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ABSTRACT

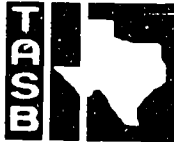
The primary responsibility of school board members has always been the development of the policies that govern the school district. If these policies are to properly address the actual needs of the school district they must be based on an accurate and comprehensive knowledge of the issue confronting the district. This handbook is designed first to speak to the overall responsibilities of board members and then to speak to some of the specific issues that they will be dealing with. The six chapters are "Common Sense Concerning Employee Relations"; "School Superintendency Shopping Guide," by Nolan Estes; "Evaluation of Professional Educational Personnel," by Forrest Watson; "Substantive and Procedural Due Process for Teachers," by Russell R. Graham; "Educational Leadership--Steps for Survival," by Will D. Davis; and "Congratulations! You Made It!" by Laura T. Doing. (Author/IRT)

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Topics for Educational Policymakers

U.S. DEPARTMENT OF HEALTH
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INTRODUCTION

The primary responsibility of school board members has always been the development of the policies which govern the school district. If these policies are to properly address the actual needs of the school district they must be based on an accurate and comprehensive knowledge of the issues confronting the district. Closely related to policy development is the development of staff resources. Without adequate execution and administration even the best policy accomplishes very little. This handbook is designed first to speak to the overall responsibilities of board members and then to speak to some of the specific issues with which they will be dealing.

Education today is in a stage of rapid evolution which requires educational leaders to constantly review their methods of operation. It is hoped that each of these articles will become primary resources to those board members who are dedicated to serving their districts from a sound base of knowledge about the operations of their schools.

Table of Contents

Common Sense Concerning Employee Relations	1
School Superintendency Shopping Guide <i>Dr. Nolan Estes</i>	10
Evaluation of Professional Educational Personnel <i>Dr. Forrest Watson</i>	20
Substantive and Procedural Due Process for Teachers <i>Russell R. Graham</i>	30
Educational Leadership—Steps for Survival <i>Will D. Davis</i>	40
Congratulations! You Made It! <i>Laura T. Doing</i>	49

Common Sense Concerning Employee Relations

In 1959 thousands of school board members and administrators exchanged millions of words about how curriculum should be shaped, buildings should be constructed, or, in general, how public tax monies should be spent. Something funny happened on the way to this year. Millions of words were exchanged about the power of teachers' unions, the scope of negotiation, how the decisions would impact the board-employee group relationship, who would represent the board in negotiations, the impact of the latest C.P.I. on wage schedules, and, in general, a myriad of subjects unheard of in 1959.

What happened—what movement could so drastically change the role of boards and administrators as they attempted to shape educational policy and manage the destiny of education in their communities? A brief history of the teacher union movement may help us see.

Prior to 1960, only one state had a statute permitting collective bargaining for teachers. Currently, two-thirds of the states have laws requiring collective bargaining or its first cousin, mandatory "meet and confer." In addition, of the one-third of the states remaining, all but three have pending legislation that would govern public employer-employee relationships!

The first bargaining contract was achieved by the New York Federation of Teachers (AFT—AFL-CIO) in 1961, and it covered approximately 50,000 teachers. The movement then spread to Philadelphia, Chicago, Newark, Cleveland, etc., with the American Federation of Teachers knocking off the NEA units with relative ease. NEA, seeing its membership threatened, began to

respond with a change in philosophy and action that transformed it from a "professional association" into a group whose goals and actions are indistinguishable from the AFL-CIO affiliated American Federation of Teachers. Simply stated these are: the right to bargain collectively, and the right to strike with the power of the national organizations supporting the local. In fact, an attorney for NEA stated in a school law conference in March 1973 in San Antonio that he could see no difference in the two organizations in terms of goals and actions concerning collective bargaining.

NEA is now a member of the Coalition of American Public Employees (CAPE) which is made up of the American Federation of State, County, and Municipal Employees (AFSCME) and National Treasury Employees Union (NTEU) and whose primary goal is a federal collective bargaining bill for public sector employees. Such a bill would require boards to bargain collectively, provide agency shop, make all education policy negotiable and give the union the right to select compulsory binding arbitration or the right to strike. The American Federation of Teachers supports a bill that would simply place all non-federal public employees under the National Labor Relations Act.

These developments taught the teacher a lesson from his own American history. It suddenly dawned on him that in unity there is strength and that to be a professional was not as productive as having a professional to press his interests with the board that determines pay and working conditions. NEA and AFT became very visible, and soon teachers found hard hitting experienced professionals who knew how to get more money and to write contracts that placed the union in a position of power parity with the boards as far as policymaking was concerned. It is evident that the forces contained in the *American Dream* all begin to play a part in the movement. What the labor movement has done for the truck drivers, plumbers, carpenters, and auto workers is very closely studied by teacher unions.

These forces, of course, are beginning to work in Texas. We have been fortunate in being able to study this movement as it begins on the East and West Coasts, collides in the Midwest, and begins to disseminate South. The present statutes in Texas prohibit boards from engaging in collective bargaining (Article 5154C VATS). Article 13.901 of the "Texas Education Code" *permits* boards to adopt and make reasonable rules, regulations, and agreements to *consult* with teachers concerning educational policy and conditions of work. In addition, further guidelines may be found in the June 24, 1974, decision of the Commissioner of Education on what constitutes permissible "consultation" in the state. (It should be noted that this ruling precludes exclusive recognition of an employee group because of lack

of statutory authority.)

The Texas State Teachers Association supported legislation in the 63rd Legislature and is sponsoring a bill in the 64th Legislature that would establish a "mandatory consultation" statute binding on all boards in the state. The current bill would provide for exclusive recognition of an employee group for consultation purposes, place all items of education policy under the "scope of consultation," and provide for advisory third party arbitration. In addition, the leadership has launched a massive statewide drive to have TSTA "unify" with NEA. Unification is the term that describes mandatory membership in the NEA as a prerequisite for membership in the state and local teachers' associations. In other words, the choice of a teacher would be limited to: join all organizations (including NEA) or join none at all. It is interesting to note that the general membership of TSTA rejected "unification" by a two to one majority in spring 1974; but the leadership, with the support of NEA, has chosen to ignore what appears to observers to be an overwhelming mandate against mandatory membership in NEA by pushing the statewide campaign.

The American Federation of Teachers has established a foothold with small but very vocal local units in the large urban school districts. In a recent legislative meeting in Dallas, their number one priority was to secure collective bargaining rights for public employees. This goal appears to have the full support of organized labor.

Recent actions by TSTA-NEA units in local districts in the state have been characterized by strikes or strike votes (Houston-Corpus Christi), demands for collective bargaining type agreements, and third party arbitration of impasse. Other districts have seen "no confidence" votes by teacher associations in the board and superintendent. This leaves no doubt that Texas Boards of Education had better get informed on the issue and prepare to manage employee relations rather than let employee relations manage them.

Preparation must begin with the recognition of fundamental roles of the board and teacher associations. The basic concern of a school board member is to buy more and better education with the least possible expenditure of public tax funds. However difficult this may be to recognize, the board as *management* must begin the process with this position. The role of the teachers' union is to earn more money and to see that conditions are such that the teacher can perform his job easily. Routinely, these requests or demands are couched in proposals of "what's best for children." A good example is class size; a subject brought up at every bargaining table even though research shows no significant increase in educational achievement

with the reduction in class size that is possible within economic reality. However, there is no question in anyone's mind that reduced class size would make every teacher's job easier. A fundamental concept for management to recognize is that these are *labor's* demands that you are receiving.

Boards must also recognize that the relationship will be *adversary*. To many of us this seems to be an extremely remote possibility in our districts. However, it must be realized that school districts in Texas have always operated under statutes and political environments that recognized the *unilateral* authority of the board. "Mandatory Consultation" to a degree, and collective bargaining in its fullest implementation, replaces unilateral with bilateral decisionmaking between the board and the teacher organization. What this means is *power* and *confidence* by the teachers will be exercised in bringing the issues (negotiation items) in a manner forceful enough to convince boards that they mean business. This fundamental change in the board's authority, coupled with the fact that employee organizations are political and have leaders that have political needs and are constantly raising the kinds of issues that justify both their positions and the organization's existence, dictates the almost inevitable adversary relationship. The behavior of employees will reflect the general change in relationships. TASB, in its research of school districts that have experienced bargaining and/or strikes, has been advised that administrators and boards should anticipate that teachers who have long service with the district are as apt as the young militant teacher to be caught up in the forces of the collective bargaining movement. Perhaps the story that circulates among the conferences conducted on collective bargaining best describes what might be expected by a board member: "A board member met a teacher in the grocery store while negotiations were going on between the teacher association and school district. After a pleasant exchange about the new reading program in the elementary school where the teacher worked, he asked her, 'Ms. Jones, how long have you been with us?' Her reply: 'Mr. Smith, I have worked for you twenty-five years, but I have never been with you!'"

Although communities and school districts differ, there are some fundamental guidelines that should be studied as a board examines the organization and staffing needed to manage this process. *There is widespread agreement that boards should not be directly involved at the table where issues are hammered out.* An immediate response may be that the board makes the decisions so they should deal with the teachers' organization directly. Remember that this is a decision making process that is being conducted in a power environment. The consultation table is a place where exploratory remarks and discussions will

begin around a series of proposals by teachers that usually far exceed their own expectations as well as economic realities. These exploratory remarks and discussions, if conducted by someone who has final authority, may be mistaken for firm commitments or, at the very least, an inclination of how far the board is willing to go before they have had a chance to say "yea" or "nay." In addition, it must be kept in mind that the teachers' organization would prefer to bypass the superintendent and other administrative channels and deal directly with the board. This is particularly dangerous since the board's role is primarily to set policy recommended by the superintendent, and members are not familiar with the impact that a policy change may have on the day-to-day operations of the district. When all the heated discussions are over, and all the dust has settled, the board must still act as a court of last resort.

If not the board, then who should speak for the district? The next obvious choice becomes the superintendent. The size of a district may determine whether he must be used or not, but it is the recommendation of TASB that he not be the negotiator. The reasons are primarily the same as for the board, plus the fact that negotiation is only a part of his administrative responsibility. He must continue to be the educational leader of the school and community and work on a day to day relationship with the teaching staff. His ability to do so may be hampered if he is directly involved in a heated confrontation over salaries and fringe benefits and has become personally identified. None of this is to suggest that the superintendent and the board are not directly accountable and responsible for decisions in this area, but it is discussed in light of how to manage the "process."

The recommendation of TASB is to appoint a "spokesman" for the district who will, in effect, represent the board and superintendent. The choices may range from a specialist in the field to an administrator on the district's staff. He should be at least as expert as the teacher negotiators that he will face (primarily NEA UniServ staff members or AFT organizers) and be well versed in the ways of diplomacy, subtleties, and politics of public sector negotiation.

