(Please check any or all modifications that are acceptable.)  
1. \_\_\_\_\_ abolition of tenure  
2. \_\_\_\_\_ periodic review and renewal of tenure  
3. \_\_\_\_\_ contract negotiation of tenure  
4. \_\_\_\_\_ lengthening of probationary period  
5. \_\_\_\_\_ shortening of probationary period  
6. \_\_\_\_\_ no change is acceptable  
7. \_\_\_\_\_ other (specify) \_\_\_\_\_
- 1/21, 22 10. If the tenure laws were to be modified, what modifications would you find desirable?  
1. \_\_\_\_\_ abolition of tenure  
2. \_\_\_\_\_ periodic review and renewal of tenure  
3. \_\_\_\_\_ contract negotiation of tenure  
4. \_\_\_\_\_ lengthening of probationary period  
5. \_\_\_\_\_ shortening of probationary period  
6. \_\_\_\_\_ no change is desirable  
7. \_\_\_\_\_ other (specify) \_\_\_\_\_

- 1/23 11. Can the safeguards provided by the current tenure laws be equally well provided by a master contract with a carefully drawn up grievance procedure with final appeal to arbitration?

Yes \_\_\_\_ (1) No \_\_\_\_ (2) Undecided \_\_\_\_ (3) No answer \_\_\_\_ (4)

1/24 What would be the advantages of such an arrangement?

1/25 What would be the disadvantages?

ELABORATION ON QUESTIONS 12-15 WOULD BE ESPECIALLY APPRECIATED.

- 1/26 12. Job security provided by tenure laws leads to professional stagnation.

Strongly Agree \_\_\_\_ (1) Agree \_\_\_\_ (2) Uncertain \_\_\_\_ (3) Disagree \_\_\_\_ (4) Strongly Disagree \_\_\_\_ (5)

- 1/27 13. Job security provided by tenure laws leads to the protection of incompetent teachers.

Strongly Agree \_\_\_\_ (1) Agree \_\_\_\_ (2) Uncertain \_\_\_\_ (3) Disagree \_\_\_\_ (4) Strongly Disagree \_\_\_\_ (5)

- 1/28 14. Removal of the job security provided by tenure laws would help prevent professional stagnation.

Strongly Agree \_\_\_\_ (1) Agree \_\_\_\_ (2) Uncertain \_\_\_\_ (3) Disagree \_\_\_\_ (4) Strongly Disagree \_\_\_\_ (5)

- 1/29 15. Removal of the job security provided by tenure laws would encourage the release of incompetent teachers.

Strongly agree \_\_\_\_ (1) Agree \_\_\_\_ (2) Uncertain \_\_\_\_ (3) Disagree \_\_\_\_ (4) Strongly Disagree \_\_\_\_ (5)

PLEASE READ THIS INTRODUCTION BEFORE THE NEXT SET OF QUESTIONS

- II. In 1974, MS125.12 was amended to include a method for determining how staff reductions are to be made. It says: Teachers who have acquired continuing contract rights shall be placed on unrequested leave of absence in fields in which they are certified in the inverse order in which they were employed by the school district.

- 1/30 1. The seniority rank dismissal procedure is in the best interests of quality education.  
Strongly Agree\_\_\_(1)Agree\_\_\_(2)Uncertain\_\_\_(3)Disagree\_\_\_(4)Strongly Disagree\_\_\_(5)
- 1/31 1b. Why do you believe the seniority rank dismissal procedure is, or is not, in the best interest of quality education?
- 1/32 2. What modifications in the seniority dismissal process would you find acceptable?
- 1/33 3. What modifications in the seniority dismissal process would you find desirable?
- 1/34 4. In many districts, educational programs have been lost or their effectiveness diminished because the application of the seniority dismissal process has led to the release of key teachers. Has this happened in your district?  
Yes\_\_\_(1) No\_\_\_(2) No answer\_\_\_(3)
- 1/35 How detrimental to the quality of education provided has (have) the loss of this (these) program(s) been.  
Very Serious\_\_\_(1)Serious\_\_\_(2)Neutral\_\_\_(3)Not Very Serious\_\_\_(4)Not A Problem\_\_\_(5)
- 1/36 5. Seniority dismissal procedures will lead to an age and experience imbalance in a district's teaching staff.  
Strongly Agree\_\_\_(1)Agree\_\_\_(2)Uncertain\_\_\_(3)Disagree\_\_\_(4)Strongly Disagree\_\_\_(5)
- 1/37 6. How important is a balanced mixture of age and experience in the school district?  
Very Important\_\_\_(1)Somewhat Important\_\_\_(2)Neutral\_\_\_(3)Not Very Important\_\_\_(4)  
Not Important\_\_\_(5)
- 1/38 7. The law on unrequested leaves should be amended to provide that recent teaching experience within a certified subject area be a requirements in establishing seniority rank.  
Strongly Agree\_\_\_(1)Agree\_\_\_(2)Uncertain\_\_\_(3)Disagree\_\_\_(4)Strongly Disagree\_\_\_(5)



- 1/39 8. In determining who should be placed on unrequested leave, which set of criteria should be used?
1. \_\_\_\_\_ Seniority only
  2. \_\_\_\_\_ Seniority and some measure of job performance, seniority dominant
  3. \_\_\_\_\_ Seniority and some measure of job performance, equally
  4. \_\_\_\_\_ Seniority and some measure of job performance, job performance dominant
  5. \_\_\_\_\_ Some measure of job performance only

PLEASE READ THE INTRODUCTORY STATEMENT BEFORE ASKING THE QUESTIONS

III. Please help us evaluate the impact of collective bargaining laws, as stated in the Public Employees Labor Relations Act (PELRA).

- 1/40 1. How has PELRA served to assist school districts and teachers to reach agreement over contract disputes?
- 1/41 2. What processes are still lacking?
- 1/42 3. Since PELRA, teachers' groups have been better able to achieve their objectives in terms of wages and of working conditions.
- Strongly Agree \_\_\_(1)Agree \_\_\_(2)Uncertain \_\_\_(3)Disagree \_\_\_(4)Strongly Disagree \_\_\_(5)
- 1/43 4. How effective are teachers in influencing district educational policy decisions?
- Very Effective \_\_\_(1)Somewhat Effective \_\_\_(2)Neutral \_\_\_(3)Not Very Effective \_\_\_(4)  
Not At All Effective \_\_\_(5)
- 1/44 5. How effective are principals in influencing district educational policy decisions?
- Very Effective \_\_\_(1)Somewhat Effective \_\_\_(2)Neutral \_\_\_(3)Not Very Effective \_\_\_(4)  
Not At All Effective \_\_\_(5)
- 1/45 6. Grievance procedures are adequate to remedy justified teacher complaints.
- Strongly Agree \_\_\_(1)Agree \_\_\_(2)Uncertain \_\_\_(3)Disagree \_\_\_(4)Strongly Disagree \_\_\_(5)

- 1/46 7. The administration's responsibility to implement policy decisions is hampered significantly by the possible use of grievance procedures.

Strongly Agree \_\_\_ (1) Agree \_\_\_ (2) Uncertain \_\_\_ (3) Disagree \_\_\_ (4) Strongly Disagree \_\_\_ (5)

- 1/47 8. What successes and problems have been met during impasse arbitration?

- 1/48 9. Are the compromises satisfactory to either party?

1. \_\_\_\_\_ Satisfactory to teachers, not to school board
2. \_\_\_\_\_ Satisfactory to teachers and school board
3. \_\_\_\_\_ Satisfactory to school board, not to teachers
4. \_\_\_\_\_ Not satisfactory to either

- 1/49 10. In what ways, if any, have educational priorities been altered as the result of a negotiated settlement? (For example, budget adjustments, personnel assignments changed, etc.)

- 1/50, 11. Which of these "non-economic" items do you consider legitimate items to include in contract negotiations? Check all those you consider negotiable.  
51

1. \_\_\_\_\_ Class size
  2. \_\_\_\_\_ In-service training
  3. \_\_\_\_\_ Prep time
  4. \_\_\_\_\_ Extra duties (hall monitor, lunchroom, etc.)
  5. \_\_\_\_\_ Seniority rank dismissal
  6. \_\_\_\_\_ Affirmative action policies
  7. \_\_\_\_\_ Curriculum planning
  8. \_\_\_\_\_ Alternative teaching styles
  9. \_\_\_\_\_ Building transfer policies
  10. \_\_\_\_\_ Other (specify)
- 

- 1/52 12. Which of these items do you feel are most important to include in contract negotiations? Please rank. (Put the number from question 11 above in blank number 1 for the item considered most important, e.g. if prep time is most important, put a 3 in blank #1.)

1. \_\_\_\_\_ 2. \_\_\_\_\_ 3. \_\_\_\_\_ 4. \_\_\_\_\_ 5. \_\_\_\_\_ 6. \_\_\_\_\_ 7. \_\_\_\_\_

- 1/53 13. Which of these items do you feel are most important to be excluded from contract negotiations? Please rank as in question 12.
1. \_\_\_\_\_ 2. \_\_\_\_\_ 3. \_\_\_\_\_ 4. \_\_\_\_\_ 5. \_\_\_\_\_ 6. \_\_\_\_\_ 7. \_\_\_\_\_

- 1/54 14. Should parents be consulted when negotiation priorities are set?
1. \_\_\_\_\_ By both teachers and school board  
2. \_\_\_\_\_ By teachers, not school boards  
3. \_\_\_\_\_ By school board, not teachers  
4. \_\_\_\_\_ By neither school board nor teachers

PLEASE READ THE INTRODUCTORY STATEMENT BEFORE ASKING THE QUESTIONS

IV. Evaluation

Consideration of the impact on schools of tenure laws and/or collective bargaining seems to lead to an evaluation of teacher and principal job performance. Please help us clarify these processes.

Many things are felt to contribute to improved job performance. Please help us understand how the following items might be best used toward improved job performance.

- 1/55 1a. Teachers who take approved graduate course credits are better classroom teachers than they would be had they not taken the graduate course credits.
- Strongly Agree \_\_\_ (1) Agree \_\_\_ (2) Uncertain \_\_\_ (3) Disagree \_\_\_ (4) Strongly Disagree \_\_\_ (5)
- 1/56 1b. Under what circumstances does the taking of graduate course credits improve teaching performance?
- 1/57 2a. Teachers with more years of experience are better than teachers with fewer years of experience.
- Strongly Agree \_\_\_ (1) Agree \_\_\_ (2) Uncertain \_\_\_ (3) Disagree \_\_\_ (4) Strongly Disagree \_\_\_ (5)
- 1/58 2b. Is there a point at which additional years of experience no longer yield significant improvement in teaching performance?
- Yes \_\_\_ No \_\_\_ Uncertain \_\_\_
- 1/59 2c. At what point do you think further years of experience no longer yield significant improvement?
1. \_\_\_\_\_ After one year of teaching  
2. \_\_\_\_\_ After two-four years of teaching  
3. \_\_\_\_\_ After five to eight years of teaching  
4. \_\_\_\_\_ After eight-ten years of teaching  
5. \_\_\_\_\_ After ten to fifteen years of teaching  
6. \_\_\_\_\_ Every additional year brings better performance no matter how many years of experience are involved.

1/60 3. Under what conditions does regular evaluation bring improvement in teaching performance?

1/61 3b. Does your district's current method of evaluation have any effect on teaching performance?

1. \_\_\_\_\_ Significantly improves it
2. \_\_\_\_\_ Improves it somewhat
3. \_\_\_\_\_ Has no effect
4. \_\_\_\_\_ Has a somewhat negative effect
5. \_\_\_\_\_ Has a significant negative effect

1/62 4. Present recertification requirements improve classroom teaching performance.

Strongly Agree \_\_\_(1)Agree \_\_\_(2)Uncertain \_\_\_(3)Disagree \_\_\_(4)Strongly Disagree \_\_\_(5)

1/63 4b. Under what circumstances could recertification requirements be made to improve classroom teaching performance?

1/64 5. Does in-service training in your district improve classroom teaching performance?

1. \_\_\_\_\_ Improves it significantly
  2. \_\_\_\_\_ Improves it somewhat
  3. \_\_\_\_\_ Has no effect
  4. \_\_\_\_\_ Has a negative effect by cutting down on classroom contact hours
  5. \_\_\_\_\_ Other (specify)
- 

1/65 5b. Under what circumstances can in-service training improve classroom teaching performance?

1/66 6. Sabbatical leave helps improve a teacher's classroom teaching performance.

1. \_\_\_\_\_ Yes, significantly
  2. \_\_\_\_\_ Yes, somewhat
  3. \_\_\_\_\_ Yes, minimally
  4. \_\_\_\_\_ Has no effect
  5. \_\_\_\_\_ Has a negative effect
  6. \_\_\_\_\_ Other (specify)
-



1/67 7. Does the prep-time allowed teachers improve classroom teaching?

1. ☐ Improves it significantly
2. ☐ Improves it somewhat
3. ☐ Has no effect
4. ☐ Has a negative effect by cutting down on classroom contact yours.

1/68 7b. What amount of prep-time do you consider optimal for improvement in classroom teaching?

1/69 8. Teacher service on school or district committees helps improve the quality of education in the district.

Strongly Agree\_\_\_(1)Agree\_\_\_(2)Uncertain\_\_\_(3)Disagree\_\_\_(4)Strongly Disagree\_\_\_(5)

1/70 8b. In what ways can service on school or district committees help either classroom teaching performance or the over-all quality of education in the district?

1/71 9. In what ways could the rotation of teachers' building assignments improve teaching quality?

1/72 9b. In what ways could the rotation of teachers/ building assignments have a negative effect on teaching quality?

1/73 10. What effect does strong "building morale" for teachers have on the quality of teaching?

1. ☐ Significantly improves it
  2. ☐ Somewhat improves it
  3. ☐ Improves it minimally
  4. ☐ Has no effect
  5. ☐ Other (specify)
- 

1/74 11. In what ways does a teacher's participation in community activities improve his/her teaching performance?

1/75 12. What other factors do you think serve to improve teaching performance?

1/76 13. How do those other factors serve to improve teaching performance?

1/77, 14. Please rank the following in order of their importance to improvement of teaching  
78 performance. Put the letter of the one considered most important in blank #1, etc.

1. \_\_\_\_\_ 2. \_\_\_\_\_ 3. \_\_\_\_\_ 4. \_\_\_\_\_ 5. \_\_\_\_\_ 6. \_\_\_\_\_ 7. \_\_\_\_\_ 8. \_\_\_\_\_ 9. \_\_\_\_\_ 10. \_\_\_\_\_ 11. \_\_\_\_\_

- a. Graduate course hours
- b. Years of experience
- c. Regular evaluation
- d. Re-certification requirements
- e. In-service training
- f. Sabbatical leave
- g. Amount of "prep time"
- h. Service on school or district committees
- i. Participation in community activities
- j. Rotating assignments to different buildings
- k. Strong building morale
- l. Other

1/78, 15. Which of the following should have a role in determining whether a person is a  
79 professionally competent teacher? (Please check any or all that you feel have a legitimate role.)

- a. \_\_\_\_\_ Colleges of education (1)
- b. \_\_\_\_\_ Teacher organizations (2)
- c. \_\_\_\_\_ State Board of Education (3)
- d. \_\_\_\_\_ Board of teacher certification (4)
- e. \_\_\_\_\_ Students (5)
- f. \_\_\_\_\_ Peers (6)
- g. \_\_\_\_\_ Parents (7)
- h. \_\_\_\_\_ Principals (8)
- i. \_\_\_\_\_ District administration (9)
- j. \_\_\_\_\_ Other (10)

2/5 16. From these checked above, please rank in order of importance who should have responsibility for determining professional competence.

(Put the letter for the most important one in blank #1, etc.)

1. \_\_\_\_\_ 2. \_\_\_\_\_ 3. \_\_\_\_\_ 4. \_\_\_\_\_ 5. \_\_\_\_\_ 6. \_\_\_\_\_ 7. \_\_\_\_\_

2/6 17. Where on this scale do you think a principal's role should be placed?

Advocate & defender of teachers in building (vs) Implementer of administration policy

/ / / / /  
(1) (2) (3) (4) (5)

2/7 18. Where on this scale do you think your principal(s) are?

/ / / / /  
(1) (2) (3) (4) (5)

2/8 19. It is a principal's responsibility to incorporate community values and priorities in the educational program of his/her school.

Strongly Agree \_\_\_(1) Agree \_\_\_(2) Uncertain \_\_\_(3) Disagree \_\_\_(4) Strongly Disagree \_\_\_(5)

2/9 20. A principal's management effectiveness is diminished by membership in a collective bargaining unit.

Strongly Agree \_\_\_(1) Agree \_\_\_(2) Uncertain \_\_\_(3) Disagree \_\_\_(4) Strongly Disagree \_\_\_(5)

2/10 21. How good an indicator of future competence is probationary job performance?

1. \_\_\_\_\_ A very good indicator
2. \_\_\_\_\_ A somewhat good indicator
3. \_\_\_\_\_ A minimally good indicator
4. \_\_\_\_\_ A somewhat poor indicator
5. \_\_\_\_\_ A very poor indicator

2/11 How adequate do you feel job performance assessments are for probationary teachers in your district?

1. \_\_\_\_\_ Very adequate
2. \_\_\_\_\_ Somewhat adequate
3. \_\_\_\_\_ Minimally adequate
4. \_\_\_\_\_ Somewhat inadequate
5. \_\_\_\_\_ Very inadequate

2/12 22. In what ways have you tried to determine community priorities and needs?

2/13 23. In what ways have you been able to use these results?



**LEAGUE OF WOMEN VOTERS  
OF MINNESOTA**

PHONE (612) 224-5445

555 WABASHA • ST PAUL, MINNESOTA 55102

**EDUCATION QUESTIONNAIRE INTERVIEW**

**INSTRUCTIONS**

Memo to: Selected Local Leagues  
From: Betty Shaw, Chairperson, LWVMN Education Study  
Date: November 10, 1976

The main purpose of the questionnaire is to obtain attitudes of various members of the educational establishment toward current practices and possible changes in tenure and bargaining processes.

Your school district has been selected by the Education Committee as one of twenty sample districts, each of which was chosen for certain characteristics. The survey is designed to cover 15 interviews in each sample district. In order to provide valid survey results, it is essential that all interviews be completed. Please return as many as possible by December 1; everything must be in the State Office by December 15. If it is impossible for you to participate in this survey, please call the State Office immediately (224-5445).

**I. Who to Interview**

We would like you to interview the following people: (1) your School District Superintendent; (2) two School Board members; (3) two principals -- one elementary and one secondary; (4) ten teachers -- 2 active in teachers' organizations (the head of the bargaining team and one other, such as the president of the organization) / 2 elementary teachers with less than 10 years' experience / 2 elementary teachers with more than 10 years' experience / 2 secondary teachers with less than 10 years' experience / 2 secondary teachers with more than 10 years' experience.

Your initial contact should be with the Superintendent. Send the enclosed letter to the Superintendent's office; then follow up by phone to explain the details of the survey. Be sure you have the approval of the Superintendent before you proceed further with interviews.

Select your actual interview respondents as follows:

Superintendent

Board members - use your own discretion. Choose 2 School Board members whom you think would be responsive.

Principals - 1 elementary; 1 secondary. If you have several principals at either of these levels, you may choose which ones to interview.

Again, please try to select persons who will be responsive and helpful.

Teachers - for this you will need the assistance of the district personnel director, or whoever handles personnel matters. They will have a list of teachers ranked by number of years of experience in the district. You do not need to see this list yourself. Ask the personnel director to randomly select for you the names of (1) 4 teachers with more than 10 years' experience - 2 elementary and 2 secondary; and (2) 4 teachers with less than 10 years' experience - 2 elementary and 2 secondary. Also obtain the names of the head of the bargaining team, and the president of either teacher organization.



You can then set up interviews with these teachers at their convenience. When you contact people for interviews, be sure to tell them that the survey has been approved by the Superintendent.

## II. Interview Techniques

Before the interview, assure the respondent that his answers are confidential. The questionnaires will be compiled by types of respondents (e.g. teachers, superintendents, etc.), but the questionnaires will not be related to a specific person. In line with this, please remember how important it is that we also keep responses confidential. The interviewer must not discuss what she is told with others (most especially, do not tell one respondent what someone else has said in answer to the questionnaire). Many of these questions involve controversial areas, and we will receive meaningful answers only if the respondents are convinced that they can trust us.

When you call to set up the interview, give a short summary of the purpose of the survey and tell the respondent that the interview will probably take about one hour.

Be sure you are familiar with the questionnaire before you do any interviewing.

We are recommending that you not send a copy of the questionnaire to the respondent before the interview, since we would prefer spontaneous answers. However, if someone requests a questionnaire, send them one.

Try to do your interviewing in pairs. It's more efficient -- one can talk while the other writes, and you can help each other summarize after the interview. If this is impossible, you can do it adequately alone.

Bring an extra copy of the questionnaire so the respondent can see the questions while you ask them. However, do not leave the questionnaire with them -- we are sending you only a few extras.

## III. How to Fill Out the Questionnaire

Read the questions just as they are written and record the answers in the space provided. (Disregard the numbers adjacent to the answer spaces; they are computer code numbers to help us compile results.)

If the respondent does not understand a question and you do not feel that you can adequately explain it, please note the problem beside the question.

It is possible that respondents will misunderstand the meaning of some of the questions which use statements or assumptions. (For instance, Part II, Q. 3, deals with the loss of programs because of seniority dismissal. If the respondent does not feel that programs are lost for this reason, he may simply answer "no" to the first part of the question.)

Many of the questions use a five-point scale on which to rank answers. Please check the response in the space provided.

Space has been provided for elaboration of answers to closed-end questions. Please encourage the respondent to expand or comment on any of his answers if he wishes to. We would like you to record any comments or further opinions.

Dear

The League of Women Voters of Minnesota is currently studying the state's tenure/continuing contract laws and public employee collective bargaining laws and the effects of this legislation on education.

As a part of this study, we have designed a survey which we hope will provide us with information concerning the attitudes of various segments of the educational community toward tenure and collective bargaining.

We have selected your district as one of the sample districts in which we would like to conduct some in-depth interviews. We hope that you will be willing to help us by allowing League members in your district to interview you and some members of the staff. We will be happy to arrange these interviews at whatever time is convenient.

