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## ABSTRACT

A review of court decisions concerning the dismissal of college students from professional programs revealed that courts upheld school decisions when the institution followed its own published processes and the student's rights had been observed. In the wake of four lawsuits, a Washington university initiated three processes to protect the institution from litigation concerning admission to and dismissal from its teacher education program. A professional skills lab screens out program applicants and introduces faculty to the skills and needs of prospective students. A theory of identifying personality types is presented, and small groups of students are given situations they might encounter as teachers and are asked to come to consensus about what they would do in such situations. Faculty observe and record. Students who show insufficient potential for teaching are identified and counseled out of the program. At the lab, a manual apprising students of their rights and responsibilities and the monitoring process used is distributed. Students sign a receipt acknowledging they received the manual and promised to read it. In addition, a system was developed in which faculty record anecdotally any incidents that cause them concern. These are sent to the program director who tracks student progress and meets with students to discuss concerns. Since initiating this process, not one student has been dropped from the program after being admitted, and no lawsuits have been filed against the institution. (Contains 22 references). (TD)

# Preparing the Best Teachers for Our Children

June Canty Lemke

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## PREPARING THE BEST TEACHERS FOR OUR CHILDREN

The decision to admit a student to a teacher preparation program is an important one: important to that individual's future and crucial to the children the individual would encounter in his/her career in teaching. Equally important are the decisions we make as professionals to dismiss a student from our program. As we move into an ever more litigious society, teacher educators must be aware of our rights and responsibilities regarding admissions and dismissal decisions. More and more of us are being faced with the threat of lawsuits from students to whom we have denied admission or have dismissed from our programs. We know that being successful in teaching involves more than achieving an adequate grade point average, that there are professional and interpersonal skills necessary for success in teaching, but we often have difficulty articulating just what those skills are. As we think about defending ourselves in court, we must be able to show clearly that we can identify what those skills are, that we can assess them adequately, and can judge when a student is deficient and shows too little aptitude for success in teaching.

### A review of the relevant literature

The issues related to appropriate admissions procedures have been studied for many years (Haberman, 1972; Watts, 1980). Many research studies have been done to identify which admissions criteria are the best predictors of success in teacher education programs, whether the use of standardized test scores were effective indicators of potential in teaching, and what the impact of these criteria were on the admissions of minority candidates (Ashburn & Fisher, 1984; Fisher & Feldmann, 1985; George et al., 1990; Olstad, 1988; Peterson & Speaker, 1996; Riggs et al., 1992; Sandefur, 1986; Sinclair & Picogna, 1974). Other authors have shared the procedures they currently use for admissions (Cooper and others, 1988; Coyner, 1993; Eckart, 1988; Jordan, 1984; Malvern, 1991; McKenna, 1993). A limited number of articles have been published in the teacher education literature about admissions strategies used in other professions (Brodsky, 1991; Fassett & Olswang, 1991; Mueller & Orimoto, 1995).

Even with the access to this literature, what teacher educators bemoan is the lack of information about what the judicial system finds to be appropriate and inappropriate admissions and dismissal procedures. Many teacher educators have been faced with the threat of lawsuits from students who were either not admitted or who were dismissed at some point in the teacher preparation program. Many of us have been sued and have had the experience of being told by the judge that our procedures were insufficient in terms of explaining our policies, the definition of professional judgment and how the role plays in a decision to dismiss a student. This insufficiency resulted in the upholding of the student's case and the university was forced to readmit the student or even pay damages to the student. However, we find that in many cases, the same situation is not true in other professions. There have been suits filed against schools of medicine, dentistry, pharmacy, and nursing which dismissed students (often for lack of development of appropriate "professional skills") and the courts upheld the decision to dismiss. Teacher educators can learn from these experiences by studying the relevant court cases (a complete listing of the cases used in this paper can be found in Appendix A) and identifying ways these other professionals have found to protect themselves and justify the professional judgments they have exercised.