The district should establish a team to provide him with all information, facts, and figures needed. This team should be used to research and study the full district-wide impact of proposals presented by the teachers' association. He must then communicate with the board and superintendent to have fixed clearly in his mind what directions they wish him to take. It is especially critical that the spokesman be provided with directives of a *united board*. There may be differences of opinion among board members on what position should be taken, but they should be settled behind closed doors; and once a vote has been taken,

it then becomes the *united position* of the board. Experts have advised that the most certain way to "give away the store" in negotiations is to allow wedges to be driven into the solidarity of the board. Only confusion can reign in such an environment, and you can be certain that the position of the teachers' union will be enhanced.

Once the staffing patterns and spokesman have been selected, what should be talked about, and how should it be talked about? A veteran and well-known school board negotiator recently said that "every board I represent quickly finds out that it can take the proposals it receives from teachers and sort them easily into two sets: one is aimed at strictly getting more money in the pocket one way or another; the other is window dressing and has to do with the 'benefit of the child.' Never once, in all my years of negotiating for school boards, have I found the teacher leadership willing to fight hard for the latter once the former has been settled." One point for all boards to remember is that the wash list initially presented by the union will contain many legitimate concerns by rank and file teachers. It is important to determine which are reasonable and which are not; which are truly in the public interest, and what the board can *afford*, in any case. The concerned employee who succeeds in placing an item on the negotiations list may not be aware of how it will strategically be used by the leadership of the union.

The district spokesman and the team will become extremely critical to the process at this point. They must do their homework well. Research must be done on what teachers are proposing in other districts and what boards are giving; the impact of inflation on wage scales; and how the proposals impact on the essential management rights of hiring, assignment, and dismissal of personnel, and the delivery of educational services; i.e., class size, curricula, textbooks, pupil assignment, etc. Make it clear that in the discussions concerning the management rights listed above, no reciprocal obligations or agreements are incurred by the board. Any discussion concerning these matters should only be for advice, counsel, and exchange of information—if they are discussed at all.

The frequency of discussions must be determined by the local climate in the district. In the absence of a bargaining law in Texas, we have witnessed practices that ranged from a year around, open-ended approach to a rigid two month period during the spring. Opinions vary on this issue, and there is no one way that can be said to be better for all districts.

The role of the building principal and mid-management administrator become significant during the process. Their input becomes a vital part of the positions taken by the school dis-

trict. In many districts that have collective bargaining, the board has accidentally given up the principal's prerogatives to operate his school simply because of failure to include him in the development of a settlement. Principals in some districts have gone so far as to organize themselves and demand bargaining rights. These moves appear not to be born of an adversary attitude like the teachers, but as a means of survival. Remember that any agreement or policy coming out of negotiation must be implemented on an operational level by the principal and mid-management administrator. Because of this building-level implementation, the problems overlooked at the bargaining table will crop up and usually 95 percent of all grievances fall on the shoulders of the building principal since he is the first-line supervisor. These and other reasons dictate that they be an integral part of the management team during the process of consultation.

Communications during the process are vital. One of the natural laws of human behavior is: when facts are missing, rumors rush in to fill the void. Telling it like it is will work in the best interests of the children, public, and rank and file teachers. Boards are well advised to have a long-range program that will communicate their position. Remember that if you don't make your reasons clear to these groups, no one is going to do it for you. This suggestion by no means implies a mass propaganda campaign to do the teachers' organization in, because they will be around tomorrow, next week, next month, and next year. However, the public has a right to the accurate facts of issues that are certain to be of keen interest as the media makes front page news items of them. Many districts work out agreements with the teachers' association for joint press-releases, but the method is one that must be a local judgment.

As important as preparing for the process is the development of written policy preceding formal consultation or negotiation. Unfortunately, many districts enter the process with a pocketful of unwritten policies and practices and very little well written policy. Consequently, they find themselves in the position of negotiating from a well written teacher master contract rather than discussing possible changes to a written policy or procedure that is satisfactory to management. In addition, if a statute is passed, the term "past practice" becomes very important in both negotiation and arbitration of grievances. Most third parties called in to arbitrate disputes between negotiating parties look to past policies and practices to determine the intent that went into the agreement. It is important that before entering negotiations, we get our own house in order. Some suggested areas to examine and study are: (1) wage schedules and application policies; (2) fringe benefit programs; i.e.,

leave provisions (who is eligible and what are "return to service" rights); insurance programs (district contributions) and other compensation plans; (3) district relationships to employee organizations; i.e., professional leave, use of buildings, faculty meetings, mail service, dues deduction, etc.; (4) method of recognizing organizations and impact of employee input on decisions; (5) employee transfer and dismissal policies (usually the substantive parts of these policies are not grievable or negotiable, but the procedures are); (6) relationship of the district to employee organizations concerning appointment of committees, i.e., textbooks, curricula, etc. The above listed areas are only a few, and a board will do well to examine its entire policy and procedures manual and make decisions concerning what needs to be added or deleted. It is also a good idea to determine what is board policy and what is administration regulation.

EASB also recommends that boards begin to develop policy for structured systems of communication with all employees concerning items that stay out of the realm of historic negotiations scope. School districts have many years of experience and college training represented on their staffs that must be utilized as boards make decisions that affect the daily delivery of educational services. Such structured systems involve the teacher in a truly professional manner and gives him a "piece of the action" that meets many concerns that will otherwise pop up at the bargaining table. However, it must be emphasized that this system of communication should not be done through employee organizations, but is a method to involve all teachers concerning education policy. The historical economic items should be left to the systems of communication with employee organizations.

It is especially important to any employee relations program that once policies are developed and written, that employees have access to them and a method of presenting legitimate grievances and complaints concerning their application. As much as everyone would like it to be otherwise, there will be cases where the district's well-intentioned policies have been misinterpreted or unfairly applied. When these cases happen, a school district has an option of doing nothing and seeing these problems pop up at the bargaining table or developing policy that will provide for an orderly redress of grievances and complaints. EASB, in its research, has found that most grievances are merely misunderstandings and can be solved at the lowest level of the grievance procedure and never have to get to the higher administrative or board level. This type of problem solving returns great dividends in the area of employee relations as well as keeping the board from having an impossible

workload in solving problems that are administrative in nature. Remember, in Texas, we can still double the salary of a board member without a tax increase. It is suggested that a grievance procedure be not more than four levels, and contain an appellate schedule to allow adjudication in the shortest possible time.

If you have been able to go this far in this article, you are quite aware that there is a great deal more to this issue of employee relations than we were able to cover in these few pages. If you think this, you are correct! Many of the suggestions covered in this article could well be null and void in the event either the State Legislature or the Federal Government passes a law. On the other hand, the recommended steps to get ready, we feel, are healthy exercises for any school district to go through as it prepares for a changing relationship with its employees regardless of statutory provisions. One thing is certain: with the impact and influence of the national organizations (NEA, AFT, and others), the relationship will change. The important thing is to be ready. Manage the process,—don't let it manage you.

School Superintendency Shopping Guide

*Dr. Nolan Estes
Dallas ISD Superintendent*

For most school board members, selecting a new superintendent is a once-in-a-lifetime experience. There's just not much way you can acquire any previous experience in superintendency shopping. Since it is such an important decision—one you and your school patrons may have to live with for quite some time—its significance can hardly be overemphasized. How you go about ferreting out the person on whom to bestow the mantle of leadership can make the difference between finding exactly the right individual for your particular situation and retarding the progress and quality of your schools for years to come. And remember that the tenure of the average board member is far shorter than that of the superintendent. It's important that you choose someone to match your school district rather than the present board.

One thing's for sure: it's a job which will take some time and the old saying "Marry in haste, repent at leisure" might very well apply. It may be necessary to appoint an acting superintendent to keep things running smoothly in the meantime if the vacancy is not known about several months in advance.

It is important to announce the resignation of a superintendent and the fact that a vacancy exists or will exist on a certain date in order to keep the rumor mill from grinding. This should be done as soon as possible after the resignation is accepted by the school board. Also to be announced are the procedures which will be used in accepting applications and the deadline for filing application. Indicate the name and address of the person to whom correspondence regarding the superintendency should be sent.

Coordinating the Search

One person should be delegated with the responsibility of coordinating the search effort. This might be a member of the staff or, in a very small school system, a school trustee. However, the outgoing superintendent would not be a likely choice for this responsibility.

The person chosen to coordinate the effort would be charged with all logistics of the search. This would include:

1. Public announcement of the vacancy;
2. Announcement of criteria being used in the selection process;
3. Publicizing the position with university and other placement offices and professional organizations;
4. Periodic progress reports on the search, including the targeted hiring date;
5. Handling correspondence with candidates on a very prompt basis;
6. Setting up a file on each candidate;
7. Contacting references for finalists;
8. Notifying candidates who are eliminated from consideration promptly;
9. Making arrangements for visiting candidates;
10. Scheduling interviews with the board of education;
11. Making travel arrangements for trustees to visit finalists in their school districts;
12. Public announcement of the final selection.

Providing the Resources

Finding the right person is going to cost something. Costs may range from a few hundred dollars to several thousand, depending on a number of factors. This is one item you can't afford to scrimp on, so develop an adequate and realistic budget.

The budget should include such things as:

1. A professionally designed brochure and/or announcements;
2. Postage and supplies;
3. Long distance calls;
4. Consultant and screener fees;
5. Dinners for finalist applicants;
6. Travel for finalists;
7. Travel expenses for visits to finalists' districts.

Establishing a Timetable

Finding the right person is also going to take some time. While it is not something to be rushed into, circumstances will, to a great extent, determine an approximate necessary date for

filing the vacancy. In order to successfully complete the process by the targeted date, a definite schedule should be set up and followed as closely as possible.

The timetable should include:

1. Announcing the vacancy;
2. Soliciting applicants;
3. Setting a deadline for applications;
4. Screening the candidates;
5. Interviewing the finalists;
6. Visiting the finalists' districts;
7. Making the final decision;
8. Announcing the choice;
9. Setting the arrival date for the new superintendent.

Establishing Criteria

What kind of person do you need? That's really the most important initial decision to be made. Consider questions such as:

- Do you need a really seasoned person who can get bread-and-butter bond issues and tax levies passed?
- Do you need someone who will raise the educational sights of your community?
- Do you need a high-powered administrator?

In order to get down to specifics, you will need to invest some time in analyzing your particular community and where you're going educationally. Hopefully, your board has already established and is working toward clearly defined educational goals.

Try to take an objective look at your community. Look at its size, its business and industry, the socio-economic backgrounds of the students. Analyze the tax structure, the politics, the cultural attitudes, the community's aspirations for the schools. Determine whether your community has a conservative or progressive posture toward education.

Next, take a hard look at the district itself. Consider condition of facilities, financial soundness, special problems, present organization and changes you might like to see made, educational offerings, staff, and general philosophy of the district.

Consider the prognosis in all of these areas for the next few years.

Take a microscopic approach at analyzing all of these factors. Only then will you be able to zoom in on the type of man or woman needed to fill the top administrative position.

Clearly defining educational goals will determine to a large extent the qualifications the new superintendent must have in order to do an effective job. This also can be used later in

evaluating his or her performance on the job.