I will be contacting you for a specific appointment time in the near future. Thank you for your help.

Sincerely,

From Capital  
View Newsletter  
Nov. 1976

#### FROM PUFFY OMELETS TO PLAYSCHOOL

The new 7th grade co-ed curriculum for home economics is on its way! All 7th grade students are required to take one semester of home economics due to the new state laws on sexism. We are finding that it's a most enjoyable experience.

The semester is divided into three six-week units. Those students who were in the foods area culminated their study by preparing and serving a complete breakfast - guest included. They did an outstanding job and served a variety of foods such as puffy omelets, French toast, muffins, and some even used the new imitation bacon.

The sewing machines have been busy stitching together newsperson's hats in the school colors of green and white. It's amazing what can be done in a short period of time! The six-weeks clothing unit also covers grooming, clothing care and selection, comparative shopping, and hand sewing. By the way, your son or daughter is now capable of sewing on all those buttons that have fallen off their clothes!

Those students who just finished the units on personal and family relationship, and child care produced a playschool for preschool children. Games, stories, and watercolor painting were the highlights for the 3-5 year olds.



**LEAGUE OF WOMEN VOTERS OF MINNESOTA**

555 WABASHA • ST. PAUL, MINNESOTA 55102

PHONE: (612) 224-5445

**MEMO**

**TO:** Local League Presidents and Education  
Committee members

**FROM:** Betty Shaw

**SUBJECT:** Committee Guide - Case Study

**DATE:** April 12, 1977

This material is for your Education Committee if it is presenting this topic in May. If you are doing this topic in the fall only, save this material. All Leagues will receive an additional study/committee guide in the fall, consensus questions, and three Facts and Issues.

If you have questions, please call Betty Shaw - 926-6093.



COMMITTEE GUIDE FOR LEAGUES PRESENTING STATE EDUCATION TOPIC IN THE  
SPRING

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The purpose of this meeting should be primarily informational. Unit members will become aware of the existing Minnesota laws regarding tenure and public employee bargaining as they relate to schools. A good factual background will enable League members to better evaluate the opinions of those who work within the educational establishment regarding the effect of tenure and collective bargaining on the quality of education in Minnesota. After examining "how the laws work" from the point of view of those intimately involved in their operation, Leaguers will be in a better position to determine whether and what kind of changes might be desirable in either tenure or collective bargaining laws. This evaluation and consideration of consensus on the topic will come in the fall. Your League is in a unique position to help the state education study committee prepare meaningful consensus questions and to develop adequate information in order to reach that consensus.

What to do at your unit meeting:

1. Present the content and explanation of the Public Employment Bargaining Law. See Facts and Issues, pp. 2 and 3.

Present the content and explanation of the Minnesota Tenure laws.

See Facts and Issues pp. 3, 4, 5, 6.

Read the enclosed case study about a hearing for dismissal of a teacher on grounds of incompetency.

2. Discuss the questions listed below and mail directly to Betty Shaw, Chairman, 2649 Huntington, St. Louis Park, MN 55416. Phone any questions to her at 926-6093.

What we would like back from the local League units:

1. How well do your members now understand the tenure and collective bargaining laws? If not adequately, what further information do they feel would be desirable?

2. a. What are the major items of controversy regarding tenure?

- b. What do your members see as the major areas of controversy in the area of collective bargaining?

3. What kinds of information do your members think would be most helpful in discussing and drawing some conclusions in the areas they listed above?
4. What areas, if any, are of so little interest that your unit feels the study could omit?
5. Other comments, questions or suggestions.

The case below illustrates the procedure used to dismiss a high school mathematics teacher for incompetence.

The charges specified against the teacher were:

1. Failure of nearly  $\frac{1}{2}$  pupils in each of the teacher's classes to learn the material;
2. Failure of teacher to use recognized classroom techniques to interest pupils and promote learning.
  - a. Failure to give clear instructions for homework, classwork and tests.
  - b. Failure to give all pupils an opportunity to participate in class demonstrations and discussions.
  - c. Failure to introduce variety in the classwork and homework assignments.
  - d. Failure to communicate constructively with parents.

The witnesses were:

1. High school principal;
2. Head of high school Mathematics Department;
3. Chairman of the School Board;
4. Personnel supervisor of the high school district;
5. Professional investigator appointed by School Board to investigate the charges vs. the teacher, evaluate his work and appear as an expert witness;
6. Court Reporter to authenticate the transcript of testimony of administrative hearing concerning the teacher's dismissal.

#### High School Principal

Principal first provided information to establish his qualifications as a high school principal. He then outlined his duties as a principal and elaborated upon his procedures for teacher supervision. The program included the creation of a personnel file for each teacher. The file includes his contract, credentials and record of prior school service and evaluation reports.

He outlined the procedure he used in assigning teachers to their specific classes at the beginning of the year. In making these assignments, qualifications and experience of each teacher is taken into consideration. The teacher has the opportunity to express any dissatisfaction with the assignment at that time.

The principal then explained how he conducts his classroom observation, noting that:

1. He observes teachers at least two times a year;
2. Teacher usually knows of observation in advance;
3. Only mental notes are kept so as not to disturb teacher or students;
4. Evaluation is discussed with the teacher before it is placed in his personnel file.

The teacher is also assessed by:

- inspecting lesson plans;
- observing special projects, displays or programs;
- student and parent comments;
- student grade records;
- use of special equipment;
- reports of department head.

The procedure was followed for the teacher in question, and the opinion the principal formed was:

Teacher not competent for the aforementioned reasons (see charges vs. teacher).



The principal testified that several conferences were held with the teacher to try to change his teaching methods, but to no avail. During the classes the principal observed, he reported that the teacher did not give clear instructions to pupils for homework, sighting

"On at least two occasions, Mr. \_\_\_\_\_ waited until after the bell for class change had rung before he gave the homework assignment, at which time, of course, the students were getting ready to change classes."

The principal also testified that the teacher failed to allow any but one or two bright students to participate in class demonstrations and discussions and did not use recognized techniques to hold students' interest.

He then testified that parents of a number of students in Mr. \_\_\_\_\_'s class had complained directly to principal or student counselors. In one report made to counselor:

"A particular student's parents advised the counselor that they considered obtaining a tutor, and when they had asked the teacher how the student's grades could be improved, he responded, 'Well, if the child can't learn, what can I be expected to do about it?'"

After discussing this matter with the teacher, the principal found no effort by the teacher to become more cooperative or helpful with students and parents and, therefore,

"Since none of our efforts over a long period of time had resulted in any improvements in the situation, and since there was no indication that Mr. \_\_\_\_\_ would change his attitudes and teaching practices as a result of any further counseling, I did the only thing I could do - I recommended to the District Personnel Supervisor and Board of School Trustees that Mr. \_\_\_\_\_ be dismissed from his teaching position."

#### High School District Personnel Supervisor

The qualifications and responsibilities of the witness were established.

This witness then reported that after receiving evaluation reports from the high school principal, an investigation was conducted. The investigation involved:

1. Conversations with the principal;
2. Conversations with the head of the Math Department;
3. Consultations with the teacher.

The first consultation dealt with the techniques employed by the teacher. These techniques were defended by the teacher because he did not feel students should be pampered. The supervisor stressed the seriousness of the charges and stated that unless the "teacher would put into practice the suggestions that had been made by his superiors, dismissal proceedings would be recommended."

The second consultation was held after a formal notice of dismissal charges had been given to the teacher. In response to the notice, the teacher was given 90 days to alter his methods to the satisfaction of his superiors - otherwise, he would be subject to dismissal for incompetence.

The third consultation was held to counsel the teacher to consider resigning as an alternative to dismissal, since it was evident that he had not and would not alter his teaching methods. The teacher said he did not intend to resign.

#### Testimony of Chairman of School Board

The Chairman of the Board outlined his position and then stated his participation



in the School Board proceedings involving the teacher. He said: He was present and presided as chairman of the School Board meeting when

- a. It was decided an advance or warning notice of charges of dismissal should be served upon this teacher;
- b. It was decided a formal notice of dismissal should be served;
- c. A dismissal hearing was held before the Board concerning charges made against this teacher.

The chairman of the Board testified that he first became aware of this teacher's fitness when he received a letter from the personnel supervisor. (As part of his duties: when condition of teacher's competence or practices cannot be remedied through ordinary channels, the personnel supervisor under rules and regulations of the Board is required to make a written report of the circumstances to the Board.) Included in the report were the evaluation reports by the principal. The chairman then talked with the principal and personnel supervisor and requested the principal continue to study the teacher's work and make further reports to the Board "in order that we might be advised whether the teacher had remedied his teaching deficiency after he was given the warning notice of charges for dismissal." The principal did make further reports, and on the basis of these reports, the Board passed a resolution to authorize the personnel supervisor to serve a formal notice of dismissal upon the teacher, unless the teacher, after being advised of the alternative of voluntary resignation, should decide to resign.

The personnel supervisor did serve notice of dismissal and reported to the Board that the teacher did not intend to resign. The chairman then testified that the teacher be served with a formal notice of dismissal.....by reason of incompetence...and that this teacher be further notified that he may appear before the Board to answer the charges made against him at a hearing to be held in the School Board office.....

The motion was carried.

#### Testimony of Head of Math Department

The head of the Math Department outlined his credentials as a teacher and department head. He then described his duties as a department head and included:

"I also work directly with our teaching staff to encourage its professional growth and frequently counsel teachers as to certain college courses or special projects they might undertake to increase their knowledge and teaching skills."

He also testified that he observes teachers in the classroom and found his practices to be "rather inflexible," participation by students limited. He said that the teacher favored authoritarian approach to teaching and that students' grades were not what they should have been. He further testified that, although the teacher did not ask for his help, he offered many specific suggestions at several meetings to improve his teaching methods. The department head then observed every one of the teacher's classrooms but noted he "was still following the old teaching patterns."

The department head then testified that he had at least three conferences with the teacher concerning the possibilities of his dismissal. He counseled the teacher and urged him to "alter his methods at once in order to avoid dismissal and then offered him the support and assistance of the department. However, according to the department head, the teacher said he didn't "need any help, as he was a perfectly competent teacher." According to the department head, no more could be done because the teacher "steadfastly refused to change his teaching methods."

Testimony of Professional Investigator

The professional investigator outlined his credentials stating he was a Professor of Education at a state college and that his interest and studies had been in the field of high school mathematics and science education. He testified that he had been asked by the Board of Trustees of the high school to conduct an investigation into the charges of teaching incompetence made against the mathematics teacher. He then elaborated on the kind of investigation he conducted. This investigation included:

1. A clinical evaluation by observation;
2. Examination of the students' grade records of teacher's pupils.

The witness then explained in considerable detail the Flanders System of Teacher Evaluation, which he employed during his investigation. He stressed the objectivity of this system versus the subjectivity quality of the report of the observer. He testified that from his analysis based upon his evaluation system, the teacher on the average "spent 85% of his class time in teacher talk; only 5% was devoted to student talk; and 10% of the class time was taken up with periods of silence or confusion." He then stated that "it was my opinion that the plaintiff was incompetent as a teacher" based upon:

1. Results of my interaction analysis;
2. Comparative grade records of this teacher's pupils;
3. My observation of his classroom activities with reference to general educative goals.

Testimony of Reporter of Administrative Proceedings

The testimony of the reporter began by verifying his qualifications as a reporter. He then testified that he had been asked by the chairman of the School Board to take notes of the testimony given at a hearing before the Board of Trustees of the High School District pertaining to the dismissal of the mathematics teacher of the high school. He made a verbatim record of all the testimony offered at this proceeding.

**DRAFT** - CONSENSUS QUESTIONS - TENURE AND PUBLIC EMPLOYEE BARGAINING IN EDUCATION

Please record numbers of members who agree with each answer.

1. What is your unit's consensus regarding Minnesota's tenure law?

a. It should be retained as is: \_\_\_\_\_

b. It should be abolished: \_\_\_\_\_

c. It should be changed by: \_\_\_\_\_

1. Fair dismissal procedures should be negotiated,  
(i.e. tenure should be set by master contract and  
not by law): \_\_\_\_\_

2. The probationary period should be lengthened \_\_\_\_\_

3. The probationary period should be eliminated \_\_\_\_\_

4. Require periodic review and evaluation of teacher  
performance, leading to remedial help when  
indicated: \_\_\_\_\_

d. Undecided \_\_\_\_\_

2. What is your unit's consensus regarding dismissal procedures due to reduction of positions? The law presently states: a) in continuing contract districts - "Teachers . . . shall be placed on unrequested leave of absence in fields in which they are certified in the inverse order in which they were employed by the school district." b) in 1st class cities - "In the event it becomes necessary to discontinue one or more positions, in making such discontinuance, teachers shall be discontinued in any department in the inverse order in which they were employed."

a. Retain seniority dismissal as it is now: \_\_\_\_\_

b. Make procedures for reducing staff a mandatory subject  
for negotiation: \_\_\_\_\_

c. Should the law be amended to include factors other than order  
of employment when determining staff reductions? Yes \_\_\_\_\_

No \_\_\_\_\_

If yes, which of the following possible factors  
would you favor including?

1. Job performance (defined by state criteria) \_\_\_\_\_

2. Job performance (definition negotiated by  
master contract) \_\_\_\_\_

3. Recent teaching experience in field of certification \_\_\_\_\_

4. Program needs of the district, special expertise, etc. \_\_\_\_\_

5. Affirmative action programs (only for 1st class  
cities - already included for continuing contract) \_\_\_\_\_

6. Age and experience balance \_\_\_\_\_

7. Other (specify) \_\_\_\_\_

3. Should the bargaining law be changed about which items are negotiable?

a. No. (The law should remain as is so that each district determines  
for itself which areas it considers negotiable with the district  
court making the final determination.) \_\_\_\_\_

b. Yes. (The law should broaden the items considered negotiable) \_\_\_\_\_

c. Yes. (The law should restrict certain items from negotiation) \_\_\_\_\_

d. Undecided \_\_\_\_\_



Consensus questions - p. 2

|  | Yes   | No       | Undecided |
|--|-------|----------|-----------|
| 4. Should both school boards and teacher bargaining units be required to enter binding arbitration?  | _____ | _____    | _____     |
| 5. Should the school boards and teacher bargaining units be required to submit a "last best offer" on which the arbitration panel would rule?  | _____ | _____    | _____     |
| 6. Should arbitration decisions be binding on both school boards and teacher bargaining units?   | _____ | _____    | _____     |
| 7. Should the teacher bargaining units' right to strike be modified?   |       |          |           |
| a. It should be retained as is:  |       | _____    |           |
| b. It should be eliminated:  |       | _____    |           |
| c. It should be broadened so that the bargaining unit could strike over contract matters (Presently they can strike only to force arbitration or the enforcement of an arbitrated award) |       | _____    |           |
|  | Yes   | No       | Undecided |
| 8. Should there be penalties to enforce a time restriction on the negotiation process?   | _____ | _____    | _____     |
| 9. Should there be requirements concerning the qualifications of arbitrators for school negotiations?  |       |          |           |
| a. No, the present system is adequate and should be retained:  |       | _____    |           |
| b. Yes. Arbitrators should be licensed   |       | _____    |           |
| c. Yes. Arbitrators should be required to know school law and procedures.  |       | _____    |           |
| d. Other changes (Specify)   |       | _____    |           |
| e. Undecided   |       | _____    |           |
| 10. What is your unit's consensus regarding the role of the public in the negotiation process?   |       |          |           |
|  | Agree | Disagree | Undecided |
| a. The public is adequately represented now by the school board  | _____ | _____    | _____     |
| b. The public is adequately informed because they may attend open meetings of negotiations until closed by the Director of Mediation Services  | _____ | _____    | _____     |
| c. School boards should be required to establish a (parent/community) advisory committee on contract negotiations  | _____ | _____    | _____     |
| d. A parent/community advisory committee representative should be appointed to serve on the negotiating team   | _____ | _____    | _____     |
| e. The school board should have the right to a limited number of strategy sessions which are closed to the public  | _____ | _____    | _____     |





LEAGUE OF WOMEN VOTERS OF MINNESOTA

555 WABASHA • ST. PAUL, MINNESOTA 55102

PHONE: (612) 224-5445

MEMO

TO: Education Committee Members

FROM: Betty Shaw

SUBJECT: Rough Draft F&I #2

DATE: August 23, 1977

This is a writing out of the printout information. We know there are holes. What else should we look for? Please help us write some conclusions.

Please call Betty Shaw (926-6903) or Connie Hoverson (866-1954) right away with your help.

AUG 23 1977

Tenure and collective bargaining in education is a complex and often emotional issue, affecting school personnel, students, parents and the community as a whole. The subject can be studied and discussed from "outside", but it was felt that a thorough report required an investigation of the attitudes of people actually involved in education. How do administrators, school board members, and teachers perceive the tenure laws? Is PELRA functioning satisfactorily? What areas might educators like to modify, and what issues cause conflict?

This publication presents an overall report of the results of the League of Women Voters' survey of nineteen carefully chosen school districts from all parts of the state. The districts were chosen to represent rural, small town, medium city, suburban and urban districts. Selection was made so that districts of each size included some with increasing and some with decreasing enrollment; some with relatively high salaries and high levels of staff maturity and some with lower levels; some that were perceived by the teacher ~~associations~~ <sup>organizations</sup> and school board association as ~~being~~ having very good relations between teachers and school boards and others where relations have been strained. (See map and table below about district characteristics included in the survey) Within each district 15 persons were interviewed: the superintendent, two school board members, one secondary principal, one elementary principal and ten teachers. (See the attached chart for the interview sample.) <sup>The teachers to be interviewed were selected</sup> The survey was conducted by means of a ~~randomly from lists maintained by the district's personnel director.~~ questionnaire compiled by the state LWV Education Committee and was pretested on approximately 35 people in education. Most of the ~~questionnaires~~ <sup>survey interviews</sup> were conducted by League members from local or nearby leagues. In some cases, the respondent preferred to complete the questionnaire personally for purposes of anonymity. The completed questionnaires were coded by members of the study committee and rechecked for accuracy. The data was processed utilizing the computer services of the University of Minnesota.

Because the districts were not chosen on a random basis, they do not constitute a scientific sample. Generalizations and results from this

survey should not be extrapolated to be true of all educational personnel. Summary statements refer only to respondents in this particular sample and not to all personnel in Minnesota.

### What Is Negotiable

*Question*  
The ~~issues~~ of which items shall be negotiable is a source of considerable debate, with far-reaching implications for schools. Participants in the survey were asked which of a series of items should be negotiable, and *were* ~~of which items~~ *asked to designate the* which items were most important to include or exclude in the contract. The results showed a very real difference in attitude between teachers and administrators. Teachers tended to favor including all suggested items except affirmative action and alternative teaching styles, while administrators and school board members tended to favor excluding most items.

*Teachers unhappy*  
The key issue was class size. Administrators and board members felt it should be excluded from negotiations by percentages ranging from 73.7 to 100% of the respondents. Conversely teachers favored negotiating class size by nearly a 90% margin. Teachers strongly favored (86-100% range) negotiating prep time. Elementary principals also favored (63%) negotiating this item. Superintendents, secondary principals and school boards felt it should not be negotiable. The split between administrators and teachers showed up again in the issue of extra duty. Teachers strongly approved negotiation (79-93%) while administrators did not (52-88%). School board members were rather undecided on this issue (53-46%). Teachers all supported negotiation of building transfer (63.9-90%), while administration did not (66-83%).

*inconsistent standards here - this is almost a dead even split*  
However, elementary principals were somewhat favorable to this concept (52-47%). The conflict over class sizes was graphically indicated by the ranking of items to include or exclude in the contract. Teachers felt that class size was the most important issue to include, while administrators and board members felt that class size was the most important item to exclude.

The difference in approach to negotiable items between administration and teachers seemed to be focused on issues dealing with "working conditions"



-- class size, prep time, extra duty, curriculum planning and alternative teaching styles. There was very little variation in approach to negotiable items between districts with increasing or decreasing enrollments. Persons in districts where relations were perceived as strained were more favorable to negotiating extra duty, perhaps indicating one source of dissatisfaction. *only offered?*

Most respondents, regardless of position, indicated that contract settlements had not altered educational priorities in their district. *Where* such alterations had taken place *Examples - needed - what - how - who - How Many* staff adjustments and budget changes were most frequently cited. Approximately half of the respondents did not answer this question or felt that it did not apply to their district.

Role of the Public in Negotiations/ Policy Decisions

*most interesting info. we have*

Collective bargaining is at present a specialized process involving teachers and the school board and administration. Some argue that this is as it should be, others feel that the public should have a more significant role, especially if the scope of negotiations were to be broadened.

Educational personnel participating in this study were divided on the question of whether the public should be consulted in setting negotiating priorities. Overall, about half (41.9%) felt that the public should be consulted by both the teachers and the school board, and half (38.6%) felt that the public should be consulted by neither. The remaining 10% thought that the board, but not the teachers should consult with the public. Virtually no one felt that teachers only should consult with the public.

Districts with increasing enrollment were somewhat less favorable to consulting parents in negotiations than were decreasing enrollment districts. Teachers generally felt that parents should be consulted by both teachers and board, while principals and superintendents were evenly split between consultation by both and consultation by neither. Interestingly school board members and bargaining team members felt that parents should not be consulted in negotiations, perhaps indicating a reluctance to involve more people, or a greater awareness of the complexities of bargaining.

*expand happy*

*Happy Joy*



The divergence of views are exemplified in the comments to two school board members. One comments "Responsibility and authority has been given to the Board to act for the citizenry, which includes parents. Consulting would hardly be practical." Whereas another comments, "~~XXXXXXXXXXXXXXXXXXXX~~ ~~XXXXXXXXXXXXXXXXXXXX~~." "It's (the negotiating process) purely union - management, the needs of students and community are not well served."