### Lessons learned from others' experiences

Decisions to deny admission or to dismiss a student from a professional program are never easy. The issue of faculty members' reluctance to make these kinds of decisions exists in every professional program. There may be particular concern on the part of our tenure-track and clinical faculty (e.g. student teaching supervisors) because of their perception about the extent to which the institution will back them. However, the courts have treated decisions made by faculty in all categories equally and have supported academicians' decisions as long as students' rights were observed and the decisions were made fairly. In *Connelly v. University of Vermont* (1965), the federal district court ruled that it is within the purview of academic freedom for faculty to make decisions about students' progress. Faculty and administrators were described as being uniquely qualified to make these judgments.

When faculty use quantifiable assessment strategies it is fairly easy to show how a student is progressing. It is less clear, and so less comfortable for many faculty, to discuss a student's performance when more subjective assessment methods are used. In teacher education, as in other professional programs which include clinical experiences, it is necessary and appropriate for faculty to make subjective judgments about a student's progress. Fassett and Olswang (1991) found that "recent court decisions have upheld faculty professional judgments when minimal due process was provided" (p. 211). They went on to point out that "when students' rights are observed, and a fair evaluation of the student's progress indicates a basis for dismissal, faculty members at all levels can be reasonably confident that they will prevail in a legal challenge" (p. 214).

A review of the logic behind court decisions in cases brought out of disagreement about an admission or dismissal decision shows two major concepts: the right of an institution to make decisions about a student's academic fitness and the need for the institution to follow advertised processes. In *Regents of the University of Michigan v. Ewing* (1985), a student was dismissed from medical school after failing to complete the program in the required time period; this student also earned the lowest score in the history of the program on the exam required by the National Board of Medical Examiners, failing the exam. Ewing claimed that he'd been denied due process, but the U.S. Supreme Court held that the university had developed and followed fair processes and had acted in good faith. Another case which followed logic similar to that used in Ewing was *Clements v. Nassau County* (1987). In that case a nursing program student was dismissed from the program after failing in her clinical work over repeated experiences. The court ruled that the institution had made an appropriate judgment after finding her performance lacking during multiple experiences.

In *Board of Curators of the University of Missouri et al. V. Horowitz* (1978), a student was dropped from medical school on the basis of her poor performance in the clinical aspects of the program. Horowitz challenged her dismissal from the program on the basis that it was depriving her from "liberty" rights (the Fourteenth Amendment to the Constitution guarantees that the State "shall not deprive any person of life, liberty, or property, without due process of law") because she felt that the dismissal would prevent her from continuing her education at another institution. The U.S. Supreme Court ruled that Horowitz had been treated fairly, that she had been fully informed about the faculty's dissatisfaction with her clinical performance, and that the faculty and institution had a right to make that academic decision.

In *Barletta v. Louisiana State University Medical Center* (1988), the student was dismissed from dental school on the basis of three incidents which occurred while the student was working as a part-time dental hygienist in his father's dental office. The court ruled that Barletta had been afforded due process, that he had been given adequate notice of the hearing, that his waivers of right to council and right against self-incrimination were voluntary, that he had waived his right to appeal issues of whether the charges were vague and ambiguous, and that he did not show any irreparable injury. In the case of *Neel v. Indiana University Board of Trustees* (1982), a dental student was dismissed from the program on the basis of a low grade point average (1.6), a poor performance record in his clinical studies, and a high record of absenteeism. The student sued saying the institution had breached the contract with him and demanded reinstatement. The court found for the university on the basis that there was a written policy in the Bulletin stating that three unexcused absences would result in dismissal from the school. In *Wilson v. Illinois Benedictine College* (1983), a student sued because he had been dismissed from an accounting program because he had received two "D" grades in the program. He argued that his advisor had failed to warn him that he could not graduate under those circumstances and that the college acted arbitrarily and capriciously in refusing him graduation. The court found for the institution because the school had clearly stated its policies in the Bulletin.