School board members also should consult with institutions of higher learning, community and civic groups, such as area chambers of commerce, to get their feelings and recommendations on the desired characteristics for the new superintendent.

Trustees are then ready to develop criteria in four basic categories: personal educational background, administrative leadership record, and educational philosophy.

Trustees may wish to use consultants to assist in developing the finished list of criteria. Since most school board members are inexperienced in the school superintendent selection process, the use of experts in this field may be helpful in developing a specification list, hand-tailored to fit the particular needs of the district.

Obviously the final list will vary from community to community. The following list was developed by the Dallas Independent School District's Board of Education when I was selected as general superintendent in 1968.

Criteria for Screening Applicants for Superintendent

1. He must be a cultured, personable individual.
2. He should be 35-55 and preferably married.
3. He should have an educational background of at least a master's degree level, preferably with the earned doctorate.
4. He must have unusual competence and interest in the educational field as evidenced by a minimum of five years experience on the administrative level, preferably with a few years experience as a teacher or principal.
5. He must be capable of satisfying the certification requirements of the state of Texas.
6. He should be in excellent physical health and possess great energy.
7. There should be evidence in his background of success in the field of public relations. He should possess the ability to communicate with the board, his staff, the faculty, and the public.
8. He must have the ability to attract a staff of proficient educators and be able to inspire his subordinates to a greater degree of excellence.
9. He should be capable of preparing and interpreting budgets and understanding the advantages and disadvantages of using federal funds.
10. His thinking on controversial issues should closely parallel that of the citizenry of Dallas.
11. His wife and/or family must be agreeable to locating in Dallas.

- 12. He should be capable of counseling, advising, and recommending to the board, while remembering that the final administration of the policies set forth by the board rests solely on his shoulders.
- 13. There should be evidence of some degree of interest in church and civic organizations, and he should have an understanding of and interest in local community projects.
- 14. He must be abreast of current educational trends and capable of developing and administering a top quality curriculum.
- 15. He must possess the ability to retain his poise under strain.

The American Association of School Administrators and the National School Boards Association suggest the following questions as criteria:

- 1. What are the candidate's beliefs about individual differences and curriculum development?
- 2. Does the candidate believe in the cooperative approach to the solution of school and school-community problems?
- 3. Does the candidate possess personal qualities that would command respect and confidence?
- 4. What has the candidate done that indicates a belief in the dignity and worth of every person?
- 5. What type of professional reputation does he enjoy?
- 6. What evidence is there to indicate that the candidate possesses skill in human relations?
- 7. Do the candidate's educational achievements in previous positions indicate leadership ability?
- 8. What has the candidate done in previous positions that indicate he has abilities in following sound personnel policies and practices?
- 9. What experience, training, and ability does the candidate possess in business and financial matters?

The final list of criteria would have to be molded to the needs of the particular school and community.

Solicitation of Applications and Nominations

Armed with your criteria list, you are now ready to begin seeking applicants. Of course, you will receive applications from interested educators, but in many cases you will have to be the one to do the courting.

In order to attract the very best person for the job, you will want to present your school district in the most favorable light possible. This may include developing an attractive, attention-getting brochure which will present basic facts and special programs about your district and your community (if you don't have one already). It also will include contacting colleges and universities, outstanding educators (particularly those who are aware

of your needs), and professional organizations for recommendations. Don't overlook qualified persons who are already on your staff. It is very important to give interested staff members every consideration in the selection process. Who knows? A staff member may be the very best person for the job. If not, extra care and consideration given now will make the transition to the newcomer's command smoother.

A brochure or announcement concerning the vacancy should include the following information:

1. Criteria to be used in selection;
2. Basic job specifications;
3. Timetable, including the targeted hiring date and the date the new superintendent must be "on board";
4. Salary range or minimum;
5. Directions for applying;
6. Information about the school system and the community. (Perhaps you would want to develop this as a separate brochure to use in teacher recruitment, to give to new families and to send to other school districts.)

Screening the Candidates

Here again, you may wish to consider using consultants in narrowing the field of candidates to be considered. This is particularly true in large school districts which might receive literally hundreds of applications. Obviously whether you use consultants, a subcommittee of the board of education, or whatever, the applicants must be screened with the full board devoting its time to a few finalists.

If your criteria has been carefully developed, narrowing the field will be a much easier job. Applicants who do not meet these criteria would be immediately eliminated and should be notified of this decision as soon as possible.

Those who sound really promising should be notified of your interest in them. This will give those candidates an opportunity to alert their references that they may be contacted.

Additional screening of the candidates should narrow the field to a manageable number—six at the most—whom the entire board will want to interview. To interview more than this usually is a waste of time and energy on the part of trustees and applicants alike.

Finalists should be contacted and additional materials, such as the budget and school policies, should be sent to them for study. You may also wish to provide finalists with a list of major problems and/or goals prior to meeting with them. This will allow each candidate time to think through possible approaches and solutions for discussion at the interview. Board members

also may wish to seek additional information and candidates from a variety of sources. This may be effectively done through telephone conversations with present and former associates of the candidate. Careful notes should be made of such conversations, and these should be included in the applicant's file.

Conducting the Interview

Consider getting acquainted with each prospective superintendent informally over a luncheon or dinner table. Usually this will break the ice and set the stage for a more relaxed interview. However, the setting for the interview should be carefully selected so that there will be no interruptions.

The interview should be structured to the extent that the candidate will be asked to speak to all important issues previously determined by trustees. However, enough flexibility should be provided to allow for a point of particular interest to be pursued. Also, remember that the applicant should have the opportunity to interview you and find out the answers to his questions. And don't forget that how you impress the candidate is probably just as important as how he or she impresses you.

The following list of questions was developed by members of the Dallas Board of Education for use in interviewing candidates for the superintendency in 1968:

1. What criteria would you use in evaluating an educational program?
2. What major problems have you faced in your present or previous administrative positions? How did you solve these problems?
3. How have you improved the school now under your direction?
4. How would you improve the abilities of a professional staff?
5. Have you been successful in obtaining support from the voters for levies and bond issues?
6. What is your concept of the role of the board of education and that of the superintendent?
7. How would you try to keep the public informed of the work of the school?
8. What do you consider to be your greatest assets and abilities?

Board members also should develop a rating sheet for each person interviewed. These should be completed independently by each trustee immediately following the interview.

The following rating scale was used by the Dallas Board of Education in 1966 in interviews with the top six candidates for the superintendency.

CANDIDATE _____ DATE _____

CANDIDATE'S CHARACTERISTICS DISPLAYED

STRENGTH OF DEMONSTRATION

	Unsatisfactory	Satisfactory			
		1	2	3	4
1. Professional knowledge					
2. Commitment to excellence and progressiveness in the educational program					
3. Fiscal and business sapience					
4. Depth of insight into problems and/or questions raised					
5. Sensitivity and openness to current issues in communities of this size					
6. Disposition to use team-type administration and leadership; apparent competence therein					
7. Constructive attitudes toward "the public" and "the press"					
8. Effectiveness as a presenter of ideas and a responder to questions					
9. Confidence-inspiring, convincing impact upon others					
10. Personal dynamics; leadership; energy; potential					
11. Cultural and intellectual adequacy					
12. Total impression left of fitness for position					

After tabulating the ratings and studying the results of each interview, trustees will probably want to reduce the list to the top two or three candidates. Again, those eliminated should be notified immediately.

Visiting the Front Runners in Their Natural Habitat

At this point, trustees should pack their bags and journey to the applicant's home ground. This is an important factor in making the final decision. The board should inform the prospective superintendent of its intention to visit his or her community and should seek approval for the visit. A mutually agreeable date should be determined so that the candidate may inform the home school board and staff.

If possible, the entire board should make the trip. Once there, they should call at the superintendent's office and then go their separate ways to visit with local board members, staff mem-

bers, the man on the street, institutions of higher learning in the community, barber shops, and what have you.

This is also the appropriate time to meet the superintendent's spouse and family, preferably in an informal atmosphere. Since a superintendent will not be as happy or as successful unless he or she has the complete support of the family, this is important.

Making the Final Decision

Possibly trustees will return home still wanting to talk with a couple of the candidates a final time before making a decision. Candidates who are asked to return for a second interview should be introduced to and have an opportunity to meet and talk with staff members. Also, time should be provided for the candidate to chat at length with the incumbent superintendent and to get acquainted with the community.

Prior to the actual appointment, the person chosen should be required to undergo a physical examination and have the results submitted to the board.

The exact date for announcing the appointment of the new superintendent should be agreed upon by the two boards involved and the superintendent. A news conference should be called to make the announcement, and pictures and resumes should be available.

All credentials and confidential letters should be returned to placement bureaus or other sources. Personal letters should be sent to all candidates announcing the decision and expressing the appreciation of the board for their interest.

Receiving the New Superintendent

If possible, arrangements should be made for the new superintendent to be able to avail himself or herself of the services of the outgoing superintendent for a period of time in making the transition. Special events should be planned to introduce the new superintendent to the school staff and to the community. Understandably, the present staff may feel somewhat apprehensive of making the shift to new leadership if an outsider has been selected. This feeling can probably be allayed somewhat by sharing information about the qualifications and philosophy of the new superintendent with the administrative staff.

Realize that there will be a period of transition. It will take time for the new superintendent to become oriented to the school district and the community. And, of course, the school board should play a prominent role in this orientation. Changes must be made gradually to keep the switch from becoming

traumatic. Remember that it will be several months before the school district will truly reflect the imprint of the new superintendent.

But, hopefully, if the job of shopping for a superintendent has been done carefully and thoroughly, you will have made the right selection.

Evaluation of Professional Educational Personnel

*Dr. Forrest Watson
Pasadena ISD Superintendent*

In recent years great national interest has been expressed in the concept of educational accountability. As a result, the evaluation of teacher and educational administrative performance is a topic of continual concern to educators, boards of education, and laymen. The literature on the topic is multiplying rapidly as people attempt to analyze, delineate, and appraise the various facets of educational personnel evaluation.

Educational personnel evaluation is complex and controversial enough to preclude a completely satisfactory treatment from anyone's point of view. This treatment of the subject will not focus on the evaluation of the superintendent of schools but will consider all professional positions under his supervision; therefore, removing some of the complexities involved.

A part of the complexity results when the purpose of the evaluation is not made clear. Other complications arise when it is primarily an inspectional process for the purpose of "rating" the individual. The one being evaluated often is dissatisfied with what the "rater" elects to observe and evaluate. The evaluator frequently isn't skilled and perceptive in making observations. Judgments are often inconclusive and superficial.

Patterns of evaluative practice vary widely throughout the country. In most cases, smaller school systems are able to devise and administer successful evaluation programs more often than are larger systems. Rarely, if ever, do any two school systems have identical evaluation techniques, although comparable features usually exist.

There are, of course, different ways to approach evaluation within the framework of an organized program. Some systems restrict the evaluation of the probationary years while others

conduct it on a continuing and annual basis.

In some school systems, self-evaluation is stressed; in others, the weight is put upon the ratings determined by a superior. Some make self-evaluation mandatory. In other systems it is optional. Evaluating teams are used by some districts, whereas in others the immediate supervisor performs the task.