When asked questions regarding the legitimacy of community input and values into the educational system a majority of all those responding felt that it was a principal's responsibility to incorporate community values and priorities in the educational programs of his school. This majority was consistent throughout all positions. When asked how community priorities and needs were determined, district administrators tended to mention advisory committees and surveys, elementary principals also rely on talks with parents. School board members mainly mentioned advisory committees and talks with parents. Teachers mainly relied on talks with parents and informal methods to determine community priorities. A large number of respondents did not answer this question. The major ways of using the results of community priorities

*Is it useful, now being done well, etc. here?  
do we have any to state feelings about whether  
it should/could be done?*

Another area in which some feel parents should be involved is that of assessing the competence of teachers. Participants in the survey were asked to rate a number of possible evaluators of teacher competence. Parents ranked next to the bottom in the overall scale. When considering whether or not

any parents have a legitimate role in determining teacher competence a slight majority of all respondents said "no" (46.7% yes - 50.0% No). When considered by position, there

was a difference of opinion between administrators and teachers. Administrators agreed that parents should have a role with superintendents favoring it

*this is imp't parent and part*

most strongly (66.7%) and elementary principals being the least favorable (52.9%) among the administration. Teachers generally did not agree that parents should have an evaluative part, although secondary teachers with less than 10 years experience approved by a small majority (51.7%). Responses to this question varied also with a district's enrollment trend. Districts with increasing enrollment disagreed <sup>some what</sup> that parents should be involved in evaluation (61.3%) while districts with declining enrollment were slightly favorable (54.8%) to the concept.

#### Solutions to Impass

PELRA establishes a procedure by which to resolve disputes. A

*I don't know if majority of all is worth saying unless it is like 90%.*

majority of all respondents felt that since the enactment of PELRA, the teachers have been better able to achieve their objectives in terms of wages and working conditions. This was true regardless of the ~~district~~ teacher/- board relationship in the district. The major contributions of PELRA were felt to be the establishment of structure and a time frame, and the requirement of communication between the sides. Educators perceived several items as still missing. Administrators suggested firmer time lines and mentioned various deficiencies in mediation and arbitration, while teachers most frequently mentioned that arbitration settlements should be binding on both.\* Teachers from districts with strained relations noted the need for settlements to be binding on both more often than did districts where relationships were smooth, perhaps indicating a perceived source of strained relations:

Grievance procedures were felt to be adequate by a majority of all those questioned; however, administrators tended to agree with this more strongly with teachers less certain, though still in agreement. Grievance procedures were not perceived as a hindrance to the administration's implementation of policy decisions. Principals and school board were less certain to feel that this was true though they did substantially agree.

When a contract cannot be settled within the district, the parties may request mediation and if this is not successful, the dispute may go to arbitra-

tion. During the 1975-77 contract negotiations, 241 districts were involved in mediation. 184 of them settled. There were 57 petitions for arbitration (48 requests from teachers and 9 by school boards or jointly). Eighteen school boards rejected arbitration and there were seven strikes. (PELRA provides that teachers may strike if the school board refuses to go to arbitration, or if the board rejects an arbitration settlement).

When noting successes and problems encountered during impasse arbitration, problems most frequently cited were tension on the staff and community, and the fact that the decision is binding on teachers only. Arbitration settlements were perceived as being generally satisfactory to both teachers and school boards by a majority of those answering the questions. Most of the remainder felt that they were satisfactory to neither side. Superintendents tended more to feel that settlements were satisfactory to neither side, while the other positions felt them acceptable to both. When "happy" and "unhappy" districts were compared, they exhibited similar percentages of answers in the "teachers and board" and "neither" categories. However, in "happy" districts 7% said settlements were satisfactory to teachers and not the board, while "unhappy" districts had none in this category. 8% of those in happy districts said settlements were satisfactory to the board and not the teachers, while 20% of those in unhappy districts felt this way.

How many  
did not answer?  
What %?

### Tenure

~~XXXXXXXXXXXXXXXXXXXX~~ Tenure laws were passed by the legislature primarily to upgrade education and benefit society by improving educational quality. It seemed important to determine whether tenure is still considered essential by members of the educational establishment, and if so, for what reasons.

Tenure is obviously still perceived as being necessary. 86% of the respondents felt that it would be unacceptable to abolish tenure. All ~~100%~~



*The people in each*  
positions disagreed with the abolition of tenure, with teachers and superintendents being the most strongly opposed (all over 85% to 100%). School board members were notably less opposed to the concept (66.7% against).

When reasons for tenure were ranked, the most important factor was determined to be prevention of the release of high salaried teachers.  
*Thought to be on which seems to be?*  
(Perhaps a reflection of the current fiscal problems of most school districts?) Also of major importance were protection of academic freedom and prevention of favoritism and a spoils system.

One of the most common criticisms of tenure is that it leads to stagnation and protection of incompetent teachers. The tenure law provides a process by which incompetent teachers can be released, however, some argue that it is almost impossible to accomplish this in practice. The background survey provided some details. Of the 51 districts reporting, 33 replied that they had released tenured teachers in the past 5 years, 10 of these districts gave "due cause" as their reason. Three districts reported that they had gone to court to remove a teacher.

An alternative to the due process routine is <sup>to</sup> "counsel out" of teaching a teacher who is not performing satisfactorily. Forty-one of the districts said that they had done this during the last 5 years.

When asked if they had ever retained a teacher whose performance was inadequate because of tenure protection, 27 said "yes" 20 said "no". Respondents' comments revealed a wide range of attitudes toward the issue. One said "Every school district has a few teachers with degrees of weakness in their professional competency. We have ~~no~~ one on staff who is totally incompetent... Teacher incompetency doesn't have to be tolerated because of the law." Not everyone agreed with that. Another superintendent said, "... without the protection of tenure we would release between 5 to 10% of our poorest teachers. It is fair to say that most schools in effect waste 5 to 10% of our budgets for this reason."



out - too <sup>may have to leave</sup> confusing.

Attitudes toward the effect of tenure on stagnation and incompetence varied within the educational establishment. Administrative personnel generally agreed that tenure does lead to stagnation and protection of incompetent teachers. School Board members agreed with this even more strongly than did administrators. One school board member said "...the structure of tenure laws and unions makes it so difficult to let teachers go that school boards and administrators are running scared..." However, another board member felt that "...the system provides laws to rid ourselves (of incompetent teachers) We don't have the courage to do it."

Inconsistent w/ next page

Teachers did not agree that tenure is the cause of these problems. The only exception was that secondary teachers with less than 10 years experience did agree that tenure protects incompetent teachers. Many respondents commented that whether or not stagnation occurs depends more on the individual teacher than on tenure. It was also pointed out that teachers must take graduate courses in order to move up on the salary schedule and that this prevents stagnation. Another frequent argument was that it is not tenure that leads to stagnation and protection of incompetence but reluctance by the administration to use the processes provided. One teacher commented that, "Protection of incompetent teachers is there when administration is incapable of or indifferent to correction."

When asked if they thought removal of tenure protection would lead to the release of incompetent teachers and prevent stagnation, administrators and school board members generally agreed that removing tenure would facilitate the release of incompetent teachers and prevent stagnation. (Although elementary principals did not agree that it would prevent stagnation.) Some school board members brought up the implications of removing tenure. "I agree that many boards would use this as an out if there was not a provision for encouragement to correct the situation first. Not all Boards are fair or open-minded or wish to help a teacher help themselves improve."

Teachers did not agree that removal of tenure would prevent <sup>professional</sup> stagnation. They felt that growth and development was generally an individual matter.

Teachers were more inclined to think that removal of tenure protection would lead to release of incompetent teachers. However, many of them commented on their concerns about how competence would be defined and evaluated, and whether there might be abuses. Others again mentioned that there are provisions for release now and one teacher said that the removal of job security would make "...no difference--it takes guts to remove someone who is incompetent".

Survey participants were asked whether there were modifications of tenure which they would find acceptable or desirable. The only modification which were acceptable at all were lengthening of the probationary period and periodic review and renewal of tenure. Administrators and school board members favored both concepts. Teachers were apparently split on possible modifications. Secondary teachers with more than 10 years of experience favored lengthening of probation but not review of tenure, while all other teachers were opposed to lengthening probation and in favor of review of tenure (with the exception of the bargaining team members who opposed review of tenure 51.6 to 48.4%).

Respondents were asked if they thought that the safeguards provided by the current tenure laws could be equally well provided by a master contract with a carefully drawn up grievance procedure with final appeal to arbitration. There was no real agreement as to whether this might be possible. The only segments of the educational establishment who had definite responses were secondary teachers with more than 10 years experience and bargaining team members both were strongly opposed to negotiation of tenure. Other positions, both administrators and teachers had no clear indication of opinion. None were strongly opposed or favorable and many positions <sup>classifications</sup> had as many as 30% undecided.

The main advantage to negotiation of tenure was perceived to be the opportunity of adapting provisions to the local district's needs. The major disadvantage mentioned was the threat to teacher security. Other disadvantages mentioned frequently were the inconsistency that might develop between dis-

-10-

tricts, and the problem of adding another very difficult item to an already heavy burden of negotiation. It would be "just one more thing to hassle on", said one teacher.

### Seniority Dismissal

An issue which often arises during a discussion of tenure is seniority dismissal. A procedure for seniority dismissal is not necessarily implicit in tenure. It is a means of regulating the <sup>economically necessary</sup> release of tenured teachers which is used by virtually all school districts, although they are free to negotiate another process if they desire.

Of the 51 districts responding to the background survey, 26 said they had attempted to negotiate another process of dismissal, with 11 reporting some success. These reported changes were moderate revisions to the seniority process, such as restrictions on "bumping" rights or seniority within categories of teachers.

Seniority dismissal is often the "villain" in discussions of damage done to education by restricted budgets. To determine whether educational people perceive seniority dismissal as damaging or beneficial, they were asked whether or not they agreed that seniority dismissal is in the best interest of quality education. Administrators and school board members all tended to disagree. Teachers with less than 10 years experience were generally uncertain, and teachers with more than 10 years experience and bargaining team members agreed that seniority dismissal was good for education. Overall results were right in the middle -- 3.13 mean indicating uncertainty. *Is this useful info?*

The major reasons for both opposition <sup>and</sup> support of straight seniority were converse sides of the same argument. Those in favor felt that seniority allows experienced teachers to be retained, while those opposing it said that experience is not necessarily equivalent to excellence in teaching.

Many persons who disliked seniority dismissal mentioned the harm it does to district programs. Said one school board member, "The staff needs for a quality program should be met first, the security of individual



teachers second." Others mentioned the loss of young enthusiastic teachers and the problems of teachers working in areas which are not their major area of expertise. Those in favor of seniority dismissal ~~mainly~~ mentioned that at least it is fair and orderly and teachers know where they stand. Many took a "what else is better?" approach, and felt that seniority is the best criteria for dismissal "until job performance can possibly be measured."

When asked what modifications to seniority dismissal would be acceptable or desirable, the only suggestion which appeared with any real frequency was "some element of evaluation." This was proposed by teachers as well as administrators, although teachers with more than 10 years experience were less likely to favor it. Experienced secondary teachers, especially favored no modifications at all to the seniority dismissal process.

A common criticism of seniority dismissal is that it leads to an age and experience imbalance. When asked if this were true, a majority of respondents agreed. The only segment of the sample which differed at all from this was secondary teachers with more than 10 years experience (38% disagreed). Virtually everyone felt that an age and experience balance was important to a school district.

Another major criticism of seniority dismissal is that specialized programs are lost when the teachers involved in them are released. A majority of those responding to the survey felt that this had not happened in their districts. First class cities were much more likely to indicate that programs had been lost due to seniority dismissal (40% agreed). Districts with declining enrollments agreed more strongly than those with increasing enrollments, but the total agreeing in declining enrollment districts was still only 20%.

An often proposed modification of straight seniority is the requirement of recent teaching experience in a subject area to establish seniority rank in a given field. Administrators and school board members tended to agree strongly with this proposal. Teachers also agreed, though they were less favorable than administrators.



## Evaluation

When discussing possible modifications of the seniority dismissal process, the only suggestion which appeared with any frequency was "some element of evaluation".

This is not surprising, since the obvious alternative to dismissing personnel on the basis of the length of time worked seems to be dismissal based on how well or how poorly the person is performing his job.

The concept of evaluating and ranking teacher competence may appear simple at first. Everyone knows that there are good teachers and bad teachers, and it should be easy to identify them. However, the more the issue is studied, the more difficult it becomes. On what basis should teachers be evaluated -- methods, content of courses, student test scores? Ability to measure performance is dependent on a fairly sophisticated system of school district goals and objectives, clearly defining expectations for teachers. If a system is devised, who will do the evaluating -- principals, district administration, peers, students? -- and how do you assure that it is done fairly and impartially?

The conflict between seniority dismissal and evaluation has sharpened as school district enrollments have begun to decline. Seniority dismissal provides a clear-cut process by which to reduce staff; the teachers know where they stand, and there is no need to pass judgment on anyone's competence. However, many argue that the staff reduction necessitated by declining enrollment provides an opportunity to upgrade the quality of the teaching staff by dismissing, not those who are with the least seniority, but those who are the least competent teachers.

Several areas of teacher competence were examined in the survey, to determine the attitude of education people toward competence and evaluation.

## Current Provisions for Competence Determination

The most immediately apparent reflection of increasing teacher competence should be advancement on the salary schedule. There are now several ways for a teacher to advance along the salary schedule -- length of time with the district, and completion of graduate courses. Also, teachers who have acquired their certification since must be recertified every five years, based on a combination of course work and activity within the school district and the community.

There are other factors, too, such as in-service training and preparation time, which are commonly thought to contribute to improved teaching. The survey attempted to determine whether or not these factors are perceived as being valuable in providing improvement in teacher competence.

#### Years of Experience

"Experience does not make a better teacher of a bad one, but it makes a good teacher better," said one school board member.

When asked if teachers with more years of experience are better than those with fewer years of experience, respondents overall were uncertain. (2.88 mean on a scale of (1) strongly agree to (5) strongly disagree). However, there were variations by groups. The smaller the school district, the more strongly they agreed that experience led to better teaching.

School board members were the least likely (mean=3.45) to agree that experience was important, while elementary principals (3.37) and elementary teachers with less than 10 years experience (3.46) also disagreed. Agreeing very slightly were 4 groups -- superintendents (2.94), elementary teachers with more than 10 years experience (2.83), secondary teachers with less than 10 years experience (2.79), and secondary principals (2.71). Those who most definitely agreed that experience is a factor were secondary teachers with more than 10 years experience (2.22) and bargaining team members (2.32).

#### Break-point for Experience

Respondents were also uncertain as to whether there is a point beyond which additional years of experience no longer yield significant improvement in teaching. However, those from 1st class cities were more likely to feel that there is such a point, as were administrators and school board members.

When asked at what point experience becomes less significant, the most frequent response was that every year brings better performance, or that it depends on the individual. However, 64% of superintendents chose 5-8 years as the critical period, and 38.5% of school board members picked 10-15 years.

### Graduate Credits

Graduate credit hours are the other major approach to moving up the salary schedule. When asked if teachers who take approved graduate course credits are better teachers, participants tended to agree slightly (mean=2.47 on scale of (1)strongly agree-(5)strongly disagree) Those from suburbs and medium-sized cities agreed the most, while those from 1st class cities were least likely to agree.

Bargaining team members and secondary school principals and teachers agreed the most strongly that graduate credits improve teaching. Elementary teachers and principals were a little less certain, and superintendents and school board members were the least convinced of the value of graduate courses.

The major factors mentioned as circumstances which make graduate courses valuable were provision of courses which are practical and related to teacher needs, and those courses which update or provide new skills.

### Redertification

The state has established a recertification process for teachers. When asked if the present recertification requirements improve teaching performance, respondents were uncertain (mean 2.96 ; scale (1)strongly agree - (5)strongly disagree). Superintendents (3.44) and secondary teachers with less than 10 years' experience disagreed the most definitely, while bargaining team members (2.72) and board members (2.76) agreed the most with recertification requirements. The most frequently given suggestions for making recertification better improve performance was to make it related to the teacher's area of expertise.

There are other methods which are frequently used by school districts as a means to improving teaching performance.

### In-service Training

A common device for upgrading teaching competence is in-service training. When asked if in-service training in their district improved classroom teaching, a majority of respondents felt that it did. The larger the school district, the more likely the in-service was to be ranked as providing improvement. By far the most vital factors in the value of in-service training were felt to be its relevance to teacher needs and teacher participation in the planning.



### Sabbatical Leave

Another method which is said to promote upgrading of teacher competence is the sabbatical leave. A solid majority of those interviewed felt that sabbaticals<sup>14</sup> were valuable, though superintendents were the least convinced of their significance. One school board member brought up another factor, saying, "A sabbatical is a terribly expensive way to improve teaching performance. It's a luxury that we can no longer continue to afford for bad administrators and teachers."

### Preparation Time

Prep time during the school day was considered of importance to improving teaching by a large majority of educational personnel. The perceived importance increased as the size of the school district's location increased. All positions felt prep time to be significant, with bargaining team members being the most favorable, and superintendents and secondary principals the least favorable.

A majority of respondents felt that about 1 hour per day was the optimal amount of prep time needed. A sympathetic school board member said, "... an hour of freedom -- even having coffee can help a person face the kids the rest of the day."

### Service on Committees

A majority of those questioned felt that service on school or district committees contributed to improvement of teaching quality. Superintendents and school board members were slightly less certain of the value of committee service than were the others. The respondents seemed to see committee service as providing two-way benefits -- the majority mentioned that such participation gives teachers a voice in district decisions-making, while it also makes the teacher more aware of district needs.

### Building Morale

Eighty percent of those questioned felt that strong building morale significantly improves teaching quality. There was some difference in perceived importance by district size. About 90% of those from 1st class cities and medium-size cities felt building morale to be significantly important, while only about 78% of those in the other areas thought so. Superintendents and principals were less likely to find building morale important, while over 85% of school board members and teachers saw it as significantly improving teaching



quality.

### Building Rotation

Rotation of teachers from one building to another periodically is sometimes suggested as a way of improving teaching quality. The main reason given by respondents that this process might be helpful was that it would encourage variety and new teaching methods. The major disadvantage was felt to be instability. Teachers and school board members, especially, also felt that rotation would have a negative effect if it were forced.

### Most Important Factors in Improving Teaching

### Who Determines Competence

In addition to the question of what factors contribute to improved teaching competence, there is also a question of who should determine whether or not a teacher is competent. Participants in the survey were asked which of a list of various possible persons or groups should have a legitimate role in determining whether a person is a professionally competent teacher.

### Rank of Factors in Determination of Competence

When overall responses were ranked, the results showed that principals were chosen most often as a legitimate factor in determination of competence. (See Chart)

|                                | % YES | % NO |
|--------------------------------|-------|------|
| Principals                     | 87.8  | 9.8  |
| Colleges of Education          | 69.5  | 27.6 |
| District Administration        | 67.9  | 28.9 |
| Peers                          | 63.8  | 33.7 |
| Board of Teacher Certification | 62.6  | 34.6 |
| Teacher organizations          | 53.3  | 43.5 |
| Students                       | 52.4  | 45.1 |
| Parents                        | 46.7  | 50.0 |
| State Board of Education       | 45.5  | 51.6 |

Principals were the highest choice of virtually every position in education, although bargaining team members chose the Board of Teacher Certification by 90.6%, as compared to 87.5% for principals.

### Role of Principal

Since principals are perceived as such a key factor in determination of teaching competence, what is their role now, and what should it be?

Respondents were asked to indicate where on a scale of 1 to 5 (ranging from (1) advocate and defenders of the teachers in building to (5) implementer of administration policy) they thought principals are now and where they thought they should be. Overall, respondents felt that principals now tend slightly more toward the administrative end of the scale than they should. (Mean - Are now = 3.33/ Should be = 2.97)

The difference in perception between various positions is of interest. Superintendents and school board members feel that principals should be more administration-oriented than they are (Supt. - Are=3.06/ Should be=4.17; Board - Are=3.12/ Should be=3.52). Principals find a fairly small gap between what they are and what they should be, although both elementary and secondary principals see themselves as slightly more "administrative" than they should be. Teachers see principals as somewhat administration-oriented, but feel that they should be teacher-oriented. The gap between what a principal is and what he should be varies with different types of teachers. The largest gap (1.21 points) is seen by secondary teachers with less than 10 years' experience, followed by bargaining team members (.80) and secondary teachers with more than 10 years' experience (.65). Elementary teachers were close to them (+10 years - .64; -10 years - .57). Generally, secondary teachers and bargaining team members perceive principals as more administrative than do elementary teachers, although elementary and secondary principals give themselves exactly the same rank on where their role is now (3.40).

All of the district sizes see principals as more administrative than they should be. Suburbs and medium-sized cities see them as the most administration-oriented now, and 1st class cities would like them to be the most strongly teacher-oriented. (2.69)

There is a larger gap between the actual and preferred role of a principal in "satisfied" districts than in "restless" districts.

### Principal Bargaining Units

Principals and other administrative personnel are allowed to by PEIRA to form bargaining units if they wish. Survey respondents were asked if they felt that a principal's

management effectiveness is diminished by membership in a collective bargaining unit. Overall, the participants disagreed with this statement very slightly (Mean = 3.06; scale of (1) SA to (5) SD). There was a direct relationship between the size of a district and the intensity of its ~~agreement~~ disagreement with the statement. 1st class cities disagreed the most strongly that a principal's management effectiveness would be decreased (mean=3.41) while rural areas agreed ~~that~~ the most strongly that it would (Mean=2.86).

There was also a difference in the views of various positions. Superintendents (2.39) and school board members (2.29) are the most likely to agree, and bargaining team members the least likely (3.84). Principals themselves were somewhat uncertain (Sec - 2.82/ elem. -3.05). Secondary teachers with more than 10 years experience agreed somewhat that a principal's effectiveness would be diminished (2.83), while other teachers' groups disagreed slightly.

#### Effectiveness of Evaluation

*effect of inc vs decr Enrollment of any on opinion would be imp.*  
Presumably, one of a principal's major tasks as a determiner of teacher competence would be evaluation of his teaching staff. Any alternative to or modification of seniority dismissal ~~is~~ also seems to require an effective evaluation system.

Participants in the background survey indicated that they do use mandatory evaluation of teachers by the principal or immediate supervisor. The majority evaluate non-tenured teachers once during the 2-3 years, and tenured teachers once a year.