The courts have ruled in favor of the dismissed students when they have found the institutions did not follow their published processes. In the case of *Abrams v. Illinois College of Podiatric Medicine* (1979), the court found for the plaintiff, a student who had been dismissed from a podiatric medicine program because of poor grades. The court ruled that the institution had not followed its own policies as described in the Student Handbook and had not provided the student periodic information and suggestions for improvement as promised by the Handbook. In *Maitland v. Wayne State University* (1977), a medical school student was dismissed because of a failing grade on the final exam for the second year. An investigation showed the university found it had made several errors and had allowed other students to retake the exam. The court found for the student because the institution had acted arbitrarily and did not treat all students in the same situation in the same manner. In the case of *Olsson v. Board of Higher Education of the City of New York* (1980), a student was dismissed from a graduate program on the basis of

poor performance on the general examination requirements. The student sued saying that his professor had misstated the requirements and so had misled him. The court allowed the student to retake the exam because the professor was acting in his role as authority for the school and had failed to provide accurate information to the student.

Cases from a variety of professional programs have followed the precedents set by the Ewing and Horowitz cases: *Easley v. University of Michigan Board of Regents* (1986) concerned a law school; *Haberle v. University of Alabama in Birmingham* (1986) was brought by a chemistry student; *Hammond v. Auburn University* (1987) was a case against a school of engineering; *Morin v. Cleveland Metropolitan General Hospital School of Nursing* (1986) involved a program in nursing; and *Schuler v. University of Minnesota* (1986) concerned a program in psychology. In each of these cases, the decisions made by faculty, whether on the basis of strict, quantifiable academic data (grade point average, etc.) or on the basis of a more subjective judgment about the student's fitness were upheld by the courts as long as the institution followed its own published processes and could show the decision had been made fairly and that the student's rights had been observed.

#### Processes we developed in response

As someone whose institution faced four lawsuits several years ago, I found the need to go beyond the teacher education literature to learn how to better protect the institution from suits filed to protest our admissions and dismissal decisions, decisions we know are valid, judgments that need to be made. I studied the court rulings from other professional programs and then initiated the processes described below at my institution.

At Gonzaga University, we began with a model first developed at the University of Redlands and then revamped it to meet our particular needs. We wanted to find a way to screen out program applicants who showed little potential for success in our program and to get to know the skills and needs of our prospective students. We also wanted to introduce the key themes of our program so students would know from the beginning what our program emphasized and what we valued as professionals. In particular, we wanted to introduce the concept of reflective thinking, the idea that teaching is an interpersonal and professional act, the idea of the value of developing conflict resolution skills, and the philosophy we share in our belief in the value of multiple perspectives and ways of doing. We also wanted to introduce students to the importance of the development of their professional skills, including humor, self-knowledge, resiliency factors, collaboration, respect for the field of education, how to think on your feet, and how to collaborate. We based our model on the literature on reflective thinking (Posner's work was our true base), on the literature about adult learners, on the teacher induction literature, and on surveys done by the Washington State Professional Education Advisory Board about the skills needed by beginning teachers.

We decided to structure a Professional Skills Lab as a Saturday morning, four-hour session with a variety of activities. We would begin with a welcome and an introduction from the Associate Dean, introducing the faculty, and explaining the rationale for the Lab. We would then discuss advising, state regulations, and distribute some of the paperwork we're required to file. We wanted to teach a new skill in the Lab to make this a more meaningful learning experience and decided to investigate various instruments we might use during the Lab. We selected the True Colors materials (True Colors Communications Group, 1990) which are based on Jungian theory and are somewhat related to the Meyers-Briggs test. The True Colors materials help individuals (children and/or adults) identify four basic personality types; the materials include suggested classroom activities and videos.

We begin the morning with a review of the history and purpose of the Lab and then present the True Colors theory. We spend approximately 1.5 hours presenting the theory, having students self-analyze, having students work in small groups, and then doing a jigsaw activity back to the full group. Then we show a video we made in which we demonstrate the theory in practice in a simulation of our introductory course. We then divide students into small groups and assign each group a faculty member/facilitator; the groups discuss the theory and how they might apply the information while the facilitator records behavioral observations. We did change this process after the first time through because we found that the facilitators were so skillful that all students participated actively in the groups and we observed no problematic behaviors. We now run the groups in a leaderless format; the students are given three situations they might encounter as teachers and are asked to come to consensus about what they would do if they were in that situation. The faculty member is a silent observer and record-keeper. Students then are called back to the large group and are given a reflective writing exercise.