In most systems, however, the individual being evaluated actively participates in the process. There are frequent meetings between the evaluator and evaluatee. It is within this context that evaluation will be discussed in this presentation.

General Considerations in an Evaluation Program

Masterful administration and teaching is no accident; it seldom "just happens." Usually, it results from a combination of carefully planned actions and reactions. An intelligent, well prepared, sensitive administrator or teacher; a clear understanding of what the assignment entails; knowledge of what is expected by administrators, supervisors, and boards of education; familiarity with the criteria by which success or failure will be judged; awareness that performance will be evaluated and assurance that the results of evaluation will be made known and explained—these are some of the ingredients of a successful evaluation program.

An evaluator or evaluation team should be trained and skilled in interpersonal interaction if the evaluation process is to provide support and stimulate self-evaluation in a non-directive manner.

The evaluation process should promote an organizational structure that allows for staff participation and meaningful communication within the organization. The evaluation process can facilitate communication and staff participation especially in the identification of needs, establishment of objectives, and assessment of organizational as well as individual performance. Research has proven that shared decision-making increases the motivation to achieve.

It is sometimes said that people do, not what is expected of them, but, rather what is inspected. This has its parallel in teaching and educational administration. Performance that is carefully and consistently appraised is likely to be more effective than that left to its own devices. However, every administrator and teacher wants to succeed. Therefore, each tends to welcome evaluation or any other legitimate activity if it promises to help him become a more successful administrator or teacher, even though he recognizes there are aspects of it that potentially could be damaging to his career.

Consider also that, while administrators and teachers make

allowance for errors in judgment, they show great ingenuity in thwarting evaluation programs that they perceive are being administered under pretense. They may show outward compliance, but at the same time they will use the considerable means at their disposal to render ineffective the insincere evaluative efforts.

The power to rate administrators and teachers places a potent weapon in the hands of an individual. If he allows an evaluation program to be used in an arbitrary or undemocratic way, he will not only be guilty of an unprofessional approach to evaluation, but he will probably never again be able to achieve the purposes for which evaluation should be established in his school.

Evaluation must be valid and reliable in fulfilling its functions if it is to be a productive process and not just a time-consuming exercise. Evaluation systems are based upon the assumptions that there are standards of effectiveness, and that performance can be measured in terms of these standards. Without these two prerequisites, educational personnel performance evaluation has no meaning.

Purpose of Evaluation

The overall goal of educational personnel evaluation should be to deliver improved educational services for children. Each educator, in his own role, shares in the responsibility of achieving this goal. If the evaluation process of a school system does not meet this criteria a new approach is in order.

School administrator and teacher evaluation is an important means toward achieving the above goal—it is not an end in itself. Goals may vary from school district to school district, and from school to school, but the purposes for making evaluations should be very similar. The purposes should include the following:

- To assess the overall school program to determine how well it is progressing toward avowed goals
- To motivate employees by providing feedback on how they are doing
- To provide a basis for improving instruction
- To point up continuing inservice education needs
- To provide a basis for providing effective personnel policies
- To facilitate mutual understanding between superior and subordinate

To establish compensation that is at least partially based on performance

To motivate self-improvement

To establish a procedure by which long-range goals of the school district can be translated into goals for effective performance for individual employees

The above list of purposes is not a complete listing. There are many more which would fit the indicated criteria. It is important that the school staff know that the personnel evaluation program is only one phase of an overall evaluation of the total school program. Educators are usually most willing to participate in diagnosing factors that they perceive are hampering their best efforts. Also, to identify the elements of good teaching and/or administration will find ready support from the educational staff.

Purposes, punitive in nature, have no place in an effective school personnel evaluation program. However, it is understood that one phase of personnel evaluation must deal with transfer, demotion, or dismissal. The system used should guarantee that every effort is extended to salvage individuals before each of these stages are executed.

The Role of the Board of Education

The board of education should understand fully what is involved in a personnel evaluation program and be willing to give the program status and policy-level support. The board must then authorize the financial support necessary to carry out the program.

The board should establish the atmosphere conducive to a positive approach to evaluation. This can be accomplished best by adopting a policy whereby the board evaluates itself in a mutual endeavor with the superintendent and his evaluation. The attitude in which the board and superintendent conduct their evaluation will establish the tenor of the school district evaluation program.

After the atmospheric stage is set, the board must follow through with the resources needed to support the program. This may take the form of providing inservice education to provide evaluation skills for all professional staff members who will be evaluators; relief from certain less important duties to provide time for evaluation; programs of inservice to strengthen weaknesses indicated through the evaluation program; and, other activities similar in nature.

There are legal technicalities associated with a personnel

evaluation program of which board members should be aware. The constitutional rights of individuals are closely protected today by written law and court decisions. Due process then becomes an important policy consideration along with those speaking to personnel evaluation.

Due process provides an orderly method of determining the validity of evaluation results when reassignment, demotion, or dismissal becomes the final result, and the evaluatee disagrees with the evaluator. Individual members of a board of education should be constantly aware of the possibility that the evaluative process may lead to an individual following the due process procedure.

When a person becomes involved in the due process procedure the individual board member may find himself being approached by the evaluatee or some of his friends seeking a sympathetic ear. At this point the board member should remember that he may be called upon to sit in judgment of the facts involved in the situation, and any contact prior to hearing before the whole board may severely interfere with the objective disposition of the case.

If this type of activity were allowed to occur or continue, the evaluative process would become invalid and could possibly infringe upon the rights of hundreds of children by allowing an inadequate teacher or administrator to continue to fill a responsible position.

The board of education, working with the community, should establish the broad goals expected to be achieved by the professional staff of the school district. The professional educational staff should be charged with the responsibility of designing the precise criteria of performance necessary to achieve the overall goals and perform the evaluation necessary to determine achievement levels.

In summary, the board of education establishes policy, creates the atmosphere conducive to evaluation, provides resources, adopts broad goals, and occasionally sits in a judicial position in the evaluative process.

Characteristics of a Positive Plan of Personnel Evaluation

The evaluation of educational personnel performance has baffled both teachers and school administrators for many years. The difficulty, in part at least, stems from an uncertainty of whether the educator as a person or his performance should be the focal point of evaluation. In other words, the purpose of the evaluation is not made clear.

An effective personnel evaluation program must be sup-

ported by a correspondingly effective administrative system. The reverse is also true.

The system of personnel evaluation found to be most effective is performance based. It is results-oriented unlike previous programs which were process oriented. The logical sequence to the results-oriented performance based personnel evaluation system is a results oriented administrative system.

Management By Objectives is the administrative system found most effective in providing the framework and support needed for implementation of an appropriate personnel evaluation program.

Management By Objectives is both an approach to management and an evaluation technique. As such, Management By Objectives and its many variations should be explored in depth before an attempt is made to implement the system.

It is stated repeatedly in the literature on Management By Objectives that the entire system, with all of its structural prerequisites and interrelated processes, should be implemented if Management By Objectives is to realize its full potential.

A brief definition of Management By Objectives was developed by one of the foremost experts in the field, Dr. George Odiorne.

The definition is as follows:

The system of Management By Objectives can be described as a process whereby the superior and subordinate jointly identify goals, define individual major areas of responsibility in terms of results expected of him, and use these measures as guides for operating the unit and assessing the contribution of each of its members.

Management By Objectives, then, is a management approach that determines:

- (1) What must be done
- (2) How it must be done (the program steps or plan of action required to accomplish it)
- (3) When it must be done
- (4) How much will it cost
- (5) What constitutes satisfactory performance
- (6) How much progress is being achieved
- (7) When and how to take corrective action

The characteristics of a Management By Objectives personnel evaluation approach are:

- (1) Measure and judge performance
- (2) Relate individual performance to organizational goals
- (3) Clarify both the job to be done and expectations of accomplishment

- (4) Foster the increasing competence and growth of the individual being evaluated
- (5) Enhance communications between superior and subordinate
- (6) Serve as a basis for judgements about salary and promotion
- (7) Motivate the evaluatee
- (8) Serve as a device for organizational control and integration

Perhaps the most definitive and comprehensive system of performance evaluation meeting the Management By Objectives criteria is the one designed by Dr. George B. Redfern, associate executive secretary of the American Association of School Administrators. What is known in educational personnel evaluation as "the Redfern Approach" has emerged from almost twenty years of experimentation and discussion.

The "Redfern Approach" is very simple and unencumbered by red tape. The following are the highlights of this results-oriented educational evaluation system:

(1) *Set Performance Standards*

The school district first decides upon the "rules of the game" for the evaluation plan. This covers all known or anticipated conditions which will prevail during the initial cycle of evaluation. In this segment are included the development and adoption of school board policies governing objectives, procedures, and plans. Also to be agreed upon at this point will be the various "yardsticks" indicating quality of performance which will be used in the evaluation process and the relative weighting assigned to each.

This stage of the development of the evaluation plan very definitely should involve affected employees and their organizations. There may be some concerns by school board members and administrators that the establishment of performance criteria should be the sole prerogative of management. Too often employees dislike the thought that they will be judged according to rules they had no voice in shaping.

The task of determining performance standards is greatly improved when a school district possesses formally adopted and realistic educational goals together with such implementing fundamentals as job descriptions covering the positions of those who will be involved in the evaluative process. It is most difficult to try to analyze any work which lacks clearly definable purposes and content.

(2) *Set Specific Job Targets*

The two most important persons in the evaluation process become involved at the point of setting job targets. They are the evaluatee and the evaluator. There are times in the evaluative process in some teaching and administrative positions when more than one evaluator is needed. This may be particularly appropriate when specialized competencies and joint services are involved.

This type of performance evaluation assumes that no one can be expected to improve his work simultaneously in every aspect. When improvement is desired there must be a special focus of attention upon particular areas.

The purpose of the job target setting procedure, which should take place at the beginning of the performance evaluation cycle, is to bring about agreement between the evaluatee and the evaluator on those specific job targets which should be selected for special attention during the ensuing evaluation period.

Traditionally, education has stated its goals in terms of generalized and global proportions. It is unfair to the individual to have an evaluation made upon such a basis. Evidence may be lacking to measure generalized criteria. Specific performance objectives should be used stating the skills to be improved and level of achievement acceptable.

(3) *Monitoring Data*

The third step in the cycle is the recording of data which will be needed in the evaluation. Some recent experience with performance evaluation suggests that frequently monitored data should have immediate feedback.

The idea of using monitored performance data for immediate improvement through feedback is not new to education. Teachers continually use feedback to students for this purpose. Therefore, feedback to professional staff members should also have value.

(4) *The Evaluations*

At the conclusion of the evaluation period specified in the district's policies, an evaluation is made by the evaluator of the progress which has been made by the evaluatee. The evaluation is based upon monitored information gained

from observation, personal contact, and other evidence of achieving job performance objectives.