Survey respondents were asked to indicate how effective their district's current method of evaluation is, by ranking it on a 1-5 scale ( (1) Significantly improves it -- (5) Has a significant negative effect). Overall, it was rated somewhat effective. (2.41)

The perceived effectiveness of evaluation appeared related to district size, with the exception of 1st class cities. Suburbs found it the most effective (2.25) with medium-size cities (2.34), small towns (2.45), and rural areas (2.47) decreasing in effectiveness. However, 1st class cities perceived evaluation as the least effective of all (2.54).

Teachers were notably less likely to see current evaluation methods as effective than were administrators and school board members.

Principals found evaluation the most effective (Elem. - 2.05; sec. - 1.71), with

*Satisfied vs dissatisfied  
Restless  
here*



superintendents (2.12) and school board members (2.22) finding it somewhat effective. Secondary teachers and bargaining team members were the least likely to think evaluation is effective (Sec.-+10 - 2.96; sec. +10 - 2.65; barg. team - 2.63). Elementary teachers also thought it only somewhat effective, but they were more favorable. (Elem. +10 - 2.46/ elem. - 10 - 2.42) It may be interesting to note that secondary principals ranked current evaluation methods higher than did any other position, while secondary teachers gave it the lowest ranking of any.

How Evaluation is Effective

*Who said it - incr vs dec. enrollment?  
satisfied vs restless?*

The most important factor in making evaluation contribute to teacher improvement was felt to be a positive, fair approach. Also important was two-way communication. Administrators and school board members also mentioned definition of goals and regularity of evaluation. Teachers often mentioned the necessity of a competent evaluator.

Probation

Probation is supposedly the time during which a new teacher is evaluated and determined to be competent or not competent. Teachers often say that if the probationary period were handled correctly, there would be fewer poor tenured teachers. Others argue that probationary job performance may be misleading and a poor predictor of future performance.

Survey participants generally felt that probation is a somewhat good indicator of future job performance. All positions perceived probation's worth as "somewhat good", with superintendents and board members slightly less favorable than teachers and principals. However, when asked how adequate they felt probationary job performance assessments were in their districts, they felt that it was between somewhat and minimally adequate. The same disparity appeared with all district sizes, with the largest gap between the potential of probation and its actual practice occurring in medium-sized cities and 1st class cities.

"Satisfied" and "restless" districts both rated probation as a somewhat good indicator of performance, but satisfied districts gave their assessment of probationary teachers a lower rating than did restless districts.

There was a variation between positions in perception of the potential of probation and its assessment. Superintendents ranked their district's assessment higher than (1.94) than they did the value of probation as an indicator (2.11). Principals and school board members



-20 1

responded very similarly, with a gap of about .45 between potential and actual value. Teachers perceived a larger gap between the value of probation and the district's current assessment. Teachers with less than 10 years' experience and bargaining team members saw the largest discrepancy between the potential of probation and its actual ~~value~~ use.

#### Length of Probation

It has been suggested that perhaps changes in the length of the probationary period would be beneficial. Virtually no one wanted to shorten probation. Nearly half of the respondents thought it should be lengthened. Opinions varied by district size -- 76% of those in 1st class cities did not favor lengthening probation (1st class cities already have a 3 year probationary period, as compared to 2 years in continuing contract districts.) Suburbs and medium-sized cities also did not favor lengthening probation, although by smaller majorities. Respondents from small towns and rural areas felt it should be lengthened.

Superintendents and principals were much more favorable to lengthening probation than were school board members and teachers. Of teachers, only secondary teachers with more than 10 years' experience favored lengthening probation at all (51.7%). Large majorities of the other groups of teachers opposed extending the probationary period, with bargaining team members 93.8% opposed.

Neither increasing nor decreasing enrollment districts favored lengthening probation, but decreasing districts were more favorable than those which were increasing.

#### Other Factors in Improving Teaching

When asked what other factors might improve teaching performance, the most frequently mentioned were a good teaching climate and a dedication to students. Intangibles are important. "A natural aptitude is highly important; a love for children," said one respondent, and a school board member summed up the morale factor, "Happy teachers do a better job."



LEAGUE OF WOMEN VOTERS OF MINNESOTA

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MEMO

TO: Education Committee - Board Readers

FROM: Harriett Herb, Executive Director

SUBJECT: Education: F&I #2

DATE: September 2, 1977

Attached is the draft of Publication #2. Please read IMMEDIATELY and get your corrections to Betty Shaw (926-6093) by the 6th, since we face an EXTREMELY tight squeeze with the printing.

## FACTS and ISSUES: EDUCATION #2

### Collective Bargaining and Tenure

#### Minnesota's Laws: The "Education Establishment's" Perceptions

Any evaluation of tenure and collective bargaining laws should include an assessment of how those persons directly affected by the laws view them. How do administrators, school board members and members perceive the tenure laws? Is PELRA functioning satisfactorily? What areas might educators like to modify, and what issues cause conflict?

This publication presents an overall report of the results of the League of Women Voters' survey of nineteen carefully chosen school districts from all parts of the state. The districts were chosen to represent rural, small town, medium city, suburban and urban districts. Selection was made so that districts of each size included some with increasing and some with decreasing enrollment; some with relatively high salaries and high levels of staff maturity and some with lower levels; some that were perceived by the teacher organizations and school board association as having very good relations between teachers and schools boards and others where relations have been strained. (See map and table below about district characteristics included in the survey.) Within each district 15 persons were interviewed: the superintendent, two school board members, one secondary principal, one elementary principal and ten teachers. (See table F.) The teachers to be interviewed were selected randomly from lists maintained by the district's personnel director. The survey was conducted by means of a questionnaire compiled by the state LWV Education Committee, <sup>IT</sup> and was pre-tested on approximately 35 people (including superintendents, teachers, principals and board members as well as educational leaders such as legislators, teacher organization presidents, lobbyists, school board association personnel and arbitrators). Most of the survey interviews were conducted by League members from local or nearby Leagues. In some cases the respondent preferred to complete the questionnaire personally for purposes of anonymity. The completed questionnaires were coded by members of the study committee and rechecked for accuracy. The data was processed utilizing the computer services of the University of Minnesota.

A second ~~and small~~ survey of 83 superintendents was sent out by local Leagues to school districts in which League units are located. Respondents were promised anonymity. Fifty-one questionnaires were returned.

Because the districts in the sample were not chosen on a random basis, they do not constitute a scientific sample. Generalizations and results from this survey should not be extrapolated to be true of all educational personnel. Summary statements refer only to respondents in this particular sample and not to all personnel

in Minnesota.

COLLECTIVE BARGAINING: MINNESOTA'S PUBLIC EMPLOYMENT LABOR  
RELATIONS ACT (PELRA)

Impact of PELRA on Contract Negotiations

PELRA establishes a procedure by which to resolve disputes. A majority of all respondents felt that since the enactment of PELRA, the teachers have been better able to achieve their objectives in terms of wages and working conditions. This was true regardless of the teacher-board relationship in the district. The major contributions of PELRA were felt to be the establishment of <sup>a</sup> structure and a time frame and the requirement of communication between the sides. Educators perceived several items as still missing. Administrators suggested firmer time lines and mentioned various deficiencies in mediation and arbitration, while teachers most frequently mentioned that arbitration settlements should be binding on both.\* Teachers from districts with strained relations noted the need for settlements to be binding on both more often than did districts where relationships were more compatible.

Grievance procedures were felt to be adequate by a majority of all those questioned. Administrators tended to agree with this more strongly, with teachers' agreement less certain. Grievance procedures were not perceived as a hindrance to the administration's implementation of policy decisions. Principals and school boards were less certain to feel that this was true, though they did substantially agree.

Most respondents, regardless of position, indicated that contract settlements had not altered educational priorities in their district.\* When such priorities have been altered, program cuts and staff reassignments were the most frequently cited changes. Approximately half of the respondents did not answer this question because of lack of information or a feeling that it did not apply to their district. *many felt*

*Who Influences Policy*  
What is Negotiable

*to negotiate*  
The debate over which items ~~shall be negotiable~~ has been raised primarily because teachers believe that it is important that they have a say in the educational

\*Failure by a school board to implement an arbitration settlement is considered an unfair labor practice and is thus binding on the school board. Since this 1973 amendment, no school board has ever failed to accept an arbitration settlement, and attorneys for school boards and the school boards association consider that an arbitrated settlement is unquestionably binding on both parties.



policies of their district. Contract negotiation of district policies would guarantee that teachers had a voice in their formulation. ~~To what extent do teachers already have a voice in policy? Or~~ to what extent do teachers, administrators and board members feel that teachers are already effective in influencing district educational policy? Respondents were requested to rate the effectiveness of teachers and principals in influencing district educational policy decisions. The results by position were:

INFLUENCING SCHOOL DISTRICT POLICY DECISIONS

How Effective are:

Teachers

How Effective are:

Principals

VERY  
EFFECTIVE

# Influencing School District Policy Decisions

4

How Effective are:

Teachers

How Effective are:

Principals

VERY  
EFFECTIVE

Secondary prin.

Superintendent  
School board

Bargaining team  
Elem. prin.  
Elem. tchr. +10  
Sec. tchr. +10

Sec. tchr. -10  
Elem. tchr. -10

Superintendent

Sec. principal

Bargaining team/School board  
Elem. principal

Elem. tchr. +10  
Sec. tchr. +10  
Sec. tchr. -10

Elem. tchr. -10

NOT AT ALL EFFECTIVE

Teachers perceive themselves as less effective than they are rated by administrators and school board members. With the exception of the <sup>teachers</sup> bargaining team, administrators and school board members also rate principals as more effective than do teachers. In general, principals are perceived as more effective in influencing district policy than are teachers. Interestingly, secondary principals rate teachers and principals as equally effective, while secondary teachers felt that teachers are considerably less effective than principals. Teachers with less than ten years' experience perceived teachers as much less effective in influencing policy than any other group. There was little difference among district sizes in perception of teacher or principal effectiveness.

#### What is Negotiable?

Which issues or policies should be included in the contract and which excluded? Respondents were given a list of items and were asked to check <sup>those which</sup> ~~which of them~~ should be included in contract negotiations. They were then asked to rate <sup>the</sup> ~~which~~ items it was most important to include and <sup>indicate</sup> ~~which~~ were most important to exclude. The results showed a difference in attitude between teachers and administrators. Teachers tended to favor including all suggested items except affirmative action and alternative teaching styles. While administrators and school board members tended to favor excluding most items. The items on which there was substantial disagreement <sup>are shown</sup> ~~over~~ whether or not they should be negotiated are shown in the following table:

#### What Should Be Negotiable

|                 | Class Size |          | Prep Time |          | Building Transfer |     | Extra Duty |     |
|-----------------|------------|----------|-----------|----------|-------------------|-----|------------|-----|
|                 | Yes        | No       | Yes       | No       | Yes               | No  | Yes        | No  |
| Teachers        | 91%        | 9%       | 92%       | 8%       | 73%               | 27% | 85%        | 15% |
| School Board    | (          |          | 46%       | 54%      | 25%               | 75% | 54%        | 46% |
|                 | 10%        | 90%      |           |          |                   |     |            |     |
| *Administration | (          |          | 31%       | 69%      | 25%               | 75% | Supt 33%   | 67% |
|                 | (          | El.      |           | El.      |                   |     | Sec.       |     |
|                 |            | Prin 63% | 37%       | Prin 53% |                   | 47% | Prin 11%   | 89% |
|                 |            |          |           |          |                   |     | El.        |     |
|                 |            |          |           |          |                   |     | Prin 47%   | 53% |

\*Administration includes Superintend + Secondary and Elementary Principals, unless they are designated separately. Answers are derived from a question which requested respondents to check which of a series of items are legitimate items to include in negotiations. A yes answer means the item was checked, no that it was not.

#### rank order of the

The ~~ranking of~~ <sup>rank order of the</sup> which items ~~are~~ most important to include in the contract graphically showed the difference in attitudes, as did the ranking of <sup>which items are</sup> ~~most~~ important to exclude. The following table shows which items each <sup>Position Group</sup> ~~position~~ felt were the key <sup>of</sup> ~~the~~ items:

importance.



Most Important Items in Contract

|                      | <u>Include</u>      | <u>Exclude</u>              |
|----------------------|---------------------|-----------------------------|
| Superintendent       | Seniority Dismissal | Class Size                  |
| Elementary Principal | Prep Time           | Class Size                  |
| Secondary Principal  | Seniority Dismissal | Class Size                  |
| School Board         | Prep Time           | Class Size                  |
| Teachers             | Class Size          | Alternative Teaching Styles |

Class size is a ~~major area of disagreement~~, and a classic example of <sup>differing</sup> ~~different~~ interpretations of "working conditions." Administrators feel that negotiating class size would seriously limit both educational policy and budget flexibility, while teachers generally feel that class size is one of the key factors in determining how effective they can be as teachers.

The items over which there is real disagreement between administrators and teachers center on issues which deal with "working conditions" - class size, prep time, building transfer and extra duty - rather than more "pure" policy decisions, such as curriculum planning. This dispute, indeed, is the key to many negotiation problems. ~~Are~~ <sup>Are</sup> these factors properly defined as "working conditions," and hence subject to negotiation under PELRA, or are they integral parts of the school district's policy and, therefore, not subject to negotiation?

There were several other items whose negotiation was opposed by the administration and favored by teachers, but with less discrepancy between positions. These were: in-service training and curriculum planning. All positions <sup>groups</sup> except bargaining team members ~~opposed~~ negotiating affirmative action policies, and all opposed negotiation of alternative teaching styles.

*Move to P. 6.* Superintendents and all teacher groups favored negotiating "seniority dismissal." ~~It is unclear whether this is a genuine attitude on the part of teachers or whether it was a misreading of the meaning of the question, since negotiation of seniority dismissal does not necessarily mean establishment of seniority as the method of dismissal, but rather, negotiation of a modification or a different method of dismissal. If seniority dismissal is not negotiated, the dismissal process then automatically conforms to the state law, which provides for straight seniority.~~

There were no significant differences in attitude toward negotiable items between districts of different sizes nor between districts with growing or declining enrollments, nor those whose teacher-board relationships were different.

*more Section on Solutions to impasse here.*



### Role of the Parent/Public in Negotiations/Policy Decisions

Collective bargaining is at present a specialized process involving teachers and the school board. Some argue that this is as it should be; others feel that the public should have a more significant role, especially if the scope of negotiations were to be broadened.

Educational personnel participating in this study differed<sup>ed</sup> whether parents should have a part in the formulation of negotiation priorities. They were asked to indicate by whom parents should be consulted. The following table shows the results, differentiated by position<sup>held</sup> and then by district size. (Table 3)

There are several interesting differences in approach. Superintendents, teachers and to a lesser extent secondary principals were<sup>the groups</sup> most willing to have parents consulted by either the school board or by both teachers and board. Elementary principals and members of the teacher bargaining team were split 50-50 between no parent consultation and parents' consultation by board or by both teachers and board. The school board was least likely to approve parent consultation by either. More than 70% of school board members thought parents should not be consulted at all.

Since school boards and teacher bargaining team members are the actual participants in negotiation, it may be significant that they are the least receptive to consultation. Does this reflect a reluctance to let more people in on what is an essentially closed process, <sup>is it</sup> or a realistic appraisal of the complexities of bargaining?

The divergence of views is exemplified in the comments of two school board members. One comments, "Responsibility and authority has been given to the Board to act for the citizenry, which includes parents. Consulting would hardly be practical"; whereas another comments, "It's (the negotiating process) purely union-management, the needs of students and the community are not well served."

Another area in which some feel parents have a legitimate place is that of assessing the competence of teachers. Participants in the survey were asked to rate a number of possible evaluators of teacher competence. Parents ranked next to the bottom in the overall scale. When considered by position, ~~there was a~~ difference<sup>emerged</sup> of opinion<sup>?</sup> between administrators and teachers. Administrators agreed that parents should have a role, while teachers thought they should not. Responses to this question varied also with a district's enrollment trend. Districts with growing enrollment <sup>did not think?</sup> disagreed that parents should be involved in evaluation, while districts with declining enrollment were somewhat favorable to the concept.

| <u>Position</u>        | <u>By teachers<br/>and board</u> | <u>By teachers<br/>not board</u> | <u>By board<br/>not teachers</u> | <u>Neither</u> |
|------------------------|----------------------------------|----------------------------------|----------------------------------|----------------|
| Superintendent         | 38%                              | —                                | 24%                              | 38%            |
| Elem. prin.            | 50%                              | —                                | —                                | 50%            |
| Sec. prin.             | 56%                              | —                                | —                                | 44%            |
| School board           | 21%                              | —                                | 7%                               | 71%            |
| Teachers               | 54%                              | —                                | 11%                              | 32%            |
| <u>Bargaining team</u> | <del>30%</del><br>30%            | —                                | 20%                              | 50%            |

### District Size

|                  |     |    |     |     |
|------------------|-----|----|-----|-----|
| 1st Class City   | 41% | —  | 22% | 33% |
| Suburban         | 46% | —  | 9%  | 46% |
| Medium size city | 50% | 2% | 10% | 37% |
| Small town       | 45% | —  | 6%  | 49% |
| Rural area       | 37% | —  | 16% | 47% |

Should Parents Have a Part in Determining Teacher Competence?

| <u>Position</u>                 | <u>Yes</u> | <u>No</u> |
|---------------------------------|------------|-----------|
| Administrators and School Board | 59%        | 41%       |
| Teachers                        | 43%        | 57%       |

| <u>Enrollment</u> |     |     |
|-------------------|-----|-----|
| Growing           | 39% | 61% |
| Declining         | 55% | 45% |

If parents are not to have input in the negotiation process or in the evaluation of teaching competence, is there another area in which they and other parts of the public are participants in educational policy?

When asked about the incorporation of community priorities and values in the educational system, a majority of all those responding felt that it was a principal's responsibility to include community values and priorities in the educational programs of his/her school. This majority was consistent throughout all positions. When asked how community priorities and needs were determined, district administrators tended to mention advisory committees and surveys, elementary principals also rely on talks with parents. School board members mainly mentioned advisory committees and talks with parents. Teachers mainly relied on talks with parents and informal methods to determine community priorities. A large number of respondents did not answer this question. Many of the answers given seemed to be somewhat perfunctory responses rather than commitment to parent/community input. Responses to how any input was used were even more vague.

Solutions to Impasse

When a contract cannot be settled within the district, the parties may request mediation, and if this is not successful, the dispute may go to arbitration.

When noting successes and problems encountered during impasse arbitration, problems most frequently cited were tension felt by the staff and community and the ~~fact~~ <sup>Charge</sup> that the decision is binding on teachers only. It is unclear whether this is a genuine attitude on the part of teachers or whether it was a mis-reading of the meaning of the question, since negotiation of seniority dismissal does not necessarily mean establishment of seniority as the method of dismissal but, rather, negotiation of a modification or a different method of dismissal. If seniority dismissal is not negotiated, the dismissal process then automatically conforms to the state law, which provides for straight seniority. Arbitration settlements were perceived

now  
sequitur  
does not  
belong here.



Should parents have a part in determining teacher competence?

Position

YES

NO

Administrators  
+ School Board

59%

41%

Teachers,

43%

57%

~~District Size~~

Enrollment

Growing

39%

61%

Declining

55%

45%



as being generally satisfactory to both teachers and school boards by a majority of those answering the question. Most of the remainder felt that they were satisfactory to neither side. Superintendents were more likely to feel that settlements were satisfactory to neither side, while <sup>those in</sup> other positions felt them acceptable to both. Some difference in opinion is ~~indicated~~ <sup>revealed</sup> when districts are divided by teacher-board relationships.

Are Arbitration Settlements Satisfactory to Either Party?

| <u>Districts</u> | <u>Teachers<br/>Not Board</u> | <u>Teachers<br/>And Board</u> | <u>Board <del>Not</del><br/>Teachers</u> | <u>Neither</u> |
|------------------|-------------------------------|-------------------------------|--|----------------|
| Satisfied        | 7%                            | 59%                           | 8%                                       | 26%            |
| Restless         | --                            | 54%                           | 20%                                      | 25%            |

Does the difference in the number feeling that settlements were satisfactory to the board and not teachers point to a source of teacher dissatisfaction in the district?

Tenure

Tenure laws were passed by the Legislature primarily to upgrade education and benefit society by improving educational quality. It seemed important to determine whether tenure is still considered essential by members of the educational establishment, and if so, for what reasons. Tenure is obviously still perceived as being necessary. 86% of the respondents felt that it would be unacceptable to abolish tenure. All positions <sup>groups</sup> disagreed with abolition of tenure, with teachers and superintendents being the most strongly opposed. School board members were notably less opposed ~~to the concept~~. Respondents were asked if they agreed or disagreed with a set of statements describing various factors commonly believed to be the basis of tenure. The overall results were as follows: (Table 5)

awk no reference - consistent w/ what?

Responses were consistent in indicating agreement that tenure is necessary for each of the reasons given. There was no substantial difference in answers according to position. There is <sup>very strong</sup> ~~much stronger~~ agreement with the necessity <sup>for</sup> ~~of~~ tenure as a means of providing protection from ~~the~~ release of high-salaried teachers. Does this indicate a fear that when confronted with the choice of protecting educational quality or balancing the budget, the budget would win?

awk <sup>Interpretation</sup> This finding was consistent with the ranking of ~~which~~ <sup>considered</sup> factors ~~were~~ the most important ~~reasons for tenure~~.

justifications of tenure.  
reasons for tenure maintenance.

⑤

| 15 | Tenure laws are necessary or<br>advisable: <del>To</del>                          | <u>Strongly<br/>agree</u> | <u>Agree</u> | <u>Uncertain</u> | <u>Disagree</u> | <u>Strongly<br/>Disagree</u> |
|----|---|---------------------------|--------------|------------------|-----------------|------------------------------|
| 1. | To insure ACADEMIC FREEDOM  | 22%                       | 42%          | 10%              | 20%             | 5%                           |
| 2. | To allow freedom for DIFFERING TEACHING STYLES                                    | 20%                       | 42%          | 7%               | 26%             | 5%                           |
| 3. | To prevent a SPOILS SYSTEM or FAVORITISM  | 29%                       | 37%          | 12%              | 19%             | 4%                           |
| 4. | To protect a teacher from COMMUNITY PRESSURE                                      | 22%                       | 42%          | 12%              | 19%             | 5%                           |
| 5. | To protect against PREJUDICE  | 21%                       | 37%          | 13%              | 26%             | 4%                           |
| 6. | To prevent RELEASE OF HIGH-SALARIED TEACHERS<br>as a means of budgetary reduction | 41%                       | 34%          | 7%               | 15%             | 2%                           |

Most Important Reason for Tenure  
(Rank Order)

|  |     |
|--|-----|
| 1. Prevent release of HIGH SALARIED TEACHERS | 20% |
| 2. Protect from COMMUNITY PRESSURE           | 17% |
| 3. Insure ACADEMIC FREEDOM                   | 16% |
| 4. Prevent a SPOILS SYSTEM                   | 16% |
| 5. Allow DIFFERING TEACHING STYLES           | 14% |
| 6. Protect against PREJUDICE                 | 13% |

Is the importance of protection against release <sup>given to</sup> of high-salaried teachers a reflection of apprehension caused by current fiscal problems of most school districts?