The products we take away from the Lab are the state-required forms, the faculty observers' notes from the leaderless group discussion, and the reflective writing sample. The Associate Dean then reviews all the materials, meets with students who were identified as potentially problematic, and files the materials in their departmental files.

The advantages we have found from this process are that faculty who teach courses later in the program have a chance to meet the new students, students have a chance to meet the faculty, and students learn a new theory and develop better interpersonal skills. We can identify and counsel out of the program the students who show insufficient potential for teaching at this point. We have a chance to screen the students before they request a site for their first In-School Experience and the students have a chance to bond together with other students who share a common goal. Students have told us in both their reflective writing exercises and comments made orally that the Lab was a really positive experience. They learn about themselves, how to better deal with others, and about the professional skills they will need to develop. The disadvantages are that it means faculty are asked to work on yet another Saturday morning, it's hard to predict how many students will actually attend, we have to follow up on the students who did not attend, and it generates zero credit hours but incurs expenses in faculty time and physical resources.

To date, approximately 750 Gonzaga students have completed the process. Since we initiated this process, not one student has been dropped from the program after being admitted. We are convinced that in the cases of students we have not admitted that our collective judgments were justified. We believe that our teacher preparation program has been strengthened by more careful attention to the admissions process because we are able to use the insights gained during the assessment as diagnostic information to better meet individual student's needs. This process has enabled us to be much more clear with prospective students about the ideas and values embedded in our program, including our commitment to cross-cultural teaching, our belief in the necessity of effective interpersonal skills, and our commitment to diversity. We have also been able to recruit more students from under-represented groups because of our move to this more holistic admissions process.

While we were designing the Professional Skills Lab, we developed a Fair Process Manual to apprise students of their rights and responsibilities and to make them aware of the monitoring processes we would be using to assess their progress in the teacher education program. This document was drafted by the various directors of programs within the School of Education and then was rewritten to correct for style. The document was then sent to our Academic Vice President and to the university's corporate counsel for extensive reviews. We made needed changes and then published the document; it has been revised since our administrative restructuring to reflect current job titles and processes. The Fair Process Manual is distributed to all incoming students each semester. We also developed a receipt form which students sign to acknowledge that they received the Manual and promise to read it; students receive a copy of that form and the original is filed in their certification file.

The Fair Process Manual refers to the importance of the development of interpersonal, social, and behavioral competencies deemed essential for the profession. We needed to be specific about what those competencies were so that we could communicate them clearly to our incoming students. We gathered the faculty together and brainstormed the essential behaviors we needed to observe in our students and designed a list we call "Professional Standards for Teacher Education Students." This list is divided into five categories: responsibility, integrity, attitude, respect, and service and describes the expectations (everything from appropriate attire to being punctual to volunteering time to the community) we have; the list also reiterates our division's mission statement. We distribute it at our Professional Skills Lab and discuss it each semester in our classes when we review the syllabus for our course.

We also use a system we call "Yellow Lights" in which our faculty record anecdotally any incidents which cause them concern. These are sent to the program director so she can track our students' progress and meet with them to discuss the concerns. We also work with our Student Disabilities Services center regarding students who have self-disclosed their disabilities; faculty are notified each semester of any students needing accommodations in order to be successful. This process is handled in a confidential manner in order to protect students' rights.

#### Concluding thoughts

The development of our Professional Skills Lab, Fair Process Manual, and Yellow Lights system, and the more consistent implementation of our policies and procedures has led to four years with no lawsuits filed against

us. We need to prepare the most effective teachers we can in order to meet the needs of today's students. We must protect our institutions and we ought to feel confident about the defensibility of our professional judgments so that we can continue to prepare future teachers of the highest quality. We can do this if we study the experiences of our colleagues in other professional programs and learn to develop and then apply consistently our policies and procedures.

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