Another aspect of evaluation which would appear to have special values in education is self-evaluation. Self-evaluation in no way minimizes the responsibility of the evaluator to make an evaluation of the performance of the evaluatee. The evaluator has the advantage of job targets agreed upon, job descriptions, the self-evaluation, and other elements which may have been specified in the plan's performance objectives. He also has monitored data, including his own record of supervisory contacts, conferences, and observations made during the evaluation. He is able to document his evaluation. He is not forced into the position many evaluators complain about, that of being required to "Play God" in making judgments.

(5) *The Evaluation Conference*

The evaluation conference is a discussion of the evaluation and an exchange of information between the evaluator and evaluatee. It should be a constructive event even when the nature of the evaluation may seem to call for a change or assignment or separation from the staff.

Authorities on performance evaluation state that the evaluation conference should be held for the purpose of examining progress toward objectives, recognizing good work, mutual exchange of suggestions for improvement, agreement on top priorities, clarifying responsibilities, verifying or correcting rumors, and considering personal, long-range goals.

(6) *Follow-Up Activities*

Follow-up activities may involve some tailored inservice education, alteration of certain working conditions or some other activity designed to make it possible for the evaluatee to overcome a recognized performance obstacle.

The final step concerns the evaluation plan itself. The evaluation plan should be reviewed and adjustments made for improvement on the basis of the experience. No school district has reached the point that it should regard its particular evaluation plan to be perfect. Suggestions for improvement and experimental efforts are usually in order.

Conclusions

1. Educators are like other people—they perform better when their work is understood and appreciated by their supervisors and their colleagues.
2. Educators want to know what is expected of them.
3. A program of evaluation should include a systematic arrangement for periodic evaluation and consultation with administrators and teachers concerning their work.
4. The staff should be kept informed. Administrators and teachers should not be expected to react differently from any other human beings in like circumstances. They want to know why they are being evaluated and what will be done with the results.
5. The main direction of development in administrator and teacher evaluation seems to be toward a new wedding of the helpful, positive supervisory approach with a firm understanding of the methods and objectives which have been mutually agreed upon.
6. A Management By Objectives system of administration appears to be the most effective support system for results-oriented, performance based personnel evaluation.

Substantive and Procedural Due Process for Teachers

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To most laymen and many attorneys the phrase "Due Process" seems to connote an undefinable area of the law in which only constitutional scholars and federal judges can swim without fear of drowning. *Black's Law Dictionary* carries, among others, the following definition of Due Process of Law: "Due process of law in each particular case means such as exercise of the powers of the government as the settled maxims of law permit and sanction, and under such safeguards for the protection of individual rights as those maxims prescribe for the class of cases to which the one in question belongs." Now that you've read through the definition, stop and read it once or twice more until you feel comfortable with it.

Since you are now familiar with at least one definition of due process, you've safely progressed to the point where you can tread water in what you previously considered an undefinable area of the law. However, so that you may be able to do more than just keep your head above the waves, it is necessary to dissect the definition above in order to better understand its thrust. A close inspection of the definition will lead one to the conclusion that "due process of law" has two distinct parts. You see first that, "due process . . . means . . . an exercise of the powers of government as the settled maxims of law permit and sanction," and secondly you see that due process entails "such safeguards for the protection of individual rights as those maxims prescribe. . . ."

The first part of the definition means, in essence, that those who are exercising governmental authority may do so only within the limits defined by law. For example; a policeman may le-

gally exercise his authority without violating the first part of due process when he arrests someone for yelling "fire" in a crowded theater, but that same policeman would be violating the first part of due process if he arrested someone who was simply telling the theater manager that he thought the movie was not worth the price of the ticket. The authority of the policeman to arrest those who endanger the public welfare is, in this example, in direct conflict with the individual's right of free speech. However, the "settled maxims" of law allow the limiting of free speech where such speech presents a clear and present danger to those who hear it.

This first part of due process is commonly referred to as "substantive due process." It recognizes that individuals have substantial rights and that any attempt to control the proper exercise of these rights is a violation of the "Due Process Clause" of the Fourteenth Amendment of the U.S. Constitution.

The second part of due process is described in the definition as "such safeguards for the protection of individual rights as those maxims may prescribe. . . ." This aspect of due process is commonly referred to as "procedural due process." It recognizes that if governmental authority is to be properly applied it must follow certain procedural guidelines. Going back to the example, it is evident that the policeman does not violate "substantive due process" by arresting the man yelling "fire" in the theater. However, the manner in which the man is arrested, detained, and tried might violate his right to procedural due process. If, for instance, he is denied the right of contacting his attorney, is refused a trial by jury, or is convicted without sufficient evidence, then the governmental authority has abused his procedural rights.

In school districts procedural due process would include such items as notification of the offense which has occurred, listing of witnesses and their testimony against the offender, a fair hearing with all of its necessary components, and other procedures depending on the situation. The requirements of procedural due process will vary depending on whether or not there exists a protectable interest and according to the punishment which is being considered.

In summary, then, "substantive due process" speaks to the defining of limits on governmental authority while "procedural due process" speaks to safeguards which must be followed to assure a proper application of that governmental authority.

Substantive Rights of Teachers

The process of defining the limits of governmental authority over teachers has two steps. One must first recognize that cer-

tain broad powers do exist in the hands of the school board and other governmental bodies. Second, one must seek out the specific limitations which operate against those broad powers.

The Texas Constitution, Article VII, Section 1, makes the "provision for the support and maintenance of an efficient system of public free schools" a duty of the state legislature. In obeying this mandate the legislature followed the strong historical traditions of this nation which encouraged a high degree of local lay control of the educational system. To accomplish this the legislature delegated a great deal of its authority over education to school boards elected by the local citizenry. While this delegation of authority is accomplished in many different statutes, the best example is found in Section 23.26 of the Texas Education Code. In defining the general powers and duties of school trustees in independent school districts, it states that, "The trustees shall have the exclusive power to manage and govern the public free schools . . ." and that they "may adopt such rules, regulations, and by-laws as they may deem proper." Read literally, this section and others like it would seem to give school boards an unbridled authority over the operation of their schools. If one were to take an historical perspective of this authority, it would become evident that until recent times school boards did, indeed, hold almost unlimited control in certain areas, including the employment of teachers.

It has only been during the last twenty years that the substantive rights of teachers have received any important recognition, and only within the last ten years have the courts and the legislature seriously attempted to define the rights of teachers as individuals. In 1967 the United States Supreme Court handed down a landmark decision in the case of *Keyishian v. Board of Regents of New York*. In that case the plaintiff was attacking his dismissal from the faculty of the State University of New York under state statutes which authorized removal of teachers who made "seditious utterances," advocated the forceful overthrow of government, or belonged to the Communist Party. The Court, in holding the statutes unconstitutional, made the following statement of law: "There can be no doubt of the legitimacy of New York's interest in protecting its education system from subversion. But even though the governmental purpose be legitimate and substantial, that purpose cannot be pursued by means that broadly stifle fundamental personal liberties when the end can be more narrowly achieved." The Court went on to say: "Our Nation is deeply committed to safeguarding academic freedom, which is of transcendent value to all of us and not merely to the teachers concerned. That freedom is therefore a special concern of the First Amendment, which does not tolerate laws

that cast a pall of orthodoxy over the classroom. The vigilant protection of constitutional freedoms is nowhere more vital than in the community of American schools."

The importance of this case is that the Court recognized the right of the state to institute necessary regulations over the manner in which education is provided, but at the same time prohibited overly broad regulations which intruded unnecessarily on the individual liberties of teachers. The Court did not, however, define the boundaries of state authority; it simply ruled that they had been exceeded. In a more recent case the Supreme Court spoke more directly to the limits of governmental authority. In that case (*Tinker v. Des Moines*, 1969) the Court stated: "First Amendment rights, applied in light of the special characteristics of the school environment, are available to teachers and students. It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate." The Court gave great weight to the fact that the form of expression being used (the wearing of black armbands) was not of a disruptive nature. Of particular interest to the Court was the absence of any finding that such conduct would "materially and substantially interfere with the requirements of appropriate discipline in the operation of the school." In its closing statements the Court once again recognized the authority of the state to impose regulations on First Amendment freedoms but stated that such regulations are permissible only in "carefully restricted circumstances."

In a third case decided by the Supreme Court (*Pickering v. Board of Education*, 1968) there is found a lengthy discussion of the need to strike a balance between the First Amendment rights of a teacher and the competing interests of the state in promoting the efficiency of the public services it performs through its employees. In this case the teacher had written to the local newspaper to complain about the actions of the superintendent and school board in relation to a proposed bond issue. The Court recognized the need for the school board to maintain efficient working relationships between teachers and their immediate supervisors and co-workers, but refused to hold that a close and harmonious relationship is necessary as between a teacher and the superintendent or school board. The Court reasoned that in this case the right of a teacher to express an opinion prevailed, particularly since his remarks had in no way affected his relationship with those immediately about him.

For several reasons, an overview of these three cases leaves one with some confusion. First, the Supreme Court has in all three cases held that the individual rights claimed by the teacher are recognizable and protected. Second, in each case the hold-

ing recognized the authority of the state to limit the exercise of those rights. And third, the Court failed to clearly define the boundaries of the authority held by the state. The question that then arises is: How does the school board use its power to "adopt such rules, regulations, and by-laws" as it deems proper? The answer to this question is two-fold. First, the school board must be able to define the goals of its educational program and the legitimate performance expectancies it has of its employees. Second, it must design rules and regulations which are broad enough to meet its program needs, but narrow enough not to interfere unnecessarily with the individual liberties of school employees.

This process is easier than it would first appear. The courts have aided school boards in this process by recognizing certain powers which are inherent in them. Recognizing that the quality of the program which is provided by the schools is critically important and that program quality is dependent on teacher quality, the courts have left with the school boards the prerogative of evaluating a teacher's performance. In determining standards of evaluation the school board may consider many factors, including, but not limited to, the following: the ability to provide unbiased instruction, the overall demeanor of the employee, the ability of the employee to function efficiently and cooperatively with those who are his co-workers and immediate superiors, the ability to maintain prescribed levels of professional improvement, and the ability to produce accepted levels of achievement in his students. The key to establishing valid and sustainable criteria of performance for use in determining whether or not a teacher will be retained is that such criteria must relate directly to the effectiveness and efficiency of the teacher in the performance of his recognized duties. The school board must avoid looking to the nature of a teacher's actions or inactions, but rather it must look to their effect. This rule applies not only to activities within the classroom but to those outside as well. An example of the latter often arises in the case of nonrenewal on the grounds of misconduct or immorality. In such cases a school board is often faced with a type of conduct which, though they find it personally abhorrent, is not prohibited by law. In such instances the board must carefully avoid decisions based on personal attitudes, and look instead to the effect the conduct has had on the ability of the teacher to perform his duties. If, for example, a teacher is an admitted homosexual but keeps this fact quiet, it is more than likely that his ability to perform his duties will be unaffected. If, on the other hand, he makes a point of publicizing the issue to such an extent that parents, students, and co-workers can no longer work effectively

with him, then the board would have sufficient grounds for termination or nonrenewal.