It should be noted that many persons who disagreed with ~~the~~ statements on the necessity <sup>for</sup> of tenure did not feel that the concept <sup>in question</sup> (e.g. protection from prejudice) was unimportant but rather felt that the same protection <sup>was</sup> is available from sources other than tenure laws.

One of the most common criticisms of tenure is that it leads to <sup>professional</sup> stagnation and <sup>the</sup> protection of incompetent teachers. The tenure law provides a process by which incompetent teachers can be released; however, some argue that it is almost impossible to accomplish this in practice. It is not possible to determine how many teachers in the state have been released by this process. The superintendent survey provided some <sup>idea or feeling</sup> details. Of the 51 districts reporting, 10 gave "due cause" as their reason for dismissing a teacher within the last five years. Three districts reported going to court to remove a tenured teacher within that period.

A more common alternative to the due process procedures is to "counsel out" of teaching a teacher who is not performing satisfactorily. Forty-one of the districts <sup>districts</sup> said that they had done this during the last five years.

When asked if they had ever retained a teacher whose performance was inadequate because of tenure protection, 27 districts said "yes," and 20 said "no." Respondents' comments revealed a wide range of attitudes toward the issue. One superintendent said, "Every school district has a few teachers with degrees of weakness in their professional competency. We have no one on staff who is totally incompetent....Teacher incompetency doesn't have to be tolerated because of the law." Not everyone agreed. Another superintendent said, ".....without the protection of tenure, we would release between 5 to 10% of our poorest teachers. It is fair to say that most schools in effect waste 5 to 10% of our budgets for this reason."

Attitudes toward the effect of tenure on stagnation and incompetence varied within the educational establishment. Administration personnel generally agreed that tenure does lead to stagnation and protection of incompetent teachers. School



board members agreed ~~with this~~ even more strongly than did administrators. One school board member said, ".....the structure of tenure laws and unions makes it so difficult to let teachers go that school boards and administrators are running scared....." However, another board member felt that ".....the system provides laws to rid ourselves (of incompetent teachers). We don't have the courage to do it."

Teachers did not agree that tenure is the cause of these problems. ~~The only~~ <sup>However</sup> ~~exception was that~~ secondary teachers with less than 10 years' experience did agree that tenure protects incompetent teachers. Many respondents commented that whether or not stagnation occurs depends more on the individual teacher than on tenure. It was also pointed out that teachers must take graduate courses in order to move up on the salary schedule and that this prevents stagnation. Another frequent argument was that ~~it is not tenure that leads to stagnation and protection of in-~~ <sup>competence</sup> ~~competence~~ but reluctance by the administration to use the processes provided <sup>does not lead</sup> ~~that led~~ <sup>competents (or) it was not</sup> ~~competence~~ <sup>does.</sup> One teacher commented that, "Protection of incompetent teachers is there when <sup>it</sup> ~~admin-~~ <sup>is</sup> ~~incapable of or indifferent to correction."~~

When asked if they thought removal of tenure protection would lead to the release of incompetent teachers and prevent stagnation, administrators and school board members generally agreed that removing tenure would facilitate the release of incompetent teachers and would prevent stagnation. Elementary principals did not agree that ~~it would prevent stagnation.~~ <sup>Stagnation would be prevented.</sup> Some school board members brought up the implications of removing tenure. "I agree that many boards would use this as an out if there was not a provision for encouragement to correct the situation first. Not all boards are fair or open-minded or wish to help a teacher help themselves improve."

Teachers did not agree that removal of tenure would prevent stagnation. They felt that growth and development were generally an individual matter. Teachers ~~were more inclined to think that removal of tenure protection would lead to release of incompetent teachers.~~ However, many of them commented on their concerns about the way in which competence would be defined and evaluated and ~~whether there might be abuses.~~ <sup>the possibility of abuse.</sup>

<sup>Teachers</sup> ~~They~~ feel that removal of tenure might indeed facilitate the release of incompetent teachers; however, they fear that without the protection of tenure, the teachers removed might not be those who are genuinely incompetent, but those who are too expensive or who have run into personal conflicts with the school board or administration. Said a teacher organization leader, ".....stagnant teachers are not dismissed - the one that makes waves is fired." Another expressed the apprehensions



of some teachers that removal of tenure might really cause damage to educational quality, ".....sophisticated one-up-manship and internal politics and courting of immediate supervisors would take place, diverting attention from classroom performance." Others again mentioned that there are provisions for release now, and one teacher <sup>(C. H. 1. 2)</sup> said that the removal of job security would make ".....no difference - it takes guts to remove someone who is incompetent."

Survey participants were asked whether there were modifications of tenure which they would find acceptable. The only modifications which were at all acceptable were lengthening of the probationary period and periodic review and renewal of tenure. Teachers differed on possible modifications as shown by table \_\_\_\_ see Table 7). Note especially the \* responses.

Respondents were <sup>then</sup> asked if they thought that the safeguards provided by the current tenure laws could be equally well provided by a master contract with a carefully drawn up grievance procedure, <sup>and</sup> ~~with~~ final appeal to arbitration. The only segments of the educational establishment who had definite responses were secondary teachers with more than 10 years' experience and teacher bargaining team members. Both were strongly opposed to negotiation of tenure. None of the other positions <sup>either</sup> ~~were~~ <sup>groups</sup> strongly opposed or favorable, and many had as many as 30% undecided.

The main advantage to negotiation of tenure was perceived to be the opportunity of adapting provisions to the local district's needs. The major disadvantage mentioned was the threat to teacher security. Other disadvantages mentioned frequently were the inconsistency that might develop <sup>among</sup> ~~between~~ districts and the problem of adding another very difficult item to an already heavy burden of negotiation. It would be "just one more thing to hassle on," said one teacher.

#### Seniority Dismissal

An issue which <sup>a</sup> often arises during a discussion of tenure is seniority dismissal. ~~procedure for~~ <sup>procedure</sup> seniority dismissal is not necessarily implicit in tenure. It is the means of regulating the release of tenured teachers which is used by all school districts. Although districts are free to negotiate another process if they desire, only 26 of the 51 districts responding to the superintendent survey said they had attempted to negotiate another process of dismissal. Thirteen reported no success. The changes reported by the other 11 districts were ~~only~~ very minor revisions to the seniority process, such as restrictions on "bumping" rights or seniority within categories of teachers.

To determine whether educational personnel perceive seniority dismissal as ~~damaging or beneficial~~ <sup>to agree or disagree with the statement</sup>, they were asked ~~whether or not they agreed that seniority dismissal is in the best interest of quality education~~. Administrators and school

⑦

## Acceptable Modifications to Tenure

| Sop                          | Abolish tenure |     | Periodic review<br>+ renewal of ten |    | Negotiation<br>of tenure |     | Lengthen<br>probation |     | No change<br>acceptable |     |
|------------------------------|----------------|-----|-------------------------------------|----|--------------------------|-----|-----------------------|-----|-------------------------|-----|
|                              | YES            | NO  | YES                                 | NO | YES                      | NO  | YES                   | NO  | YES                     | NO  |
| Superintendents              | 17%            | 83% | 61%                                 | 39 | 6%                       | 94% | 89%                   | 11% | 11%                     | 89% |
| Elem. prin.                  | 15             | 85  | 90                                  | 10 | 10                       | 90  | 80                    | 20  | 10                      | 90  |
| Sec. prin.                   | 17             | 83  | 72                                  | 28 | 22                       | 78  | 83                    | 17  | 11                      | 89  |
| School board                 | 38             | 59  | 86                                  | 14 | 38                       | 62  | 72                    | 28  | 3                       | 97  |
| <del>Elem</del> teachers +10 | 3              | 97  | 64                                  | 36 | 11                       | 89  | 44                    | 56  | 19                      | 81  |
| <del>Elem</del> teachers -10 | 11             | 89  | 71                                  | 29 | 32                       | 68  | 32                    | 68  | 19                      | 81  |
| Sec. teachers +10            | -              | 100 | * 43                                | 57 | 13                       | 87  | * 63                  | 37  | 13                      | 87  |
| Sec. teachers -10            | 10             | 90  | 72                                  | 28 | 24                       | 76  | 45                    | 55  | 21                      | 79  |
| Bargaining team              | 3              | 97  | * 48                                | 52 | 19                       | 81  | 28                    | 72  | 19                      | 81  |

NOTE - "Shorten probation" was also a possible choice, but <sup>no significant number of</sup> respondents agreed with this at all.

board members all tended to disagree. Teachers with less than 10 years' experience were generally uncertain, and teachers with more than 10 years' experience and bargaining team members agreed that seniority dismissal was good for education. There was little difference in opinion among various district sizes or between districts ~~with~~ <sup>of</sup> growing or declining enrollments.

The major reasons for both opposition <sup>to</sup> and support of straight seniority were converse sides of the same argument. Those favoring it felt that seniority ~~allows~~ <sup>allowed</sup> experienced teachers to be retained, while those opposing it said that experience ~~is~~ <sup>was</sup> not necessarily equivalent to excellence in teaching.

Many persons who disliked seniority dismissal mentioned the harm it does to district programs. Said one school board member, "The staff needs for a quality program should be met first, the security of individual teachers second." When asked if programs had been lost to the district because of the release of key teachers due to seniority dismissal, a majority said it had not happened in their district. First class cities were much more likely to indicate that programs had been lost due to seniority dismissal (40% <sup>of respondents</sup> agreed).

A number of respondents mentioned the loss of young enthusiastic teachers as a problem caused by seniority dismissal. When asked if it were true that seniority dismissal ~~leads~~ <sup>led</sup> to an age and experience imbalance, a majority of respondents agreed. Virtually everyone felt that an age and experience balance was important to a school district.

Others mentioned the problems of teachers working in areas which ~~are~~ <sup>were</sup> not their major area of expertise. When asked if they would favor a requirement of recent teaching experience and major certification in a subject area in order to establish seniority rank in a given field, administrators and school board members tended to agree strongly with this proposal. Teachers also agreed, though they were less favorable than administrators.

Opponents of seniority dismissal charge that the seniority dismissal process does not allow for administrative discretion. It requires the release of the least senior teachers even if they are acknowledged as unusually talented or are vital parts of special programs. It generally leads to the loss of a district's younger (and less costly) teachers. The "bumping" process integral to seniority dismissal can lead to a teacher teaching in a field of certification in which he has much less experience than the teacher he had bumped.

Those in favor of seniority dismissal mentioned that at least it ~~is~~ <sup>was</sup> fair and orderly, and teachers ~~know~~ <sup>knew</sup> where they ~~stand~~ <sup>stood</sup>. Many took a "what else is better?" approach and felt that seniority ~~is~~ <sup>was</sup> the best ~~criteria~~ <sup>Criterion</sup> for dismissal "until job performance can possibly be measured."



When asked what modifications to seniority dismissal would be acceptable or desirable, the only suggestion which appeared with any real frequency was "some element of evaluation." This was proposed by teachers as well as administrators, although teachers with more than 10 years' experience were less likely to favor it. Experienced secondary teachers <sup>in particular</sup> especially favored no modifications at all to the seniority dismissal process.

#### Modifications of Seniority Dismissal Acceptable

| <u>Position</u>          | <u>None</u> | <u>Some Element of Evaluation</u> |
|--------------------------|-------------|-----------------------------------|
| Superintendents          | 14%         | 29% *                             |
| School Boards            | 13%         | 46%                               |
| Elementary Principals    | 24%         | 54%                               |
| Elementary Teachers + 10 | 42%         | 42%                               |
| Elementary Teachers - 10 | 36%         | 50%                               |
| Secondary Principals     | 7%          | 53%                               |
| Secondary Teachers + 10  | 60%         | 20%                               |
| Secondary Teachers - 10  | 30%         | 50%                               |
| Bargaining Team          | 58%         | 26%                               |

Note: Percentages shown are percentages of those answering this particular question.

\* This may be lower than expected, in part because 21% of superintendents responding to the question suggested "abolish seniority," and another 21% suggested "consideration of program needs."

(See section on Effectiveness of Evaluation, p.

As an overall indication of <sup>Policy direction or preference</sup> ~~seniority~~, respondents were asked to choose one of five sets of criteria for placing teachers on unrequested leave, ranging from "seniority only" to "some measure of job performance only." There was little difference in attitude among various types of districts. The following table shows the findings by position:

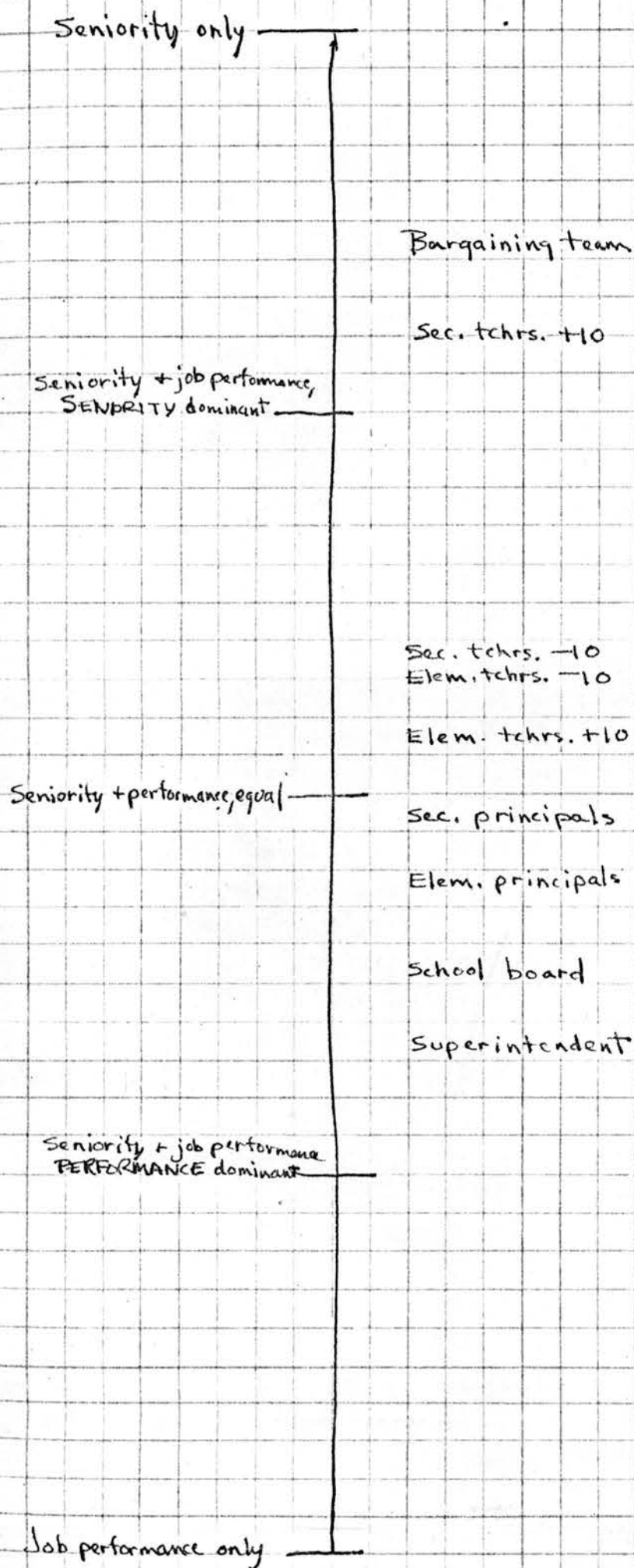
#### Criteria for Unrequested Leave

Seniority only



# Criteria for Unrequested Leave

25



Again, bargaining team members and secondary teachers with more than 10 years' experience appear to be the strongest supporters of seniority dismissal, while administrators and school board members would prefer to have performance evaluation deominate seniority.

#### Competence and Evaluation

When discussing possible modifications of the seniority dismissal process, the only suggestion which appeared with any frequency was "some element of evaluation." This is not surprising, since an obvious alternative to dismissing personnel on the basis of the length of time worked seems to be dismissal based on how well or how poorly the person is performing his job. <sup>in question</sup>

(Or the job is performed by each individual?)  
The concept of evaluating and ranking teacher competence may appear simple at first. Everyone knows that there are good teachers and bad teachers, and it should not be impossible to identify them. However, the more the issue is studied, the more difficult it becomes. On what basis should teachers be evaluated - methods, content of courses, student test scores? Ability to measure performance is dependent on a fairly sophisticated system of school district goals and objectives, clearly defining expectations for teachers. If a system is devised, who will do the evaluating - principals, district administration, peers, students? - and how <sup>can one or who</sup> do you assure that it is done fairly and impartially?

Persons advocating evaluation as a basis for a dismissal procedure assume that the goal of the evaluation process will be an improved quality of education. What if this were not true? A school board might use an evaluation process to dismiss teachers they dislike or teachers with high salaries, or they might not be able to properly judge varying degrees of competence in teachers, even if <sup>this quality</sup> were their true goal.

The conflict between seniority dismissal and evaluation has sharpened as school district enrollments have begun to decline. Seniority dismissal provides a clear-cut process by which to reduce staff; the teachers know where they stand, and there is no need to pass judgment on anyone's competence. However, many argue that the staff reduction necessitated by declining enrollment provides an opportunity to upgrade the quality of the teaching staff by dismissing, not those with the least seniority, but those who are the least competent teachers.

Several areas of teacher competence were examined ~~in the survey~~ to determine the attitude of education people toward competence and evaluation.

#### Current Provisions for Competence <sup>Measurement</sup>

The most immediately apparent reflection of increasing teacher competence should

be advancement on the salary schedule. There are now several ways for a teacher to advance along the salary schedule, <sup>ie., or for instance or such as</sup> length of time with the district and completion of graduate courses. Also, teachers who have acquired their certification since 1969 must be recertified every five years based on a combination of course work and activity within the school district and the community.

There are other factors too, such as in-service training and preparation time, which are commonly thought to contribute to improved teaching. The survey attempted to determine whether or not these factors are perceived as being valuable in providing improvement in teacher competence.

#### Years of Experience

"Experience does not make a better teacher of a bad one, but it makes a good teacher better," said one school board member.

When asked if teachers with more years of experience are better than those with fewer years of experience, respondents overall were uncertain. However, there were variations by groups. The smaller the school district, the more strongly they agreed that experience led to better teaching. (See Table 8)

School board members were the least likely to agree that experience was important, while elementary principals and elementary teachers with less than 10 years' experience also disagreed. Agreeing very slightly were 4 groups - superintendents, elementary teachers with more than 10 years' experience, secondary teachers with less than 10 years' experience, and secondary principals. Those who most definitely agreed that experience is a factor were secondary teachers with more than 10 years' experience and bargaining team members.

#### Break-point for Experience

Respondents were also uncertain <sup>or not</sup> (as to whether there is a point beyond which additional years of experience no longer yield significant improvement in teaching. However, those from first class cities were more likely to feel that there is such a point, as were administrators and school board members.

When asked at what point <sup>if any</sup> experience becomes less significant, the most frequent response was that every year brings better performance, or that it depends on the individual. However, 64% of superintendents chose 5-8 years as the critical period, and 39% of school board members picked 10-15 years.



### Graduate Credits

Graduate credit hours are the other major approach to moving up the salary schedule. When asked if teachers who take approved graduate course credits are better teachers, participants tended to agree slightly. Those from suburbs and medium-sized cities agreed the most, while those from first class cities were least likely to agree.

Bargaining team members and secondary school principals and teachers agreed the most strongly that graduate credits improve teaching. Elementary teachers and principals were a little less certain, and superintendents and school board members were the least convinced of the value of graduate courses.

The major factors mentioned as circumstances which make graduate courses valuable were provision of courses which are practical and related to teacher needs and courses which update or provide new skills.

### Recertification

The state has established a recertification process for teachers. When asked if the present recertification requirements improve teaching performance, respondents were uncertain. Superintendents and secondary teachers with less than 10 years' experience disagreed the most definitely, while bargaining team members and board members agreed the most with recertification requirements. The most frequently given suggestion for making recertification better improve performance was to make it related to the teacher's area of expertise. *a better road to improve* ~~more effective in~~ ~~as better able to improve~~

There are other methods which are frequently used by school districts as a means to improve teaching performance.

### In-service Training

A common device for upgrading teaching competence is in-service training. When asked if in-service training in their district improved classroom teaching, a majority of respondents felt that it did. The larger the school district, the more likely the in-service was to be ranked as providing improvement. By far the most vital factors in the value of in-service training were felt to be its relevance to teacher needs and teacher participation in the planning.

### Sabbatical Leave

Another method which is said to promote upgrading of teacher competence is the sabbatical leave. A solid majority of those interviewed felt that sabbaticals were valuable, though superintendents were the least convinced of their signifi-



cance. However, in ranking factors most important <sup>for</sup> to improved teaching, only 3 people included sabbatical leave in the top 5. One school board member brought up another factor saying, "A sabbatical is a terribly expensive way to improve teaching performance. It's a luxury that we can no longer continue to afford for bad administrators and teachers."

#### Preparation Time

Prep time during the school day was considered of importance to improving teaching by a large majority of educational personnel. The perceived importance increased as the size of the school district increased. <sup>The people in each of every</sup> ~~All~~ positions believe prep time to be significant with bargaining team members being the most favorable, and superintendents and secondary principals the least favorable.

A majority of respondents felt that about 1 hour per day was the optimal amount of prep time needed. A sympathetic school board member said, "....an hour of freedom - even having coffee - can help a person face the kids the rest of the day."

#### Service on Committees

A majority of those questioned felt that service on school or district committees contributed to improvement of teaching quality. Superintendents and school board members were slightly less certain of the value of committee service than were the others. The respondents seemed to see committee service as providing two-way benefits - the majority mentioned that <sup>gave</sup> such participation <sup>made</sup> gives teachers a voice in district decision-making, while it also ~~makes~~ the teacher more aware of district needs.

#### Staff Morale

Eighty per cent of those questioned felt that strong building morale significantly improves teaching quality. There was some difference in perceived importance by district size. About 90% of those from first class cities and medium-size cities felt building morale to be significantly important, while ~~only~~ about 78% of those in the other areas thought so. Superintendents and principals were less likely to find building morale important, while over 85% of school board members and teachers saw it as significantly improving teaching quality.

#### Building Rotation

Periodic rotation of teachers from one building to another is sometimes suggested as a way of improving teaching quality. The main reason given by respondents

for thinking

that this process might be helpful was that it would encourage variety and new teaching methods. The major disadvantage was felt to be instability. Teachers and school board members, especially, ~~also~~ <sup>also</sup> felt that rotation would have a negative effect if it were forced.

#### Most Important Factors in Improving Teaching

Survey participants were asked to rank the various factors in order of their importance to the improvement of teaching. The following table summarizes the findings: (Table 8)

Despite the variations by position and district size, several factors appear to be perceived as consistently important to improved teaching: staff morale, years of experience, regular evaluation, and prep time.

It may be interesting to note that current recertification requirements receive little attention, although the process is meant to improve teaching quality. "On the job" factors, such as prep time and evaluation are apparently seen as more valuable than graduate credits, although one key factor in advancement on a salary schedule is the number of graduate credits accumulated.

#### Who Determines Competence

In addition to the question of what factors contribute to improved teaching competence, <sup>another question is</sup> ~~there is also a question of~~ who should determine whether or not a teacher is competent. Participants in the survey were asked which of a list of various possible persons or groups should have (not necessarily ~~which~~ do have now) a legitimate role in determining whether a person is a professionally competent teacher.

#### Rank of Factors in Determination of Competence

When overall responses were ranked, the results showed that principals were chosen most often as a legitimate factor in determination of competence. (See chart)

|                                | <u>% YES</u> | <u>% NO</u> |
|--------------------------------|--------------|-------------|
| Principals                     | 88           | 10          |
| Colleges of Education          | 70           | 28          |
| District Administration        | 68           | 29          |
| Peers                          | 64           | 34          |
| Board of Teacher Certification | 63           | 35          |
| Teacher Organizations          | 53           | 44          |
| Students                       | 52           | 45          |
| Parents                        | 47           | 50          |
| State Board of Education       | 46           | 52          |

# ⑧ Most Important Factors in Improving Teaching

Rank Order (Overall results)

|    |                                  |     |
|----|----------------------------------|-----|
| 31 | 1. "Building" morale             | 25% |
|    | 2. Years of experience           | 18% |
|    | 3. Regular evaluation            | 15% |
|    | 4. Prep time                     | 13% |
|    | 5. In-service training           | 10% |
|    | 6. Graduate credits              | 9%  |
|    | 7. Community activity            | 2%  |
|    | 8. Rotation of bldg. assignment  | 2%  |
|    | 9. Recertification requirements  | 2%  |
|    | 10. Dedication, love of children | 2%  |

Enrichment  
& enrichment

## Position

Superintendent

## Most Important Factor

Regular evaluation

## 2nd Most Important

In-service

Elem. prin.

In-service

~~Building morale~~  
In-service Reg. eval.

Sec. prin.

Building morale

—

School board

Regular evaluation

Building morale

Elem. teacher +10

Years of experience

Prep time

Elem. teacher -10

Prep time

Regular evaluation  
Years of experience

Sec. teacher +10

Years of experience

Morale

Sec. teacher -10

Years of experience

Morale

Bargaining team

Years of experience

Morale

## District Size

1st Class City

Regular evaluation

Morale

Suburban

Morale

Prep time  
Years of experience

Medium Size City

Years of experience

Morale

Small town

Morale / Years of experience

Regular evaluation

Rural area

Years of experience

Morale  
Regular evaluation



When possibilities were ranked by position, principals were the first choice of every position except elementary teachers with less than 10 years' experience, who chose them a close second to colleges of education.

### Role of Principal

Since principals are perceived as such a key factor in determination of teaching competence, what is their role now, and what should it be?

Respondents were asked to indicate where on a scale of 1 to 5 (ranging from (1) advocate and defenders of the teachers in building to (5) implementer of administration policy) they thought principals ~~are~~<sup>were</sup> now and where they thought they should be. Overall, respondents felt that principals now tend slightly more toward the administrative end of the scale than they should.

The differences <sup>of</sup> in perception <sup>among the holders of</sup> between various positions if of interest. (Table 9)

### Role of Principal

Principal is now:

Superintendents and school board members feel that principals should be more administration-oriented than they are. Principals find a fairly small gap between what they are and what they should be, although both elementary and secondary principals see themselves as slightly more "administrative" than they should be. Teachers see principals as somewhat administration-oriented but feel that they should be teacher-oriented. The gap <sup>seen</sup> between what a principal is and what he should be varies with different types of teachers. The largest gap is seen by secondary teachers with less than 10 years' experience, followed by bargaining team members and secondary teachers with more than 10 years' experience. Elementary teachers <sup>also</sup> perceived a ~~similar~~ gap. Generally, secondary teachers and bargaining team members perceive principals as more administrative than do elementary teachers, although elementary and secondary principals give themselves exactly the same rank on where their role is now.

Respondents <sup>in</sup> All of the district sizes see principals as more administrative than they should be. Suburbs and medium-sized cities see them as the most administration-oriented now, and first class cities would like them to be the most strongly teacher-oriented.

There is a larger gap between the actual and preferred role of a principal in "satisfied" districts than in "restless" districts.

according to whom -  
principals or all R's?



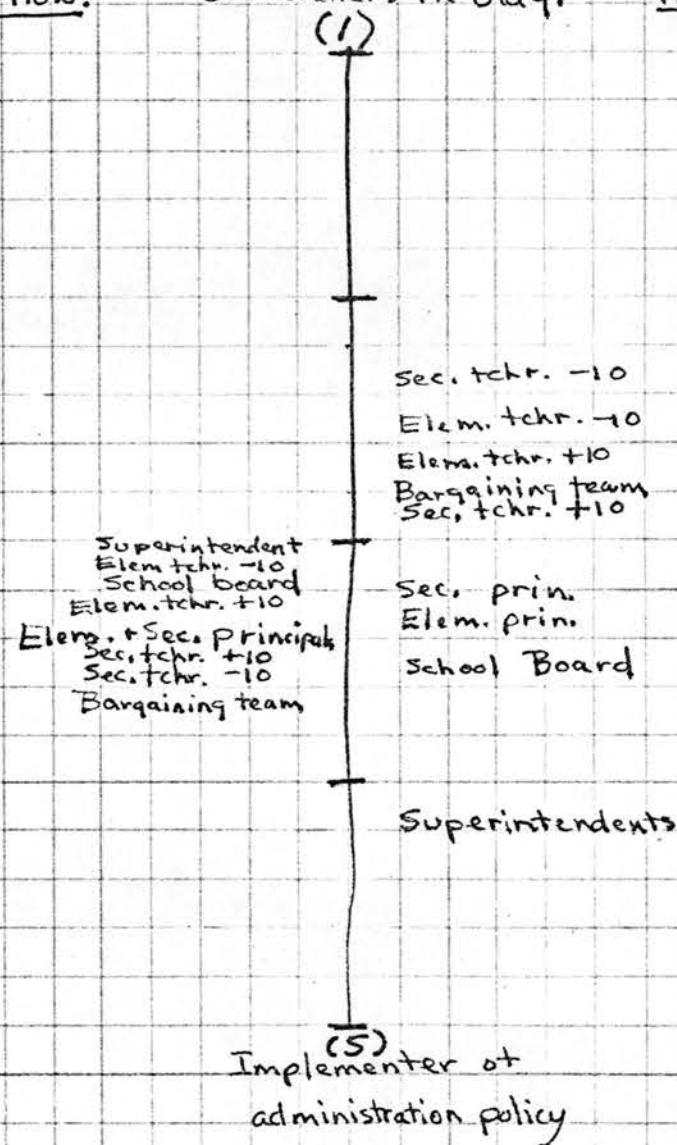
# ⑨ Role of Principal

33

Principal is now:

Advocate + defender  
of teachers in bldg.

Principal should be:



### Principal Bargaining Units

Principals and other administrative personnel are allowed by PELRA to form bargaining units if they wish. Survey respondents were asked if they felt that a principal's management effectiveness is diminished by membership in a collective bargaining unit. Overall, the participants disagreed with this statement very slightly. There was a direct relationship between the size of a district and the intensity of its disagreement with the statement. First class cities disagreed the most strongly that a principal's management effectiveness would be decreased, while rural areas agreed the most strongly that it would.

There was also a difference in the views of various positions. Superintendents and school board members are the most likely to agree that effectiveness would be decreased, and bargaining team members the least likely. Principals themselves were somewhat uncertain. Secondary teachers with more than 10 years' experience agreed somewhat that a principal's effectiveness would be diminished, while other teacher groups disagreed slightly.

### Effectiveness of Evaluation

Presumably, one of a principal's major tasks as a determiner of teacher competence would be evaluation of his teaching staff. Any alternative to or modification of seniority dismissal also seems to require an effective evaluation system.

Survey respondents were asked to indicate <sup>the effectiveness of</sup> how effective ~~is~~ <sup>by</sup> their district's current method of evaluation ~~is by~~ ranking it on a 1 - 5 scale ([1] significantly improves it - [5] has a significant negative effect.) (Table 10)

### Effectiveness <sup>of</sup> Evaluation

Overall, it was rated somewhat effective.

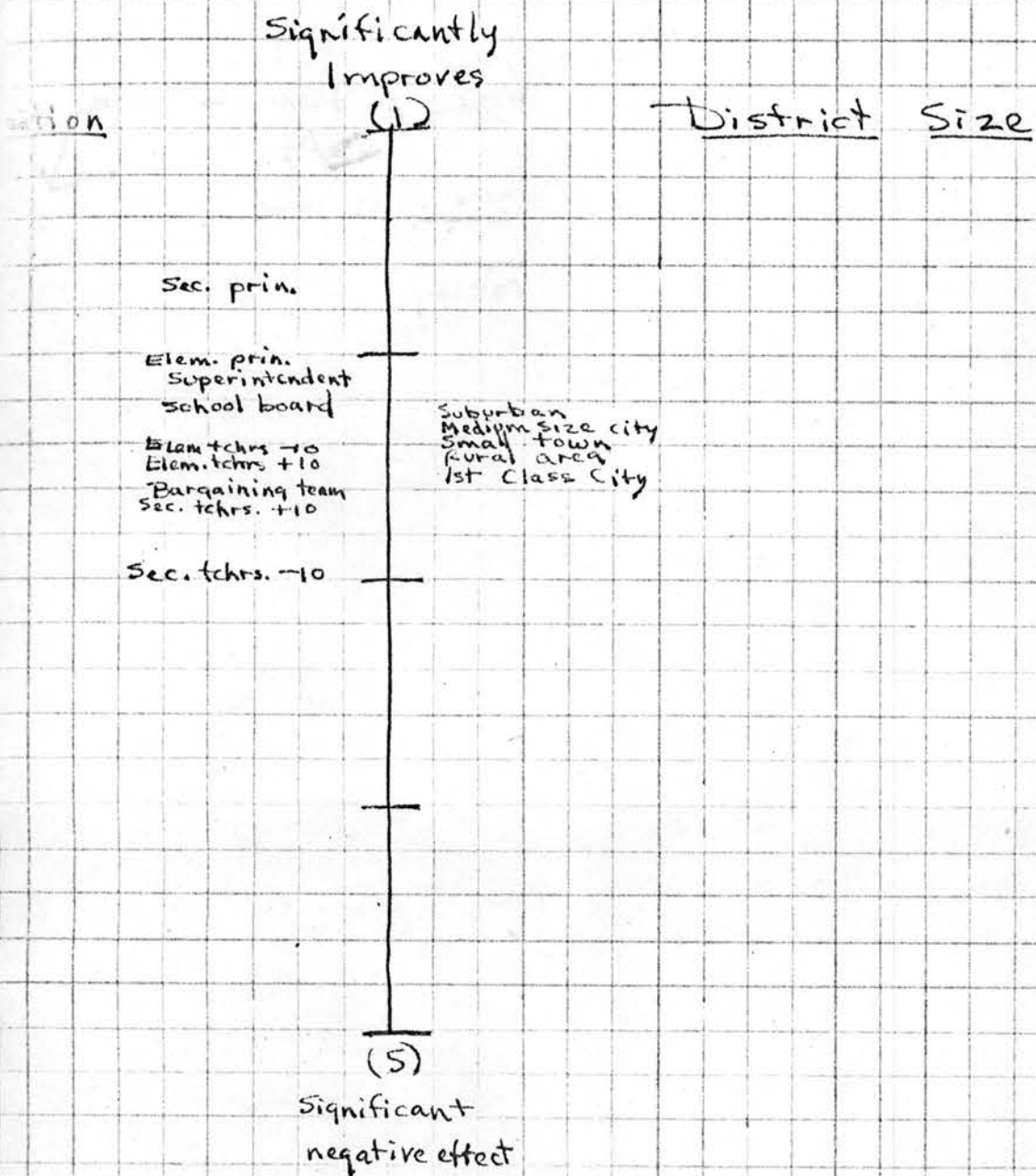
The perceived effectiveness of evaluation appeared related to district size, with the exception of first class cities. Suburbs found it the most effective, with medium-size cities, small towns and rural areas decreasing in effectiveness. ~~How-~~ ~~ever,~~ first class cities perceived evaluation as the least effective of all.

Teachers were notably less likely to see current evaluation methods as effective than were administrators and school board members.

Principals found evaluation the most effective, with superintendents and school board members finding it somewhat effective. Secondary teachers and bargaining team members were the least likely to think evaluation ~~is~~ effective. Elementary

# Effectiveness of Evaluation

34a





no reference than whom  
more highly  
rating

teachers also thought it only somewhat effective, though they were more favorable! Secondary principals ranked current evaluation methods higher than did any other position, while secondary teachers gave it the lowest ranking of any.

### How Evaluation is Effective

The most important factor in making evaluation contribute to teacher improvement was felt to be a positive, fair approach. Also important was two-way communication. Administrators and school board members mentioned definition of goals and regularity of evaluation, and teachers often mentioned the necessity of a competent evaluator.

### Probation

Probation is supposed to be the time during which a new teacher is evaluated and determined to be competent or not competent. Teachers often say that if the probationary period were handled correctly, there would be fewer poor tenured teachers. Others argue that probationary job performance may be misleading and a poor predictor of future performance.

Survey participants generally felt that probation <sup>was</sup> is a somewhat good indicator of future job performance. Table 12

Probation

Potential - Actual Value

Incumbents in  
all

positions perceived probation's worth as "somewhat good," with superintendents and board members slightly less sure than teachers and principals. However, when asked how adequate they felt probationary job performance assessments were in their districts, they all felt that it was ~~between~~ somewhat <sup>to</sup> minimally adequate. The same disparity appeared with all district sizes, with the largest gap between the potential of probation and its actual practice occurring in medium-sized and first class cities.

"Satisfied" and "restless" districts both rated probation as a somewhat good indicator of performance, but satisfied districts gave their district's assessment of probationary teachers a lower rating than did restless districts.

There was a variation <sup>among</sup> ~~between~~ positions <sup>groups</sup> in perception of the potential of probation and its assessment. Superintendents ranked their district's assessment <sup>process</sup> higher than they did the value of probation as an indicator. Principals and school board members perceived a moderate gap between potential and actual value. Teachers perceived a larger gap between the <sup>potential</sup> value of probation and the district's current assessment. Teachers with less than 10 years' experience and bargaining team



members saw the largest discrepancy between the potential of probation and its actual use, a finding which may be of ~~more~~ <sup>considerable</sup> interest, since these are presumably the teachers who have the most current experience with performance assessments during probation. (See table 12)

Probation                      Potential - Actual Value

#### Length of Probation

It has been suggested that perhaps changes in the length of the probationary period would be beneficial. Virtually no one wanted to shorten probation. Nearly half of the respondents thought it should be lengthened. Opinions varied by district size - 76% of those in first class cities opposed lengthening probation (first class cities already have a three-year probationary period as compared to two years in continuing contract districts). Suburbs and medium-sized cities also opposed lengthening probation, although by smaller majorities. Respondents from small towns and rural areas felt it should be lengthened.

Superintendents and principals were much more favorable to lengthening probation than were school board members and teachers. Of teachers, only secondary teachers with more than 10 years' experience favored lengthening probation at all. Large majorities of the other groups of teachers opposed extending the probationary period, with bargaining team members opposed.

#### Other Factors in Improving Teaching

When asked what other factors might improve teaching performance, the most frequently mentioned were a good teaching climate and a dedication to students. Intangibles are important. "A natural aptitude is highly important; a love for children," said one respondent, and a school board member summed up the morale factor, "Happy teachers do a better job."

#### SUMMARY

In viewing the impact of PELRA on contract negotiations, all respondents agreed that teachers have been better able to achieve their objective in terms of wages and working conditions since the passage of PELRA. Teachers generally feel themselves less effective in affecting policy decisions than do school boards and administrators. When considering the scope of negotiations, results showed a very real difference of opinion between teachers and administrators. Administrators

Probation

Potential ↔ Actual Value 36

good an indicator of  
re competence i> probationary  
performance?

How adequate are performance assessments  
for probationary teachers in your district?

Position

VERY GOOD

VERY ADEQUATE

Position

Elem. principals  
Elem. tchr. +10  
Bargaining team  
Sec. principal  
Sec. tchr. +10

Sec. tchr. -10

Elem. tchr. -10

Superintendent  
School board

Superintendent

Elem. principal

Sec. principal

Elem. tchr. +10

Sec. tchr. +10  
School board

Elem. tchr. -10

Bargaining team

Sec. tchr. -10

VERY POOR

VERY INADEQUATE

and school board members want to exclude most items from negotiations, and teachers want to include most items. The items over which there is greatest disagreement center on issues which deal with <sup>the definition of "working conditions"</sup> policy decisions that affect the working conditions of teachers - class size, preparation time, building transfer, and extra duty - rather than more "pure" policy decisions such as curriculum planning. In general, respondents seemed to feel favorable to the present functioning of PELRA. There was no glaring discontent with the operation of the law.

Respondents in this study were agreed that tenure <sup>was</sup> still necessary and important and should not be abolished. There was disagreement over whether tenure caused professional stagnation or protected incompetence, <sup>or agreed - - -</sup> ~~whether~~ its removal would prevent stagnation or incompetence. The primary reason for continued tenure protection <sup>was</sup> to prevent the release of high salaried teachers. <sup>Not was there any consensus on whether</sup>

Respondents did not agree on whether seniority dismissal procedures were in the best interest of quality education. Administrators and school board members all tended to think it was not, while teachers on the bargaining teams and those with more than 10 years' experience tended to think it was. Teachers with less than 10 years' experience were uncertain. Bargaining team members and secondary teachers with more than 10 years' experience were the strongest supporters of seniority dismissal, while administrators and school board members preferred to have performance evaluation dominate seniority in dismissal criteria.

Because both tenure and many possible modifications to seniority dismissal require some element of evaluation, survey respondents were asked ~~about~~ what was important to teaching performance and who should determine professional competence. Despite variations by position/ <sup>and</sup> district size, several factors appear to be <sup>consistently</sup> perceived ~~as consistently~~ important to improved teaching: staff morale, years of experience, regular evaluation and preparation time. Principals were seen by all as the proper ones to determine professional competence. As might be expected, teachers (who are being evaluated) tended to think evaluation was less effective than did administrators (who do the evaluating). School board members have less confidence in the effectiveness than do administrators but more confidence than do teachers. A most interesting finding was the gap or difference in perception between secondary principals (who rated evaluation effectiveness highest) and secondary teachers with more than 10 years' experience (who rated evaluation effectiveness lowest).



[667]

WHAT DO WE DO WITH THIS? ? ? ? ?

Several sets of findings have indicated a real difference in attitudes between secondary teachers (and usually bargaining team members) and secondary principals. Secondary principals' answers generally are very similar to those of superintendents, ~~while~~ elementary principals' answers often conform more to teachers' attitudes. Secondary teachers, especially those with more than 10 years' experience, usually have the more (extreme) teacher views.

The gap between secondary principals and teachers is demonstrated by several responses:

- a) When assessing current evaluation methods, secondary principals ranked them higher than did any other position, while secondary teachers gave them the lowest ranking (Table 10).
  - b. Secondary principals perceive teacher effectiveness in influencing policy as greater than did any other group; secondary teachers ranked teachers much lower (Table 13).
  - c. Secondary principals rated principals' effectiveness as equal that of teachers'; secondary teachers ranked principals much higher than they did teachers. (Table 13)
  - d. The role of a principal also demonstrated a difference. Secondary teachers and bargaining team members perceived principals as more "administrative" than did anyone else. However, they (and elementary teachers) think they ought to be much more "teacher-oriented" than they are. The largest gaps between what a principal's actual role is and what it should be are those perceived by secondary teachers (Table 9).
- 2



Report on March 15, 1977, Focus on Emerging Issues Meeting

## PUBLIC EMPLOYEE BARGAINING AND THE CITIZEN: RIGHTS, ROLES AND RESPONSIBILITIES

Written by: Judy Medelman

Public employee bargaining is one of today's most significant issues, according to Hyman Berman, Professor of Labor History at the University of Minnesota. In a period when citizens are calling for more openness and accountability in government, the closed negotiations of collective bargaining seem to exclude the public. This is particularly important when one considers that the fastest growing bargaining groups of the past decade have been those of public employees.

There are a number of reasons for this growth:

- 1) expanded social programs - especially those of the New Deal (WPA) and those of the 1960s.
- 2) growth of the federal government and the military.
- 3) government intervention in the economy through consumption of goods and services, and through the institution of anti-trust laws.
- 4) population growth, with the attendant rise in educational needs.