The key to understanding substantive due process lies in recognizing that there are management rights which are inherent in the school board and that there are also certain rights inherent in the employees of the district. The rights of the school board include the promulgation of rules and regulations which lead to the maintenance of a capable, efficient, and qualified staff. The rights of the employees include those which arise from the First Amendment as well as others created in them by law. When there is a conflict between the right of the school board to govern and the the individual liberties of the teacher, a balance must be struck between the two. The balance must weigh the legitimate needs of the school district against the effect which the actions of the teacher have had upon the district. Notice that the balance is between the needs of the district and the effect of the actions, not the actions themselves. In almost every case in which a teacher has gone to court to complain of a violation of his substantive rights, the court has upheld the action of the school board only when evidence is brought forward which points to the adverse effects which that teacher's presence has had on the operations of the district. If the court hears only that the school board finds the teacher distasteful because of his actions, inactions, attitudes, etc., the court will undoubtedly uphold the teacher's complaint. If, on the other hand, the court hears evidence which points to important deficiencies in the teacher's ability to perform his assigned duties, the court will probably uphold the actions taken by the school board.

As was stated above, substantive due process speaks to the defining of limits on governmental authority. Those limits are of an elusive nature when such authority confronts individual liberties, and it is extremely difficult to determine the point at which governmental authority ceases to outweigh individual liberty. It can be said, however, that when the basic needs and purposes of the school district are not being met, then the liberties of the individual lose their protected status and governmental authority prevails.

Procedural Rights of Teachers

As was stated above, procedural due process speaks to the safeguards which must be followed to assure a proper application of governmental authority. Before an individual can claim a right to procedural due process, he must be able to show a protected interest as established by the Fourteenth Amendment. Those protected interests appear in the Constitution as "life, liberty, or property." Through the years the courts have inter-

preted these terms to have more than just literal meaning. Liberty, for example, has been interpreted as more than just physical freedom: it includes the interest in one's good name and reputation, the ability to pursue one's trade or avocation, etc. Property has been construed as more than just real estate or physical possessions; it includes such things as contractual expectancies, and any of a large group of benefits provided by laws, rules, regulations or some other source independent of the Constitution. The right to procedural due process as a protection of these interests can arise from statute, contractual terms, rules or regulations, and the accepted policies of a governmental body. It can also arise independently when a protected interest is being threatened.

In discussing procedural due process as it applies to teachers in Texas, one must recognize that there are two distinct groups of teachers in this state. The first group is employed in districts that have adopted the provisions of the continuing contract law (Sections 13.101, et seq., Texas Education Code). The second group is employed in districts which, for the most part, offer one year contracts which are renewed each year. The members of the first group have a very specific statutory right to procedural due process while the members of the second group have no such statutory right. The members of the second group, although they have no statutory right to due process, do have a right to a hearing upon notification of nonrenewal under the rules of the State Board of Education (see *Procedures on: Hearings and Appeals*).

The requirements of procedural due process, as they apply to all continuing contract teachers and probationary teachers being dismissed before the end of their contract term, are fully described in Sections 13.111-13.115, Texas Education Code. Those requirements state that before any such teacher can be discharged or returned to probationary status he must be notified in writing by the school board "of the proposed action and of the grounds assigned therefor." If the reasons for the action relate to the inability or failure to perform assigned duties, the action must be based on a written recommendation from the superintendent. In such instances the teacher has the right to receive copies of any such recommendations or other written evaluations or reports which relate to his fitness. Teachers covered by these sections have 10 days to request a hearing after receiving written notification of discharge or nonrenewal from the school board. Within 10 days of such a request the board must set a time and place for the hearing. At the hearing the teacher may employ counsel, cross-examine all adverse witnesses, hear the evidence upon which the action is based, and pre-

sent evidence in opposition to the proposed action. After a decision has been made and ordered by a majority of the full school board, the teacher may appeal their decision to the commissioner of education. For this group of teachers the requirements of due process are both clear-cut and comprehensive.

In the case of probationary teachers being terminated at the end of their contract term, they must be notified of the proposed termination no later than April 1, preceding the end of their term. They have a right, upon written request, to a hearing before the school board. At that hearing the teacher must be given the reasons for termination. Though not as comprehensive as the process for continuing contract teachers, this procedure assures fair notice and an opportunity to contest the school board's intended action.

In districts where teachers are employed on year-to-year contracts, the onus of initiating hearing procedures is on the teacher. Though they have a right to a hearing, the school board has no duty to inform them of that right or to independently initiate the hearing. The school board is, however, required to list the reasons for the proposed action in the notification of nonrenewal. It has long been accepted that such reasons can be general in nature, such as: "the best interests of the school district would be served," "general inability to perform assigned duties," etc.

In addition to the rights of procedural due process as defined by statute and State Board of Education rules, any teacher may be entitled to a full hearing prior to termination under the doctrine established by the U.S. Supreme Court in *Board of Regents of State College v. Roth*, and *Perry v. Sindermann*. These cases, decided in 1972, state that under certain conditions any public employee may acquire a right to full procedural due process. In *Roth* the Court was faced with a case where a man who was hired on a one year contract was notified that his contract would not be renewed for the following year. The man was given no reason for his nonrenewal and no opportunity for a hearing prior to his termination. The Court, in essence, affirmed the action of the regents, stating that unless Roth could show that the nonrenewal deprived him of an interest in "liberty" or that he had a "property" interest in continued employment, he had no right to a hearing under the Fourteenth Amendment. The Court ruled that since there had been no charges against him or stigma or disability foreclosing other employment there had been no deprivation of his "liberty" interests. The Court stated further that since the contract under which Roth was employed gave him no rights to employment tenure, he had not been accorded a "property" interest protected by procedural

due process. The simple fact that he was personally interested in reemployment was not enough to create a property interest, absent any statute, rule or regulation, or contract provision which gave a legitimate expectancy of reemployment.

In the *Perry* case the Court faced a situation where a man had been employed for 10 years in the state college system on year-to-year contracts. The college regents declined to renew his contract for the next year, without giving him reasons or a prior hearing. He, in turn, complained to the Court that he was being terminated for using his right to free speech and that he had a property interest in continued employment due to a de facto tenure policy. The Court ruled that the lack of a contractual or tenure right to reemployment, taken alone, did not defeat his claim that the nonrenewal of his contract violated his free speech right under the First and Fourteenth Amendments. It further ruled that even though a subjective "expectancy" of tenure is not protected by procedural due process, his claim that the college had a de facto tenure policy, arising from rules and understandings officially promulgated and fostered, entitled him to an opportunity of proving the legitimacy of his claim to job tenure. If such proof could be made, the Court held that it would obligate the college to afford him a hearing and the reasons for his nonretention.

Taken together the cases can be read to provide a right to full procedural due process in any situation where the termination has the effect of preventing the teacher from acquiring other employment because of some stigma which is placed on him, where some action of the school board or another governmental body has created a legitimate claim of entitlement to continued employment, or where the action of termination has had the effect of substantially damaging the teacher's reputation.

The purpose of procedural due process is to guarantee the teacher a right to know the reasons for termination and a fair opportunity to contest those reasons as to their validity and appropriateness. If that purpose is to be adequately met, the hearing procedures should follow certain basic guidelines and should be applied uniformly. The process should start with adequate notice as to the time, date, and site of the hearing. The notice should be given far enough in advance to allow the teacher adequate time to prepare a defense. In order to allow proper preparation of such a defense, the notice should include information as to the reasons for termination, the names of the witnesses for the district, and the nature of their testimony. The hearing itself should be closed to the public unless the teacher specifically requests that it be open. In the handling of the hearing, the school board should recognize the fact that it is not in-

volved in a criminal proceeding but rather in an administrative procedure. As a result, there are no strict rules of evidence to be followed. However, the school board should follow some of the elementary rules of evidence such as the swearing of witnesses by a notary public (or some other official capable of administering oaths), allowing both the teacher and the district to present and cross examine witnesses, and a final decision based on substantial evidence, not just hearsay or rumor.

A teacher who is terminated (even after a full hearing) has the right to appeal to the Commissioner of Education or to the courts. As a result, it is crucial that a proper record be made of the entire hearing, or providing for a court reporter to take a transcript. Included with the tape or transcript should be copies of all documents which are related to the proceedings.

In closing, it is important to note that the purpose of the hearing is to determine whether or not there are fair and valid reasons for termination. The school board should not approach a hearing with a predetermined result in mind. Rather than a rubber stamp procedure, the hearing should be an open and fair minded method for determining the merit, or lack of it, in the original decision to terminate.

Summary

The development of substantive and procedural due process requirements has, in the overview, been directed towards the balancing of governmental authority with the rights and interests of the individual. When a governmental body, such as a school board, attempts to limit the expression of an individual's basic constitutional rights, it must do so only on the basis of meeting a need which is essential to the fulfillment of its legitimate governmental purposes. When such a body attempts to deprive someone of a protected interest, it must follow procedural safeguards to assure that the deprivation is merited.

Educational Leadership— Steps for Survival

Will D. Davis

TASB President

Member Austin ISD Board of Trustees

When a person commits himself to service on his local school board, he undertakes a responsibility which is often misunderstood, generally underestimated, and sometimes even casually ignored. To properly define his role as a school board member, he must first recognize and delineate the responsibility which he has assumed. What is that responsibility? Does it have definable limits? Can it be shared with others? These questions are just a few of the many which a board member must be able to answer if he is to make an effective contribution to education.

To define a board member's responsibility, one must do several things. First, he must determine what authority school boards have under present law. Second, he must have at least a basic understanding of the desires of those who elected them to the office. In other words, How do the voters want board members to use the authority given them by law? Finally, he must set a course which allows him to interact with others who have a degree of control over his school district. Among those with whom a board member must deal successfully are the superintendent and administration, the faculty and other staff, the State Board of Education, the state legislature, the courts (both state and federal), the U. S. Congress, HEW, the public, the student body, and numerous other groups and individuals who demand a voice in the operation of our educational system.

The first step in defining our responsibility as board members is determining the authority given to us by law.

In determining that authority, one cannot simply read a few pertinent statutes. For example, the statute under which most

Texas districts operate contains the following statement: "The trustees shall have the exclusive power to manage and govern the public free schools of the district." One who stopped there and gave that statement a literal reading would assume that the board members have a completely free hand in running their district. This would be true except for the problem we have in coping with the restrictions placed on us by the other 900 pages of the Texas Education Code, to say nothing of the Penal Code, the Election Code, the Constitution, and other general statutes, such as our "open meetings" and "public records" laws.

It soon becomes apparent to even the newest board members that our authority to govern the schools falls within fairly specific limits. We can, for example, determine our school curriculum once we have provided for all of those programs which we are required to offer. We can decide who to hire once we have ascertained that the applicants have met the certification requirements. We can determine the size of our district's budget as long as we stay within the tax limits imposed by statute. Learning these parameters within which we must operate is a process that never ends.