By 1970, one out of every six people was a public employee. More than half were women; one-half were menial workers. By 1971, the American Federation of State, County and Municipal Employees (AFSCME) was the 11th largest bargaining group in the country. During the last year alone, 600 separate contracts were negotiated in Minnesota.

The first strike by public employees was by a group of Boston policemen in 1919. The strike was unsuccessful when the governor of Massachusetts, Calvin Coolidge, intervened with the response that public employees had no right to strike - at any time, at any place, for any reason. It wasn't until the Kennedy administration that federal legislation finally acknowledged the right of public employees to strike.

In Minnesota, the right to bargain collectively is statutory, under the Public Employee Labor Relations Act (PELRA), passed in 1971. Vi Kanatz, attorney with the Bureau of Mediation Services, described PELRA as a comprehensive act, dealing with public employees as a body, rather than isolated groups of firefighters, police, sanitation workers, teachers, etc. The act also delineated the concept of exclusive representation. Representation is decided by vote of the majority of members in the bargaining unit. PELRA did not create a new agency to deal with the administration of contracts, but assigned responsibility to an existing agency with experience in labor relations - the Bureau of Mediation Services.

Amendments to the act, passed in 1973, further defined impasse procedures. Following mediation, if the employer rejects a request from employees for binding arbitration, the employees may call a strike. In addition, amendments also gave supervisors, principals and confidential employees the right to organize.

Kanatz thought that some coming issues concerning bargaining might be:

- 1) whether it is wise to let principals and supervisors organize (are they a part of management or employees?) Several panelists also agreed that this could be an issue.
- 2) some determination of unfair labor practices (interference, refusal to bargain). Questions now go to district court for resolution; should they go to an agency?
- 3) cut-off dates for bargaining
- 4) possibility of federal legislation

Richard Hall, Professor of Sociology at the University of Minnesota, commented on a number of societal conditions that could influence the issues of collective bargaining.

- 1) We are a nation of consumers of services, and the public demands these services. Our society is highly dependent on other people for their needs, for everything from

sewers to teachers to bureaucrats.

- 2) Public employees have less pay and less prestige than their counterparts in the private sector (the concept of the public servant). They are also under more public scrutiny than those in the private sector.
- 3) Both employees and employers are organized and have representation at the bargaining table. There is no "organization of citizens" and no representation of the public.

Professor and Director of the Industrial Relations Center at the University of Minnesota, Mario Bognanno, described the collective bargaining process as two-fold - contract negotiation and grievance arbitration. The latter includes contract administration (management acts and makes decisions; unions react to the decisions through the grievance procedure) and the interpretation of the labor contract (grievance arbitration). Bognanno felt that issues would emerge in the area of contract negotiations. Questions he asked were:

- 1) Who bargains? Are there too many small bargaining units?
- 2) Should negotiation sessions be open to the public? Because negotiations involve the "timely exchange of information which attempts to get concessions most favorable to each party" Bognanno thought public access to the negotiating table would reduce the process' flexibility.
- 3) Should a strike be allowed to run its course?
- 4) Who are the arbitrators and what are their qualifications? An audience member commented that the Federal Labor and Conciliation Board requires that the arbitrator not be involved in labor relations, either as a negotiator or as a member of union or management. He said this ruled out everyone except those inexperienced in the field of labor relations and those who are retired or independently wealthy.
- 5) What should be negotiated? Exactly what are "terms and conditions" of employment? Who determines the scope of what is negotiable? This concern was also expressed by Tom Gleason, Chief Examiner and Director of Personnel for the City of St. Paul.

Mr. Gleason also believes that PELRA has removed collective bargaining from the political arena. Previously, unions could bargain directly with the council, whereas now they must, by law, go through a structured process. However, he and other panelists commented that PELRA has not completely eliminated the problem of the "end run" (pressure exerted by groups who wield political clout as constituents). An additional problem created by PELRA lies in the area of binding arbitration. Gleason indicated that negotiating representatives might be less open at the bargaining table - less willing to reveal their "bottom lines" - as long as they know another avenue is open to achieve their demands.

Presenting the state's view on key issues was Charles Swanson of the State Mediation Board. The issues he identified are economic security, protection of workers in the event of government reorganization, and the recognition of ability for promotion. The latter issue would include the questions of civil service, pay based on merit, and seniority.

As County Commissioner from Hennepin County, Thomas Ticen expressed several concerns. He had reservations about the presence of a third party in binding arbitration, particularly when the resolution would end up dictating how much citizens were going to pay in taxes. A larger question was how local governments can satisfy the economic demands of public employees. The Legislature has put limits on the amount of taxes that can be raised; taxpayers are complaining about the existing burden; unions compete to get a better settlement for their members; public employee expectations are for more, not less. To Ticen, these facts indicate a coming confrontation.

Paul Goldberg, Director of Council 6, State, County and Municipal Workers, AFL-CIO, also did not care for a third party, "an outsider," coming in for binding arbitration and would prefer to see things resolved at the negotiating table. He mentioned public opinion as a factor in collective bargaining. Public employee strikes hit home, and Minnesota's legislation is unique in that the employer is the one who decides if public employees will strike - either by turning down employee requests for binding arbitration or by refusing to implement the contract. Goldberg claims employers do this knowing that people will react negatively toward striking public employees.

Discussion brought out the following points:

- 1) In a strike, particularly a short term one, it is the state that benefits. Taxes continue to come in, while payroll expenditures are lowered, resulting in a windfall for the state.
- 2) Positions considered as essential services in the public sector are not necessarily deemed so in the private sector (nurses, transit workers, etc.)
- 3) Commenting on a question equating the growing militancy of teachers with their loss of esteem among the public, Berman felt that historically teachers have never had a particularly high position in the social structure. Hall stated that studies indicate that the more professional the teacher, the more militant he/she is. He also pointed out that there has been a tendency toward demystification of all professions, accompanied by a loss of public esteem.
- 4) As the growing number of public employee bargaining units gain power and stature, there will be a general leveling off and adversary positions will become less defined. This should lead to fewer cases of binding arbitration and more settlements at the negotiating table.

In his wrap-up, Piers Lewis, Professor of English at Metropolitan State University, left the audience with the following questions:

- 1) Does the collective bargaining process tend to sharpen the battle lines between employer and employee by formalizing their adversary positions?
- 2) Does the process generate its own upward inflationary spiral? Both sides enter arbitration with a bottom line and settlement often simply splits the difference.
- 3) Is the spiral fed by public employees' increasing expectations without an accompanying increase in productivity?
- 4) When both sides of an adversary relationship express satisfaction with the collective bargaining process, should this raise some questions as to its effectiveness?

For further information on teacher collective bargaining, League members should watch for the first publication of the LWVMN's Education Study, which will be available in mid-spring. National publications, "So You Want to Know More About Public Employee Unions" and "Who Represents the Public in Public Sector Bargaining," which were distributed at last month's Focus, may be obtained by contacting the LWVMN office.





## LEAGUE OF WOMEN VOTERS OF MINNESOTA

555 WABASHA • ST. PAUL, MINNESOTA 55102

PHONE: (612) 224-5445

# MEMO

TO: ACTION COMMITTEE

FROM: Pat Lucas

SUBJECT: Consolidation of Schools Position

DATE: 2/4/77

The state Convention minutes of 1967 state the Mrs. Irving Tallman, St. Paul, lobbied for a bill to consolidate school districts into units that can support the high schools by July 1, 1971. The program that was adopted at the 1969 Convention under the Equality of Opportunity position includes consolidation. Point 9 states that the state should look to achieving equality of opportunity in education through the reorganization and consolidation of elementary and secondary schools to create districts which meet state standards. At this Convention, 1969, the education study was adopted. Consensus on the education study was reached in February, 1971. The program adopted at Convention, May 1971 included the new Education position with the consolidation position added to it. The Equality of Opportunity position was adopted without the school consolidation section.

The proposed State Program 1973-5 Committee Recommendations, February 1973, recommend omitting #1 on school consolidation under the Education position "because it's been accomplished". The 1973 Convention adopted the Education position without the consolidation wording.



[1977]

SUPPLEMENT TO EQUALITY OF EDUCATIONAL OPPORTUNITY

EDUCATION: STATE AND LOCAL INTERACTION



League of Women Voters of Minnesota  
555 Wabasha Street  
St. Paul, Minnesota 55102

## Supplement to Equality of Educational Opportunity

### Education: State and Local Interaction (Department of Education Viewpoint)

The May, 1971, convention of the Minnesota League of Women Voters requested further information about the functioning of the State Board of Education and the State Department of Education and their effect on local school districts. This information has been compiled primarily for League members to answer some specific questions and to gain an understanding of "how it works." This publication explores the relationships between local school districts and the State of Minnesota Department of Education and outlines the role of the State Board of Education. It is a supplement to the previous publication Equality of Educational Opportunity, (League of Women Voters of Minnesota, February, 1970), and should be used in conjunction with that booklet. Specific attempts have been made to avoid repetition, though some facts were necessarily included in both pamphlets.

Contacts between the local school districts and the Department of Education are reported here from the Department's point of view. It seemed necessary first to survey the Department's attempts to provide "leadership, service and regulation," in order to determine the application and effects of those efforts in local districts. Interviews with members of the different divisions within the Department have shown the concepts these individuals have of their work and the part of the Department as it interacts with local school districts.

This approach is only a part of any analysis of this continuing interaction. Reactions from local districts--school boards, administrators, and teachers--on how effectively, how efficiently and how helpfully the Department functions will need to be obtained to give a more complete picture. Readers must pursue these questions locally to judge fairly the workings of the Department with any individual school district.

## STATE BOARD OF EDUCATION

The Minnesota State Board of Education was created by the state legislature. Its composition and duties are specifically enumerated.<sup>1</sup> The policies formulated affect every public school.

Nature of contacts with local districts      Direct contacts between the Board and local school districts are limited, because its responsibilities are administered by and channelled through the State Department of Education. Opportunities are provided at Board meetings for representatives of local districts to present points of view regarding policies and regulations.

Composition of State Board      The following chart indicates the present membership of the Board:

| <u>Congressional District</u> | <u>Name</u>                   | <u>Residence</u> | <u>Expiration of Term</u> |
|-------------------------------|-------------------------------|------------------|---------------------------|
| 1                             | Ralph H. Peterson             | Albert Lea       | July 1, 1975              |
| 2                             | Daniel Burton                 | Mankato          | Jan. 1, 1974              |
| 3                             | B. Robert Lewis* <sup>2</sup> | St. Louis Park   | July 1, 1977              |
| 4                             | Mrs. Mary Jo Richardson       | St. Paul         | July 1, 1975              |
| 5                             | Louis R. Smerling             | Minneapolis      | July 1, 1977              |
| 6                             | David Brandon                 | Montevideo       | July 1, 1977              |
| 7                             | Henry Schroeder*              | Sabin            | Jan. 1, 1973              |
| 8                             | Richard L. Bye*               | Duluth           | July 1, 1975              |
| at-large                      | Mrs. Dorothea Chelgren        | St. Paul         | July 1, 1973              |

Ralph Peterson, the current Board President, is its only officer. One Board member is chosen annually as president, and no member can hold the office for more than three consecutive years. Board members receive \$25.00 per day compensation for official business, plus reimbursement for expenses.

The Commissioner of Education (Howard B. Casmey) is Executive Officer and Secretary of the Board, having no vote in proceedings. Regular meetings are held the second Monday of each month, except for the Board's annual meeting which is, by law, always held the first Tuesday in August. The Board usually meets in the Capitol Square Building in St. Paul; all meetings are, by law, open to the public and visitors are welcome. Official minutes of Board meetings are prepared by the Commissioner's staff and are kept on file in the Board offices, available to citizens wishing to read them. Board

<sup>1</sup> Equality of Educational Opportunity, League of Women Voters of Minnesota, Feb., 1970, pp. 7-8.

<sup>2</sup> \*Former local school board members. State law requires that at least three State Board members shall have had local school board experience.



members' attendance is very regular, averaging eight present at most meetings.

By law, the Board has no standing committees, and is expected to work primarily as a committee of the whole. However, it may and does designate temporary subcommittees to consider specific problems. For example, a subcommittee was appointed at the December 1971 Board meeting to recommend wording to convert the Equal Educational Opportunity Guidelines (adopted in December 1970) into regulations. This subcommittee involves four Board members, assisted by State Department staff primarily from the Equal Educational Opportunities Section.

State Board                      Much of the Board's power lies in its authority to  
Procedures                      prescribe policies, rules, and regulations. State  
                                    law governs the process for establishing regulations,  
which includes preliminary approval or wording by the Board; consultation with the Attorney General; distribution of wording and notice of public hearing to school officials and other citizens; announcement of the public hearing at least 30 days in advance of the hearing<sup>1</sup>; conduct of public hearing (a court reporter records all proceedings verbatim); reconsideration by the Board in light of the hearing; official Board adoption of regulations (in original or modified form); and submission to the Attorney General for formal approval. The Attorney General subsequently files approved regulations with the Secretary of State. These rules and regulations then have the force and effect of law, unless overturned by the court or by legislative action.

State Board members receive numerous communications from citizens, schools, and organizations all over the state. The crowded agendas of their regular meetings include such topics as safety regulations for school buses; Department personnel lists; background on Title III funds; library problems and funds; appointments to various advisory committees; analysis of the new state aid formula; approval of new vocational-technical centers; and discussion of districts' desegregation plans. State Department staff are present and provide the bulk of the information used at Board meetings. A recent hearing (December 11, 1971) included regulations on reciprocity among states for vocational education; driver education standards; qualifications for physical education and health teachers; civil defense education; and changes in certification requirements for superintendents and principals. Only the last item in the above list elicited testimony. The hearing was attended by eight of the nine Board members, was held on a Saturday morning and lasted about two hours.

The Board is relatively sheltered from political pressures, since appointments are for six years, longer than the tenure of the appointing governor or the confirming state senate, and no recall procedure exists. The Commissioner, too, is freer of political influence than most heads of executive agencies, since he is appointed by the State Board with consent of the Senate. Commissioner Casmey

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<sup>1</sup> Interested individuals and organizations wishing to receive written notice of State Board hearings should file their names with the Secretary of State.



reports that other states are emulating the Minnesota appointment procedure which has proved superior to some other methods.

How effective is a state Board of Education? Perhaps this can be best assessed in terms of the individual members on the Board. What is the level of their personal commitment, how willing are they to act responsibly and to exercise the reserve power they possess? How do they respond to the quality of leadership shown by the Commissioner? How accessible are they to citizens? Are they willing and able to go to exert leadership for educational needs in the legislative arena? Answers to these questions can come only over a period of years for each State Board.

#### STATE DEPARTMENT OF EDUCATION

The State Department of Education is the creation of the Board of Education, and advises and assists the State Board as well as administering its policies. Previous League study of the Department was centered on its structure, the chain of authority and responsibility, and the nature of the duties delegated to it by the legislature and the State Board of Education.<sup>1</sup> An analysis of the Department as it deals with the local school district requires a look at the Department's view of its role and the actions it may take in attempting to carry out that role.

|  |  |
|--|--|
| Nature of<br>contacts<br>with local<br>districts | Basic to the relationship between any school district and the Department is the degree to which the district agrees or disagrees with the philosophy of the State Board, the Commissioner of Education, and in a sense the legislature. If there is a compatible philosophy, if the district feels a need for the services available from the Department, if past relationships have been successful, a cooperative relationship exists which can be satisfactory to both. |
|--|--|

The statutory obligation of the Department is to implement policies of the State Board and state laws concerning education. These policies include standards dealing with academic requirements, certification, school buildings, transportation, etc. These are considered minimal and place the Department in the role of supervisor and "policeman." The Department is required to thoroughly inform local school districts about policy by explaining rules, regulations and laws, and adequately verifying compliance. Each school district must keep on file manuals of laws, rules and regulations with up-date publications which are provided following each legislative session.<sup>2</sup>

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<sup>1</sup> Equality of Educational Opportunity, p. 8, 10-12, 43.

<sup>2</sup> For complete list, see State Publications Catalog.

In addition every school district is urged to send its superintendent to an annual conference where regulations and their implementation are presented and discussed in detail.

Other contacts of Department personnel with local administrators are numerous. The department sponsors conferences on subjects of common concern. Staff members attend various professional meetings and are available as speakers. Advisory committees composed of administrators, teachers, and occasionally citizens consult with the Commissioner and his assistants, and the representatives of various professional organizations maintain contacts desirable for their groups. Also there are numerous personal, informal contacts with teachers and administrators throughout the state, since most personnel have formerly been employed in specific local districts in Minnesota.

Follow-up contacts from the Department occur as the various districts respond throughout the year with the appropriate reports, forms, agreements, contracts, or other required documents. Accurate applications and correct filing of requests are essential for a district to receive its share of state funds and authorization for other projects within the Department's jurisdiction. Various divisions within the Department have the authority to approve different types of applications.

Adminis-                      Local school districts communicate most frequently  
tration                      with the Administration Division of the Department.  
Division                      This division handles the bulk of the regulatory  
                                 and financial responsibilities directed by the  
legislature and the State Board. The organization chart indicates  
the large number of division sections, many of which relate directly  
to local districts.<sup>1</sup> There is a close, continuing interaction be-  
tween local administrators and division staff. In recent years ad-  
ditional personnel has been added to this division to coordinate  
certain federal programs and funding, such as school lunch and Indian  
education, with state and local efforts. Local administrators must  
work closely with sections of the division which regulate finance,  
school lunch programs, school transportation, school facilities  
planning, and state aids, statistics, and research.<sup>2</sup> Many smaller  
districts have had extended contacts with the School District Organ-  
ization Section. The Teacher Certification Section in this division  
handles the administrative details of recording and maintaining  
certification and to ensure all teachers in each district are assigned  
to teach in appropriate subject areas.

Specific federal educational programs administered through  
this division are Titles I and II of the Elementary and Secondary  
Education Act, and Title III of the National Defense Education Act.

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<sup>1</sup> See chart on the last page.

<sup>2</sup> "Facts About Your State Department of Education", Department of  
Education, 1971, provides a more extensive list of the duties of  
each section.

(Title I relates to funds for educating disadvantaged children; Title II aids in acquiring library resources; and Title III aims to strengthen certain academic areas through obtaining equipment.) This section serves as both an informational source and administrative authority.

Legal consultation is an increasingly significant service being performed for local districts by the Administration Division. Local administrators have had access to school law courses through the Department of Education of the University of Minnesota, but practicing lawyers well grounded in school law are scarce. At present, no courses in school law are taught in Minnesota law schools. To meet the need for legal assistance, the Administration Division has accumulated a "school law library" and has become an informal source of legal advice and reference for school districts and their lawyers in the growing number of lawsuits.

Instruction Division      The Instruction Division is the primary source of contacts between the local classroom teacher and the Department. Staff members of this division are concerned about what goes on in the classroom and are responsible for providing service to the individual teacher. As the organization chart indicates, there is one staff person in each subject discipline.<sup>1</sup> Staff specialists conduct area workshops, consult with and advise local teachers, and are charged with providing current sources of both material and methodology in their respective fields. Personal visits, scheduled one week to two months in advance, are made to local districts by Instruction personnel. Advance weekly programs are on file for each instructor and a cumulative map of trips is kept by the division to assure statewide coverage by the various disciplines. Division staff may initiate visits where weaknesses in local districts are suspected.

The staff attempts to maintain contact with each school district to keep abreast of various instructional programs and to provide aid in curriculum guides from the Curriculum Development Unit. Many schools and individual instructors have initiated changes in curricula, teaching methods, time-scheduling and other variations from the traditional procedures.\* This division requests information regarding these projects each year and is a clearing house for information on experimental programs being used in schools throughout the state. A listing of projects in existence is made by the Instruction Division each year and is available to each district and to interested citizens.

Work limitations should be taken into account in a study of the Instruction Division. Staff is limited. It is unrealistic to expect the subject area staff member to provide leadership to and

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<sup>1</sup> Vocational-technical curricula are administered and funded by the Vocational Division.

\* These programs are in addition to those projects requiring funding from specific federal or state funds. See discussion of Planning & Development Division.



personally assist the hundreds of district teachers in that subject area. It is impossible for this Division to provide uniform contacts and aids throughout the state. Therefore, assistance is usually given on a first-come, first-served basis. According to division spokesmen, smaller schools seek services more often than larger school districts. Larger school districts find it advantageous to hire their own specialists if enrollment, educational policies and financial resources permit. These local specialists, often with professional backgrounds and salaries similar to (or greater than) those of State Department staff, infrequently request assistance.

School districts have concentrated contacts with the Department when they experience a "team visit." This is an in-depth study of all phases of a school system, conducted by the Department at the request of the local district. On the basis of a formal request from the local superintendent and an accompanying resolution from the local board, the Department schedules five or six team visits per year throughout the state.<sup>1</sup> Since there is a waiting list, boards must apply in advance. This means they should anticipate a potential problem situation, or foresee the need for evaluation of particular projects. Emphasis in analysis is primarily on the instructional program, not on physical facilities.

18 to 24 members of the Instruction Division professional staff comprise the "team" and visit the school district for a maximum of one week. They evaluate aspects of both administration and instruction and submit reports at the conclusion of their visit. Before leaving the school system, each team member is required to give an oral report to the local staff, followed by a written report to the local board and the superintendent. There is no charge for this service.

All teachers in Minnesota have had direct experience with the Department of Education in acquiring their teaching certificates. The state Board has adopted legal minimum requirements for elementary and secondary certificates relating to courses and total number of credit hours.\* Currently, 25 colleges offer education courses leading to certification. A college submits reports on course content to the Instruction Division for certification credit approval. The college determines the method of instruction and is the judge of its students' performance and capability.

When a student applies for his original two-year certificate, the policy of the division is to accept the certification evaluation of the college. Recently the concept of accepting "competencies" in certain areas of knowledge and understanding has been emphasized, in place of listing specific courses, hours, and grades. Colleges

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<sup>1</sup> League localities which have had team visits since 1966 are Fergus Falls, Luverne, Morris, Hutchinson and Northfield. Most of the districts involved are relatively small.

\* Equality of Educational Opportunity, p. 23



determine these competencies by written or oral testing, artistic performance or some other means of judging achievement.

Teacher placement services are also provided to all local districts and certified teachers and other certified personnel by a section of the Instruction Division. School boards particularly from smaller districts utilize this service in locating administrators and instructors.