If the full extent of a school board's authority under the law cannot be measured with complete accuracy, it can at least be estimated. As new board members, we can often rely on the experience of older board members. As board members in general we can rely on the guidance of our superintendent whose long experience in education has led to a fairly comprehensive understanding of the limits placed on us. If necessary, board members and superintendents alike can rely on the advice of an attorney who is trained to seek out and define the boundaries of our authority. With these and other sources of information to rely on, most school boards can stay within the borders of their authority.

The second step in defining responsibility is determining how your constituents want you to use the authority which you have been given. At all times during his term, a board member must rely on his own judgment, but that judgment should be heavily weighted by an accurate knowledge of his constituents and what they want and expect from their schools. Since the creation of the first schools in the Plymouth Colonies, the people of this nation have expected and demanded their schools to meet what they saw to be the educational needs of their children. In the Plymouth Colonies, the first schools were created by the "Satan Deluder Act." The self-stated purpose of that act was to educate children in their religion so that they could defeat Satan's efforts to corrupt them. Through the years since that time, our educational system has continued to evolve in

order to answer the needs of our society. In the early 1800's, the schools of our nation provided only the basics that were needed by our agricultural society—most schools had no more than six grades. By the end of the century, the schools had stepped up their offerings to meet the needs of a society im-meshed in the industrial revolution; most schools provided education through eight or nine grades. With the increasing demands created by racing industrial development and the pressures of World War I, the public schools incorporated high schools into their programs. With great technological breakthroughs being made and with the urgent demand for capable scientists, engineers, and other professionals created by World War II, our public schools became, during the 40's and 50's, vehicles capable of preparing young people for higher education. Now, as a result of steadily increasing specialization in all areas of business, we are experiencing a steady growth in programs stressing career education and vocational-technical education. Our schools have been able to answer our needs because they have always been controlled by those who are most concerned—the local communities; parents who want their children to become productive and capable citizens; employers who need a source of qualified labor; and others whose interests are innumerable. To maintain our ability to answer society's needs, we must, as board members, remain close to those we serve. We must understand their desires and strive to meet them.

Perhaps the most important challenge facing board members is that third step in defining their responsibilities—the development of a course which will be followed in their dealings with others who are involved either directly or indirectly with their schools. The most important aspect of this process is the relationship between the school board and its superintendent. If the school board is to be able to properly define its role in the operation of the district, it must be able to clearly separate its policy functions from the administrative duties of the superintendent.

The operational success or failure of the school system is frequently dependent upon the effectiveness of its superintendent. The problem that often arises is that the superintendent's effectiveness is greatly damaged by a failure of the school board to understand his role as chief administrative officer of the district. The opposite can hold true when a superintendent lacks effectiveness because he fails to understand the role of the school board. If the school district is to operate efficiently, there must be a very clear delineation between the duties of the superintendent and those of the school board.

To make this delineation, one must recognize that the school

board is composed of lay persons elected by the patrons of the district to govern its operation. The board governs by establishing district policies. On the other hand, the superintendent is hired by the board to administer or implement the policies set forth by the board. The failure to grasp the fundamental distinction between establishing policy and implementing the policy by administrative rules may easily lead a school board into a time-consuming and self-defeating effort to manage the day-to-day operations of a district. A corresponding failure to grasp this distinction can lead the superintendent to assume a role as the sole policymaker for the district.

Policy formulation should stem from administrative study resulting in a recommendation by the superintendent to the board. The board, however, must retain the right to reject any policy recommendation with which it cannot agree and reserve the option of proceeding on a course of its own choosing. Once the policymaking authority of the board is understood, it necessarily follows that the superintendent and his staff must have the authority to implement the policy within the context and guidelines established by the policymakers.

In order to avoid misunderstandings, every school board should develop criteria depicting its "expectations" of the superintendent. Such criteria should include not only the age, educational background, and experience, but also a list of less tangible items which the board deems vital to developing and maintaining a successful relationship. Such a list might include, but should not be limited to, the following items:

- Integrity of the highest order
- Ability to withstand a reasonable amount of intense pressure
- Ability to provide firm and definite recommendations to the board
- An understanding of the pressures to which a lay board is subjected by the community
- Adherence to a code of ethics of a state or national administrative organization
- Willingness and ability to delegate authority to his administrative staff
- Ability to communicate clearly, both orally and in writing
- High competency in the technical aspects of the position such as finance, business management, personnel management, and school law
- Willingness to give accurate and honest evaluations of personnel and educational programs of the school district
- Ability to be a leader in the educational programs of the district

- Ability to be open-minded and to avoid becoming involved in personality conflicts
- Willingness to keep the public informed
- Willingness to grow professionally by participation on workshops and seminars sponsored by education organizations
- Willingness to bring educational issues before the board for evaluation and study

As mentioned previously, the board-superintendent relationship is not a one-way street. A look at the other side of the coin reveals that the superintendent also has legitimate expectations of his school board. A corresponding list of what a superintendent might expect from his board should include:

- Recognition of the superintendent as the educational leader of the district
- Willingness to share the successes and failures of the school district with the superintendent
- Assistance in gaining acceptance and security in the community
- Willingness to abide by its own rules and policies
- Willingness to provide the superintendent with adequate staff and clerical assistance
- Willingness to acknowledge and follow the chain of command of the school district
- Understanding of errors that will inevitably be made
- No seeking of personal privilege
- A willingness to grow as board members by attendance at workshops at the local, state, and national level
- An effort to foster unity and harmony within the board itself
- Careful consideration of each recommendation made by the superintendent
- Insistence on all available information before making decisions
- Willingness to study and evaluate educational issues affecting the district
- No surprise items at board meetings

Obviously, neither of the foregoing lists is totally comprehensive; however, they do cover many of the areas in which the potential for a breakdown in the board-superintendent relationship is the greatest.

To briefly summarize the school board-superintendent relationship, one might draw an analogy between the state legislature and a state agency. The legislature passes laws dealing with some specific activity, and an agency or administrative organization is created to carry out those laws. In a school district, the school board acts as a legislature by passing policies. The super-

intendent then performs the agency function of carrying out the desires of his legislature—the school board.

Once a board member has been successful in attaining an understanding of the proper roles of the school board and the superintendent, he is then ready to develop working relationships with others who seek a voice in the operations of the schools. Primary among these is the professional staff of the district.

The board-staff relationship is one which has undergone steady changes for the last several years. With the advent of teacher strikes and the steady increase in the number of states which have laws allowing teachers to enter into collective bargaining with school boards, we have found it necessary and advantageous to develop effective communications with our professional staffs.

In my school district we employ over 3,000 professional educators. These people have almost 14,000 years of college education and probably close to 35,000 years of teaching experience. We have come to realize that these resources are much too valuable to remain untapped if our system is to meet the ever-increasing educational needs of our community. While we don't engage in collective bargaining, we have developed a program of professional consultations. We seek the advice of our professionals in the preparation of our budget, in developing curriculum, in designing our facilities, in matters of students discipline, and in numerous other areas. We do not, of course, turn over our decision-making authority. We do, though, seek out their concerns and suggestions and give them good faith consideration. The actual operation of the procedure reinforces our understanding of the board-superintendent relationships because all preliminary consultations are between staff representatives and the superintendent and his administration. As a board, we receive recommendations from the superintendent which have been developed in consultation with staff representatives. On occasion, however, we will hear directly from the staff if they feel that their position on a particular matter has not been given adequate consideration. We try, in effect, to retain proper channels of communication without being so staid as to deprive our staff of a forum if they feel that one is needed.

To best understand the process, perhaps it would be wise to define what it is and what it is not. First, what it is:

- *It is an acknowledgment of teaching as a profession.*
- *It is an identification and clarification of responsibilities.*
- *It is an established line of communication.*
- *It is a method of reducing conflicts.*
- *It is an orderly means of exchanging views.*

- *It is a means whereby mutual cooperation and respect can be fostered.*
 - *It is a recognition of responsible leadership.*
- Now, what it is not:
- *It is not* designed to take legal authority from the school board.
 - *It is not* designed to infringe upon the rights of the individual.
 - *It is not* to be used to circumvent recognized channels of administrative procedure and authority.
 - *It is not* designed to give advantage to professional employees or to the school board.
 - *It is not* to be used to evade educational responsibility to the students.
 - *It is not* intended to play the administration against the classroom teacher or the school board against teaching personnel.

To fully realize the importance of board-staff communications, you, as board members and superintendents, must recognize that teachers are on the front line in education. They are the only ones who are in day-to-day contact with students, and they can most directly view the effectiveness of the educational program by studying the impact it is having on those students. If their opinions and problems are ignored by the administration and school board, they will seek another forum from which to speak. If, on the other hand, your professional staff can recognize the effect which their input has had on the actions of the board, they will be much less likely to develop a feeling of neglect which will lead them toward increased militancy and dissatisfaction. You will find that the days are gone when teachers could be treated with an air of paternalism.

Successful board-staff relations are, however, more than simply involving your professionals as a group in the decision-making process. A successful relationship is also dependent on fair treatment of individual employees. While there are many areas in which a school board's treatment of an employee can develop great significance, perhaps the most important is the area of teacher dismissals.

When a school board makes a decision to dismiss a teacher, it should have strong reasons for doing so. It should be based on more than just a clash of personalities. It should, in fact, be based on some disruption of the teacher's ability to perform his assigned duties. Once the board receives a recommendation of dismissal from the superintendent, it should take great pains to assure that the teacher in question is and has been provided due process. By due process, I mean that the teacher has been notified of the problem that exists; has been given an opportunity to rectify his deficiency (if possible); and has been given the

right to a hearing with all the necessary aspects of impartiality.

Once the requirements of due process have been met and the school board determines dismissal to be in the best interests of the school district, it should be prepared to publicly defend its action with sound reasons if that becomes necessary. There is no quicker way to destroy teacher morale and board-staff relations than to act in haste and without adequate reasoning in the dismissal of an employee.

If your staff as a group is given a voice in the operation of your schools and if individual employees can rely on fair treatment from the board, you will find your program flowing smoothly. You will then be prepared to speak with authority and respect to others with whom board members must interact.

These are times of change in education. Control of local educational programs has been flowing away from school boards into the hands of state and national decision makers. As more and more authority over our local schools moves to the state and national level, the responsibilities of board members to the public which they represent demand that those board members expand their activities to include active input at all levels of government.

School boards are elected by local voters to guide and control the local school systems. No longer can effective control be maintained by actions which are strictly local in nature. A desire to retain effective control mandates that board members carry the views of local citizens to all of those whose actions can affect the schools. If school boards are not heard, decisions will be made which are based solely on the voiced opinions of other organizations.