The Instruction Division is responsible for implementing the new "continuing education regulation" adopted by the State Board in 1971, slated to become effective July 1, 1973. Instead of receiving life certification teachers will be required to renew their teaching certificates every five years. Each school district must establish a committee composed of four teachers, two administrators and one "representative of the public" chosen by the Board to evaluate teachers' "renewal units." One hundred twenty renewal units will be required every 5 years. Units can be granted for a variety of work-related experiences: course work at colleges, attendance at workshops and lectures, professional publications, travel, conferences, inservice meetings. Each district will determine competency in renewal units in human relations to satisfy legal requirements that all teachers receiving new or renewal certificates after July 1, 1973, participate in such training.

The State Department of Education depends upon voluntary cooperation with departments of education in the various colleges in Minnesota in influencing the quality of classroom education. There is no legally defined relationship. State and private institutions of higher learning are independent of the Department. They must comply with laws and regulations regarding their courses leading to certification in order to benefit and protect their students, although that may be the extent of any contacts. The Department officials state that professional attitudes and goals have led to cooperative relationships with most colleges and universities. Workshops, research projects, and conferences are some of the typical contacts that can and do provide a constructive working relationship between the colleges and the Department, primarily the Instruction Division through its Professional Development Section.

Division of Planning and Development      All decisions affecting local programs eligible to receive federal funds under Title III and V of Elementary and Secondary Education Act (ESEA) are made through the Division of Planning and Development, in consultation with the Commissioner. (Title V strengthens the State Department administrative capabilities in certain areas.) This division works closely with local districts providing information and urging development of cooperative programs and innovative proposals which have the potential for federal financing through Title III. Successful area programs are cited to encourage greater use of local assets.

All application proposals are submitted to this division for evaluation and approval. Though the process is stated to be complicated and requires time for professional analysis, the division

administrator estimates that most decisions are made within two months.

An evaluation and audit section in this division provides a follow-up on federally funded programs. Publications reviewing these projects have also been federally financed.

The Equal Educational Opportunities (EEO) section of this division helps districts formulate plans to reduce concentrations of minority students in their individual schools. Federal guidelines and judicial decisions on desegregation are interpreted. The recently stated equal educational opportunity guidelines adopted by the State Board in December, 1970 are being implemented. Specialists help districts develop curricula about minority groups and assist with recruiting minority personnel for positions in local districts and the State Department.

Vocational- Technical Division      The Vocational-Technical Division of the State Department deals with local districts and the public on a somewhat different basis. As the assistant commissioner says, "We work under different rules." Federal legislation has established earmarked funds and regulations which apply to local districts and State Department staff in vocational-technical education. One-year and five-year plans must be submitted, and an annual public hearing must be held. This hearing allows interested citizens to raise questions about services and use of funds.

The Vocational-Technical Division also differs from some State Department divisions because it has responsibilities to institutions and organizations beyond the scope of the jurisdiction of local school districts. The Department's organization chart shows the extent and diversity of these services.

Contacts with local public school districts are primarily at the secondary level.

Staff in this division provides services to classroom teachers. Vocational instructors are required by law to attend an annual August workshop conducted by the division. Direct assistance visits to schools are made upon request and are handled much like those in the Instruction Division. Department "evaluators" go out to inspect schools to determine compliance with regulations. A recent approach has been to differentiate between two types of division services to vocational departments in local districts: (1) aid from "generalists" who help schools with overall planning and integrating different types of vocational offerings, and (2) help from "specialists" who concentrate on specific subjects. The division constantly provides resource information on specific federal and state requirements and interprets how regulations apply to local districts. It is also the channel for obtaining federal funds for vocational-technical programs.



The creation of "vocational centers", in which several school districts share on a part-time basis facilities and faculty, is a new development sponsored by this division.<sup>1</sup> The legislature provided funds to help schools initiate these cooperative centers in rural areas where individual districts could not afford to offer vocational programs. Organization and planning assistance as well as guidance in the legal contract framework is provided by division staff for the participating school districts.<sup>2</sup> The rapid growth of these centers (40 districts now involved) leads the Department to predict that 100-150 school districts will be participating in such vocational centers within another two years. In 1971 the legislature directed the Department to adapt this type of cooperative program to the Twin Cities metropolitan area.

|                |  |
|----------------|--|
| Division of    | The Division of Vocational Rehabilitation and      |
| Vocational     | Special Education assists local school districts   |
| Rehabilitation | in vocational program development for the handi-   |
| and Special    | capped, provides consultants in special education, |
| Education      | and administers applications for state and federal |

funds. The state legislature appropriates categorical aids to support special education services to children who are mentally, physically, or emotionally handicapped. Financial support to a local district is based on the number of professionals employed by the district in special education and is available for salaries, classroom equipment, transportation, and student room and board costs. Specialists in the various areas of special education serve as consultants to instructors in districts and to administrators and school boards throughout the state.

State concern for the vocational training of handicapped students is reflected in the development of programs utilizing vocational adjustment coordinators. Hired by individual districts or through cooperative arrangements among districts, these vocational counselors work with high school juniors and seniors. In addition to reimbursing schools for salaries, the Vocational Rehabilitation Division provides funds to obtain training equipment and medical or psychological services and to assist in job placement and follow-up when vocational training is completed. At present 40 of these programs involving 200 districts have been established, subsidized by state and federal funds channelled through this division.

Contacts with school districts are only a part of the educational responsibilities of the division. Different types of rehabilitation programs, workshops, and field offices put this staff directly in contact with individuals and related agencies in all parts of Minnesota.

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<sup>1</sup> Vocational-technical schools, also under the jurisdiction of local school districts and closely associated with the division are post-high school institutions. Equality of Educational Opportunity, p.17.

<sup>2</sup> See "Developing and Operating a Vocational Center", May, 1971, a publication of the Vocational-Technical Division.

Publications      The State Department of Education maintains its  
Section            own Publications Section, providing publications  
                    of interest to local educators and the general  
public. Every item printed is sent to each school district, oc-  
casionally to every school, and additional copies can usually be  
obtained upon request. A Department catalog listing Department  
publications, division-duplicated material, and educational docu-  
ments from the State Printing Office are distributed annually. A  
monthly newspaper, Update, covers executive and legislative activities  
in education, State Board developments and policies, the Department's  
activities throughout the state, feature stories, and notices of  
conferences and meetings. The first extensive Department annual  
report was published in 1970.

Institutional      Professional staff salaries and salary schedules  
Facts of Life      that compare unfavorably with those in public  
                    school districts and colleges are a factor in any  
analysis of the Department. It is estimated by the Department that  
at least 20 district superintendents and several principals receive  
higher salaries than the Commissioner. A large discrepancy still  
exists between salaries received by other Department administrators  
and specialists and those received by similarly qualified personnel  
in colleges and larger school districts. The effects of such dis-  
parities are reflected in the difficulty in hiring staff and the  
situation that exists when positions remain unfilled for extended  
periods of time. Sometimes this can be alleviated by hiring part-  
time consultants or by assigning additional responsibilities to  
other staff workers.

The functioning of any large administrative agency imposes  
internal limitations on that agency's personnel. The Department is  
a large, interacting, working bureaucracy. Staff members are hired  
to implement policy formulated by the State Board of Education  
advised by Department administrators appointed by the governor.  
Opportunities for initiating policies or effecting substantial  
changes are necessarily restricted. The entire Department must be  
continually aware of legislative intent and funding, the governor's  
program, potential Board policies, public relations, and the various  
echelons of departmental administrators.

The policies of the Board of Education and the Department,  
their implementation, and the services provided are important to  
many groups besides the governor and legislature. Organizations  
attempt to influence the long-range direction of legislation and  
Board policy as well as day-to-day administration.

Among professional groups which lobby, attend Board meetings,  
and maintain close contact with the Department are the Minnesota  
Education Association, Minnesota Federation of Teachers, and  
Minnesota Association of School Administrators. There are also  
associations of principals, classroom teachers of various disci-  
plines, and school business officials. The most influential lay  
group is the Minnesota School Boards Association which employs a  
professional staff and lobbyist. Other pressure groups besides the  
League of Women Voters are the Minnesota Congress of Parent-Teachers  
Inc., Minnesota Citizens Committee on Public Education, Committee



for Educational Freedom (private schools), and groups which form to promote or prevent specific legislation, such as consolidation of school districts.

Other Edu-                    As a state government develops an organizational  
cational                    structure, choices are made by the legislature  
Jurisdictions                and the executive departments in assigning re-  
                                 sponsibilities. States differ in their allocation  
of duties to a state department of education. In Minnesota some  
phases of the state government's participation in educational ac-  
tivities are not the duties of the Department of Education. For  
example, the state schools for the blind and deaf are administered  
by the Public Welfare Department. They work closely with special  
education staff, particularly specialists in "hearing impaired,  
vision impaired, and multiple handicapped." The Department of  
Corrections is responsible for educational services in the state's  
correctional institutions, cooperating to the extent they choose  
with the Department of Education.

The state's responsibilities for higher education are adminis-  
tered and regulated by separate boards and separate agencies: the  
Board of Regents, the State College Board, and the State Junior  
College Board all are appointed by the governor and in turn select  
their chancellors. These administrators and the institutions in-  
volved are legally separate from the State Department of Education  
and contacts with the Department are on a voluntary basis.

\* \* \* \* \*

How does the Department work? How can it be more effective?  
The attitude of the governor; the conscientiousness of the Board;  
the philosophy, ability, and standards of the Commissioner; the  
competence of the various division administrators and their success  
in choosing capable staff; the mandates and restrictions of the  
legislature--all interact in the functioning of the Department.  
Local school districts experience a portion of the results of the  
work of the Department. Perhaps the effectiveness of the state  
educational structure is best assessed through understanding rele-  
vant state laws and interpretations of them; knowledge of the extent  
of services available as well as needed, welcomed, and utilized  
by local school districts; and the quality of personal contacts  
with educators and the public.

STATE BOARD OF EDUCATION

COMMISSIONER OF EDUCATION

STATE OF MINNESOTA  
DEPARTMENT OF EDUCATION  
ORGANIZATION CHART  
JULY 1971

Federal Programs Coordinator

Assistant to the Commissioner

Department Library

Publications Section

DIVISION OF PLANNING  
AND DEVELOPMENT

- Planning Section
- Innovation Section
- Evaluation Section
- Equal Educational  
Opportunity Section

DIVISION OF VOCATIONAL-  
TECHNICAL EDUCATION

- Coordinator of Funding
- Operations Section
  - Adult Coordinator
  - Secondary Coordinator
  - Post-Secondary Coordinator
  - Special Needs Coordinator
  - Handicapped Programs  
Coordinator
  - Agriculture
  - Business and Office
  - Distributive Education
  - Home Economics
  - Industrial Arts
    - Career Development
  - Technical Education
  - Trade and Industrial
  - Field Services
  - Health and Personal  
Service Occupations
- Program Planning and  
Development Section
- Program Evaluation Section
  - Evaluation
  - Private Trade Schools
  - Veteran's Training
- Special Programs Section
  - Equipment Utilization
  - Manpower Development and  
Training
  - Work Study

DIVISION OF  
ADMINISTRATION

- Legal Services
- Administrative Services  
Section
  - Finance
  - Personnel
  - Procurement
  - Program and Management  
Analysis
- Federal Programs Section
  - ESEA: Titles I and II
  - NDEA: Title III
- Indian Education Section
- Information Systems Section
- School District Organization  
Section
- School Facilities Planning  
Section
- School Lunch Section
- School Transportation Section
- State Aids, Statistics and  
Research Section
- Teacher Certification Section
- Public Libraries Section

DIVISION OF  
INSTRUCTION

- Elementary and Secondary  
Education Section
  - Adult Education and  
Civil Defense Education
  - Curriculum Development
  - Elementary Education
  - Health, Physical Education  
and Traffic Safety
  - Learning Resources  
(School Libraries and  
Audio-Visual)
  - Secondary Education
    - Art
    - Music
    - Modern Foreign Language
    - Consultant for Gifted
    - Language Arts
    - Reading
    - Science
    - Social Studies
    - Environmental Education
    - Mathematics
- Professions Development  
Section
  - Placement
  - Education Professions  
Development
- Pupil Personnel Services  
Section

DIVISION OF VOCATIONAL REHABILITATION  
AND SPECIAL EDUCATION

- Operations Section
  - Northern Area (Grand Rapids)
  - Central Area (St. Cloud)
  - Metropolitan Area
  - Southern Area (Mankato)
  - New Careers
- Long-term Sheltered Workshops and  
Rehabilitation Facilities Section
- Staff Services Section
  - Accounting
  - Information Services
  - Rehabilitation Publications
  - Program and Staff Development
    - Planning and Special Programs
    - Staff Training
    - Job Placement
    - Client Training Services
    - Research
    - OASI Trust Fund Program
    - Casework Development
    - Hearing Impaired
- OASDHI Disability Determination  
Section
- Special Education Section  
(Including Title VI ESEA)

To: Local League Education Chairpersons  
From: Betty Shaw, LWVMN Education Chair  
Date: August 16, 1977  
Re: RECOMMENDED RESEARCH BEFORE THE UNIT BRIEFING ON TENURE AND PUBLIC EMPLOYEE BARGAINING IN EDUCATION

1. Get a copy of the master contract for the teachers in your district.

- a. List the types of items which were negotiated. Does your district negotiate such things as evaluation procedures, student-teacher ratios, building transfer policies, preparation time, leaves, the school calendar, etc.?

Make your own assessment about the degree to which educational policy is included in contract negotiations.

- b. How are the salary schedule steps and lanes set up? Are they part of the contract itself? Does the board have to approve each step and lane change, or is there a negotiated method for determining step and lane changes?

Contract language is different and may be important. For example, the Richfield contract states: "The annual increment shall be contingent upon satisfactory work and evidence of growth on the part of certified personnel. The School Board may, upon the recommendation of the Superintendent, withhold increments provided, however, that any teacher aggrieved by such withholding shall have recourse to the grievance procedure provided herein." On the other hand, in Minneapolis the step change or "increment" is automatic. "The present salary schedule provides for annual increments after approval by the Board of Education. In order to qualify for a full increment, an individual shall have been on the school payroll for not less than one semester...."

The implications of this may be important in attempting to remove a teacher for incompetence. In Minneapolis records and testimony concerning the teacher's performance may cover a number of years since there has been no Board judgment regarding the performance of that teacher. In Richfield, the Board has a method for "disciplining" a teacher whose performance is judged unsatisfactory, short of instituting dismissal procedures. But if the Board does not withhold the increment, the Board may use only those records and activities of the teacher since the last increment was granted. That is because the very granting of the increment (unless specifically stated that it is being granted for some other reason) indicated that the teacher's work had been judged satisfactory up to that point.

2. Interview some of the key people in your district about the following items. BE SURE TO ASK ABOUT THE 1974 CONTRACT because all of them will be reluctant to discuss the current negotiations unless they are already completed. Some of the people to interview would include a school board member or two (especially those you consider knowledgeable), the superintendent, a number of the teacher negotiating team, and whoever does the negotiating for the school board. You will have to find out who does the negotiating in your district. In some districts the school board members themselves participate; in some they do not even attend as observers. In other districts the superintendent negotiates or another member of the central administration, such as the personnel director. In others it is done by a paid professional such as the school board attorney. In some districts the teacher bargaining unit selects teachers to serve on the bargaining team. In others they receive help from the MFT or MEA.



What to find out:

- a. How are the original positions determined? (REMEMBER, "GOOD FAITH" NEGOTIATING REQUIRES THAT THE ORIGINAL POSITION CANNOT BE THE FINAL POSITION. Teachers always ask for much more than they expect to get, and Boards always offer less than they are willing to grant.) How does the teacher bargaining unit gather input from the teachers?

Do they consult with members of the minority organization (i.e. if the MEA is the bargaining agent, are members of the MFT consulted, or vice versa)? How does the district determine its original offer? (Does the School Board decide and consult with the superintendent? (Does the superintendent decide and consult with the school board?))

Is either the superintendent or the school board left out of the process (except in some window dressing way)?

Are parents or the community ever asked for input? If so, how? If not, what reasons are given for feeling this unnecessary?

What types of items were requested for inclusion in the negotiations but refused by one side or the other? (For example: Did the district attempt to negotiate some method other than section 6b [seniority] for placing teachers on unrequested leave? Did teachers try to include class size and have the district refuse to negotiate it?)

How long did the 1974 contract negotiations last? Did they require mediation? Did either party request arbitration? Was there a strike? Was a strike barely averted? If so, how? Did the district (e.g. superintendent and school board) feel basically satisfied about the contract procedures last time? Did the teachers? Why or why not?

How comfortable are your administrators, teachers and board members with evaluation procedures in your district? Do any of them feel that incompetence can be and is identified and documented? Do they feel that tenure laws are used as a cover for less than satisfactory performance? If so, why? Is the administration unwilling to enforce the law? Is the law considered unenforceable? If so, why? Or is there basic satisfaction that there are adequate legal remedies to ensure that teachers in the district are efficient and competent?

BECAUSE OF THE LENGTH AND COMPLEXITY OF THIS TOPIC, THE CONSENSUS IS BEING LIMITED TO TEACHER TENURE AND PUBLIC EMPLOYEE BARGAINING. Principals, superintendents and other certified personnel also have tenure, and many have separate bargaining units. Some large school districts bargain with as many as a dozen separate employee groups. We realize that this has an impact on budget and schools, but because it is so hard to adequately cover all we have attempted, these non-teacher groups have been omitted from the study.



(This form is for information only -- not to be used for reporting purposes -- reporting form will be included with the Committee Guide)

CONSENSUS QUESTIONS  
TENURE AND PUBLIC EMPLOYEE BARGAINING IN EDUCATION

Please record number of members who agree with each answer.

1. Should the bargaining law be changed as to which items are negotiable?
  - a. No. (The law should remain as is so that each district determines for itself which areas it considers negotiable with the district court making the final determination.) \_\_\_\_\_
  - b. Yes. (The law should broaden the items considered negotiable.) \_\_\_\_\_
  - c. Yes. (The law should restrict certain items from negotiation.) \_\_\_\_\_
  - d. Undecided. \_\_\_\_\_
  
2. What is your unit's consensus regarding the settlement of contract disputes?
  - a. Return to a situation in which the school board makes the final decision (there is no right to strike and no arbitration). \_\_\_\_\_
  - b. Retain the present system (school board may reject arbitration, and if so, teachers may strike). \_\_\_\_\_
  - c. Compulsory arbitration (if either party requests, both must enter arbitration, and the decision is binding on both). \_\_\_\_\_
  - d. Grant teachers the right to strike over contract matters. \_\_\_\_\_
  
3. What is your unit's consensus regarding the role of the public in the negotiation process?

|  | <u>Agree</u> | <u>Disagree</u> | <u>Undecided</u> |
|--|--------------|-----------------|------------------|
| a. The public is adequately represented now by the school board.   | _____        | _____           | _____            |
| b. The public is adequately informed because they may attend open meetings of negotiations until closed by the Director of Mediation Services.             | _____        | _____           | _____            |
| c. Teacher bargaining units and school boards should be required to publish first offers and all subsequent written offers during the negotiating process. | _____        | _____           | _____            |
| d. School boards should be required to establish a (parent/community) advisory committee on contract negotiations.   | _____        | _____           | _____            |
| e. A parent/community advisory committee representative should be appointed to serve on the negotiating team.  | _____        | _____           | _____            |
| f. The school board should have the right to a limited number of strategy sessions which are closed to the public.   | _____        | _____           | _____            |
  
4. Should there be requirements concerning the qualifications of arbitrators for school negotiations?
  - a. No, the present system is adequate and should be retained. \_\_\_\_\_
  - b. Yes, arbitrators should be licensed. \_\_\_\_\_
  - c. Yes, arbitrators should be required to know school law and procedures. \_\_\_\_\_
  - d. Other changes (specify) \_\_\_\_\_
  - e. Undecided. \_\_\_\_\_

- |   | <u>Yes</u> | <u>No</u> | <u>Undecided</u> |
|---|------------|-----------|------------------|
| 5. Should the school boards and teacher bargaining units be required to submit a "last best offer" on which the arbitration panel would rule?   | _____      | _____     | _____            |
| 6. What is your unit's consensus regarding Minnesota's tenure law? (Choose a, b, c or d. If you choose c, indicate your choice(s).)   |            |           |                  |
| a. It should be retained as is.   |            |           | _____            |
| b. It should be abolished.  |            |           | _____            |
| c. The following change(s) should be made:  |            |           | _____            |
| 1) Fair dismissal procedures should be negotiated (i.e. tenure should be set by master contract and not by law).  |            |           | _____            |
| 2) The probationary period should be lengthened.  |            |           | _____            |
| 3) The probationary period should be eliminated.  |            |           | _____            |
| 4) Require periodic review and evaluation of teacher performance, leading to remedial help when indicated.  |            |           | _____            |
| d. Undecided.   |            |           | _____            |
| 7. What is your unit's consensus regarding dismissal procedures due to reduction of positions? The law presently states: a) in continuing contract districts -- "Teachers.....shall be placed on unrequested leave of absence in fields in which they are certified in the inverse order in which they were employed by the school district." b) in 1st class cities -- "In the event it becomes necessary to discontinue one or more positions, in making such discontinuance, teachers shall be discontinued in any department in the inverse order in which they were employed." |            |           |                  |
| a. Retain seniority dismissal as it is now.   |            |           | _____            |
| b. Make procedures for reducing staff a <u>mandatory</u> subject for negotiation.   |            |           | _____            |
| c. Should the law be amended to include factors other than order of employment when determining staff reductions?   |            | Yes<br>No | _____<br>_____   |
| If yes, which of the following possible factors would you favor including?  |            |           |                  |
| 1) Job performance (defined by state criteria)  |            |           | _____            |
| 2) Job performance (definition negotiated by district's contract)   |            |           | _____            |
| 3) Recent teaching experience in field of certification   |            |           | _____            |
| 4) Program needs of the district, special expertise, etc.   |            |           | _____            |
| 5) Affirmative action programs (only for 1st class cities -- already included for continuing contract)  |            |           | _____            |
| 6) Age and experience balance   |            |           | _____            |
| 7) Other (specify)  |            |           | _____            |