The year ahead will be one highlighted by decisions at all levels of government that will be crucial to the future of public education. The challenges before us will be difficult and will also provide school boards with meaningful opportunities to make major contributions to public education. Both in Washington, D.C., and Austin, legislative actions will be taken which can have a tremendous impact on our educational system. In Washington, labor and teacher organizations will be pushing for passage of a public employees' relations law to force school districts and other political subdivisions into mandatory collective bargaining with their employees. In Austin, the Texas Legislature will be acting on bills which could determine the legality of collective bargaining, affect the teacher tenure laws, define the requirements of due process for student suspension, and determine the level and method of state funding for education. The importance of making a proper response on behalf of school boards to the many legislative questions that will come up cannot be over-

emphasized. There is a great responsibility, as well as opportunity, for school board members to speak out, as individuals, as boards, and through the Texas Association of School Boards. The opportunity which we have to strengthen the interaction between school board members and other elected officials is one which must be used properly or it will pass us by. Board members must develop open and active lines of communication with Texas Legislators and U.S. Congressmen. Board members must stay informed, not only as to their local issues and problems, but also as to the impact which the actions of state and federal authorities would have on these local issues. Board members must encourage local educational groups to publicly state their positions on various issues. Board members, in essence, must act as the educational leaders in their communities on state and national issues.

In order to expedite and expand the reactions of Texas board members to pending legislative actions, the Texas Association of School Boards has established a legislative network. The purpose of the network is to identify willing board members from each school district who can act as educational spokesmen when the need arises during the next session of the Texas Legislature. Many times during the next session, an immediate and massive response from all areas of the state will be required if we are to protect and improve our educational system. Other than members of the Texas State Board of Education, local school boards are the only elected officials in the area of education. When we speak, we speak not only for ourselves but also for parents, students, taxpayers, and other citizens of our districts. The voice of our office will be heard and respected only if we use it.

Through the use of this network, we hope to be able to focus the efforts of school board members on key legislative issues by calling on them at crucial times to speak directly to their legislators. Our effort will not be one of twisting legislative arms, but rather one of informing legislative minds.

In maintaining legislative contacts, there are many ways in which to operate; and the procedure which works best will vary from state to state. However, the concept of successful interaction with legislators remains centered on one-to-one contacts between you as informed board members and your own representatives at other levels of government.

In closing, let me say that school board members must do more than just fill a chair at board meetings. They must be capable of governing by cooperation. They must be able to deal effectively with others; and, most of all, they must be willing to give of themselves.

Congratulations! You Made It!

Laura T. Doing

Member Wichita Falls ISD Board of Trustees

So you're a school board member, now!
So—WHAT?

After the election through which you have just passed victorious, have you realized you're now in politics, whether you like it or not?

Have you made rash statements to your prospective constituents about what you're going to do when you're elected to this august body?

Have you battle scars from a rough, sometimes malicious campaign such as you never imagined or have you floated through blissfully amidst an apathetic public?

Do you wonder, now that you're elected, what you're going to do about carrying out those promises and idealistic solutions to any and/or all matters pertaining to the education of the boys and girls in your school district?

Are you stunned by the THINGS YOU DON'T KNOW about the operation of public schools in Texas, and the many facets of this learning process for the young men and women of your state, now that the chips are down?

Well, be consoled that you are among a vast army of men and women in Texas in the same boat, so to speak, whether new trustees or long time board members.

In fact, your frustrations and lack of knowledge will continue to haunt you long after you've gone beyond the category of new board member to simply an incumbent!

But there are some pointers which can help you along the way as you begin your indoctrination.

A few basic principles actually govern the operation of school boards in Texas, and, if you learn these quickly and abide by their ground rules, you will soon become, to put it tritely but accurately, a member of the team!

These pertinent facts about Texas school boards and their functions, set out briefly, we hope will help you become a more effective trustee, working in harmony with the rest of the "guys and gals" who, hopefully, strive to their utmost ability to operate your school system efficiently.

School Boards in Texas Operate Under State Law

Local school boards in Texas enjoy considerably more freedom and power than do similar governing bodies in other parts of the nation. In Texas, school boards' powers are relegated to them by the Texas Legislature which over the years has consistently indicated its belief that public schools should be governed by the people who own and support them . . . and most important, where the children are!

1. Section 23.26 of the Texas Education Code gives boards the authority to "adopt such rules, regulations and bylaws as they may deem proper," and they "shall have the exclusive power to manage and govern the public free schools" and "all rights and title to school property . . . shall be vested" in them.
2. Numerous laws give local boards authority to establish curriculum and graduation requirements, to control pupil discipline, placement, promotion, assignment, and transfer, to levy and collect taxes, and to employ, place, and establish salaries for personnel—and similar specific authorities.

Schools Are Big Business and You As a Board Member Are on the Management Team

Financing the public schools of today is the burning issue facing every state in the nation. With the financing picture contingent upon court decisions, state and federal legislation and taxpayers' reactions, you as a board member must be informed.

1. In Texas, in the fall of 1974, approximately 2,895,000 pupils enrolled in the public schools. Texas school boards employed nearly 150,000 teachers and the cost of public education for the year was estimated at nearly \$3 billion or slightly over \$1,000 per pupil for current expenses.
2. In Texas, money for public education—where it came from and where it went—approximated about the same percentages as the national averages. In other words, local school districts provided about 48 percent; the states provided about 46 percent; and the federal government

provided about six percent. As for spending, 65 percent went for instruction; four percent for administration; about two percent for transportation; and about 11 percent for plant operation and other expenses. Capital outlay and debt service accounted for the remaining 18 percent.

A School Board Is the Policymaking Body for the Local School District

A board should have written policies relating to all phases of school operation.

1. A policy is defined as a "plan of action or guideline for action." Educators say: "A policy should be narrow enough to provide clear direction and broad enough to allow discretion. Policymaking is the legislative function of the school board and only the board has legal authority to adopt policy. The complete policies of a school board should provide a blueprint, clearly drawn, outlining the overall purposes and principles of operation for the schools."
2. A board should be able to measure the effectiveness of these policies in operation. Each board decision should be based on the effect of the decision on the quality of the educational program and the provision of quality education for all children.
3. The superintendent and his staff are charged with the responsibility of carrying out board policies.
4. Policies should be reviewed by the board periodically, with the advice of the staff, to keep abreast of changing times. (You have only to even begin your "apprenticeship" on the board to accept this "changing" state of affairs as one of the most profound truths you will ever encounter during your tenure of office!)

Employment of an Efficient, Cooperative School Superintendent Is the Most Important Function of a Local Board of Trustees

The school board and the superintendent form the management team for the local school district. Efficient professional leadership from the superintendent and his staff tends to provide quality education for all children under policies adopted by the board.

Teamwork between the board and the chief executive is vital to smooth and successful operation of a school system and a united community.

The superintendent probably will be the most important person in your role as a school board member. He is your

professional adviser and your mutual respect and understanding will go a long way toward harmonious community relations in the operation of your educational system.

And don't forget the variance in your role as a board member and his—or hers—as a superintendent. You stick with the policymaking bit and insist that he stick to the administration bit.

A School Board Is a Corporate Entity

This may come as a shock to you, but you have no more authority as a school board member now than you did as John Q. Public unless you're in an official meeting.

1. You can only cast your one vote at this official board meeting and this makes you equal—no more, no less—to each of the other four, six, eight or however many other trustees are in your bailiwick.
2. Your moment of glory, therefore, is shortlived if you accept your infinitesimal role in the educational picture in your community and settle down to doing your homework without seeking the spotlight.
3. As an individual you cannot commit the board to a course of action; you cannot promise anyone a job and you cannot fire the coach or cut the tax rate—unless the rest of the board goes along. (Oh no! You surely didn't promise any of those things during your campaign, did you?)
4. If you're an ethical board member—and of course you are—you won't go "spouting off" to all and sundry about what you would do in certain circumstances. If you're ethical you'll respect other board members and join with them in designating the board president as your spokesman. It's not illegal to do otherwise, but it certainly tends to tear up a spirit of teamwork and cooperation.
5. You'll go along with the majority vote sincerely, even though you have cast a losing vote. You'll remember that, despite its woes and travail, this democracy operates on the theory of the majority rule.
6. Don't seek personal publicity but encourage board images in the media. Remember, you're a tiny cog in the educational machinery and of little significance except for your role as a voting board member.

A Conscientious School Board Member Takes Advantage of Membership in The Texas Association of School Boards; Studies; Reads; Listens

The Texas Association of School Boards believes "A good school board member is an informed school board member."

In order to help this come to pass, TASB is a veritable mecca for resource material on educational matters. Its state office in Austin serves as a research center for you and, in addition, TASB provides numerous publications to help you. These include newsletters, published monthly and during legislative sessions, as often as needed; a "slick" magazine published quarterly; a "New Board Member Kit" equally as helpful to long time board members; special brochures and reports. TASB sponsors school board workshops across the state annually, school law conferences, and many seminars on pertinent subjects.

Attend your state TASB conventions which feature clinics, seminars, outstanding programs, samples of "innovative programs," and ample opportunity to visit with fellow board members from all sections of the state. Fabulous exhibits line the convention halls during these statewide sessions.

Be an Objective Board Member

After all, you're on the school board because you believe, and the people who voted for you believe, in the best education possible for all the children in your community. Weigh each issue and base your decision on what you sincerely believe will achieve this goal.

Do not let pressure groups, and your own personal situations, influence you unduly.

Help Your Board Maintain Good Community Relations

You've got to know something about public relations and community good will or you most likely would not have come through that election you just won! Through your superintendent and his staff, and as a hard working, sincere board, let your patrons know what you're doing. An informed public is, with few exceptions, an understanding public.

By state law, your meetings, except for those dealing with personnel, sites and legal matters, are public. Help your president run a smooth meeting, with emphasis on dignity and professionalism rather than an atmosphere reminiscent of a three-ring circus.

Remember, the Interest and Welfare of the Children Are What This School Board Business Is All About

Actually, you can throw away all the other helpful hints and suggestions if you constantly remember that your main concern revolves around the boys and girls in your district. If you keep this thought ever in the foreground, the other things will fall in place.

Finally, Don't Panic!

Oh, my, how you'd like to stick your head in the sand like an ostrich, now that you're getting a little exposure to the fickle public! BUT YOU WON'T. YOU'LL STAY IN THERE PITCHING!

Now that you know that you can't single handedly solve all the problems—myriads of problems like busing, long hair versus short hair; pant suits and hot pants; what's legal and not legal—you're wondering why you ever ran for the school board in the first place, aren't you? And if you've been on the board for some time, you're wondering why you stay.

But that's the rewarding picture of school boards in Texas during these frustrating times—that sincere, tireless, dedicated men and women like you still seek and are elected to posts on local school boards.

The National School Boards Journal recently described people like you thusly:

"The average boardman is overworked and underthanked, frustrated, pessimistic, bitter and defensive. But he believes he is making headway in providing a sound educational program for the children in this community.

"Knowing that is satisfaction enough. Despite all the criticisms, character assaults, violent reactions and four-letter words, the reward is the satisfaction of seeing a job well done more than compensate."

You will find the job requires many, many hours; much, much work; much, much abuse; many, many evenings away from home; much, much study; much, much frustration over not being able to keep up with all the issues and many, many sleepless nights spent worrying about how to vote on major, controversial issues.

But in spite of all this, you will find it probably the most rewarding experience in your lifetime and you will forever be grateful for the opportunity of having been a part of the vast educational picture in the State of Texas.

WELCOME TO YOUR BOARD OF EDUCATION, and now it's time to roll up your sleeves and go to work.