NEW CATEGORIES OF TEACHERS IN HAWAII: A REVIEW OF A CONCEPT

LAURA SASAKI
Researcher

Report No. 1, 1990

Legislative Reference Bureau
State Capitol
Honolulu, Hawaii 96813

FOREWORD

This report on new categories of teachers was prepared in response to House Resolution No. 23, H.D. 1, which was adopted during the Regular Session of 1989.

The Bureau extends its sincere appreciation to all of those whose assistance and cooperation made this report possible. Special thanks are extended to Dr. Margaret Y. Oda, District Superintendent, Honolulu District Office; Mr. Liberato C. Viduya, Jr., District Superintendent, Central Oahu District Office; Mr. Edward K. Nakano, District Superintendent, Leeward Oahu District Office; Mr. Sakae Loo, District Superintendent, Windward Oahu District Office; Dr. Alan R. Garson, District Superintendent, Hawaii District Office; Ms. Shirley T. Akita, District Superintendent, Kauai District Office; Ms. Lokelani Lindsey, District Superintendent, Maui District Office; Mr. Donald R. Nugent, Assistant Superintendent, Office of Personnel Services; Mr. Earl Arruda, President, Hawaii State Teachers Association; Ms. Joan Lee Husted, Director of Program, Hawaii State Teachers Association; Mr. Bruce L. Schwartz, Specialist, Hawaii State Teachers Association; Dr. Mona Vierra, Hawaii Educational Dissemination Diffusion System.

Samuel B. K. Chang
Director

January 1990

TABLE OF CONTENTS

Appendices

CHAPTER 1

OVERVIEW

In 1989, the House of Representatives passed House Resolution No. 23, H.D. 1 (1989), entitled "House Resolution Requesting the Legislative Reference Bureau to Evaluate the Establishment of New Categories of Teachers Within the Teaching Force" (See Appendix A). The premise of this resolution is that Hawaii has a teacher shortage, particularly at the secondary school level; and that problems of attracting and retaining quality teachers in the public education system will persist unless there are improvements in teacher salaries, professionalism and working conditions.

To address this problem, the resolution proposes that new categories of teachers be established, with new roles and responsibilities. The resolution contemplates the following new teacher "categories": lead teacher, regular teachers, apprentices or interns, educational technicians, and adjunct teachers. It does not describe the roles or responsibilities associated with these new categories, but the resolution does suggest that the new categories of teachers would work in "teacher teams." It suggests that teacher pay would be tied to the new teacher categories.

The resolution anticipates that new teacher categories would enhance professionalism and quality instruction, clearly demarcate responsibilities, enhance the quality of training received by new teachers, elevate teacher standards overall, and lead to greater excellence in Hawaii's teaching force.

The resolution requests that the Legislative Reference Bureau "evaluate the establishment of new categories of teachers within the teaching force, as described above, in the collective bargaining process." This report has been prepared in response to that request.

This report begins with a discussion of the single salary schedule, the current method by which public school teachers in Hawaii are paid. "Differentiated staffing" and a few other alternative methods of compensating teachers are defined. This report assumes that House Resolution No. 23, H.D. 1, contemplates differentiated staffing, a system for compensating teachers which was popularized in the late 1960s and mid 1970s, under which teachers are paid according to their assigned roles and responsibilities in the education system.

A traditional differentiated staffing model is reviewed, along with a practical model that was implemented during the 1970s (but eventually abandoned) in Temple City, California. The NEPA plan, which in 1971 urged that differentiated staffing be implemented in Hawaii, is also discussed.

The mid-eighties brought a renewed interest in differentiated staffing, and in the related career ladder plans. Support came from the United States Secretary of Education, the Holmes Group, and the Carnegie Forum on Education and the Economy, to name a few. Some of their recommendations, and comments of their critics, are addressed. This report also discusses a few contemporary differentiated staffing/career ladder plans, specifically mentioning the plans currently being employed in Tennessee and Utah.

The report reviews portions of a report on education in Hawaii which was prepared by a California consulting firm and released in November 1988. The "Berman report," as it has come to be known, made a number of recommendations to improve the quality of public education in Hawaii. Included was a recommendation that the teaching profession be strengthened by giving teachers new roles and responsibilities. The descriptive names that the Berman report gave to these new teacher roles are almost identical to those given to the new teacher categories sought by House Resolution No. 23, H.D. 1. Reactions to the concepts raised by the resolution are summarized.

The report notes that differentiated staffing plans are not universally supported, and a number of arguments both in favor of, and against the concept of differentiated staffing are listed. Finally, considerations as to how to develop a differentiated staffing plan are discussed.

Findings and recommendations of the report are presented in Chapter 9.

CHAPTER 2

METHODS OF PAYING TEACHERS

The current wave of reform in education perceives teachers to be the primary agent for improving the quality of education.[1] A change in the method of paying teachers is believed to be one of the keys to reform.[2]

Currently, the most commonly employed method of paying teachers is the single salary schedule, in which the teacher's pay is tied to his or her teaching experience and level of training. The lowest salary is usually paid to newly employed teachers with the least academic training. Those with more education, acquired either before or after initial employment, and those with more years of teaching experience, sometimes limited to employment in a particular district, receive additional compensation. It is a "single" salary schedule because there is no differentiation by grade level or subject taught within a school district.[3]

Attracting and Retaining Quality Teachers as a State Education Priority

There is a clear concern in this State as to how quality teachers can be attracted and retained. The Department of Education (DOE) reports that Hawaii's need for effective teachers is increasing due to retirements, resignations, and teachers moving into administrative positions. The DOE expects to recruit and hire over 5,000 teachers within the next five years.[4]

The concern over teacher recruitment and retention is reflected in the State Functional Plan on Education,[5] and the goals and objectives of the State Board of Education.[6] Both share the goal of recruiting, training, motivating and retaining a competent staff at all levels.[7]

The functional plan on education recommends that a number of actions be taken to implement this goal. These include to:[8]

> Develop and implement a comprehensive plan to attain a peak performing workforce that is capable, qualified and highly motivated.
>
> Seek funding to: (1) expand leadership training and skills development, Clinical Leadership Supervisor Positions (school administrator induction program), special impact area employee recruitment and retention incentives; and (2) provide more school clerical support positions.[9]
>
> Strengthen and expand technical assistance and inservice training to teachers and administrators in a variety of areas.

Develop and implement a plan for strengthening administrative skills in student programming, monitoring effective teaching and school program review, and planning to insure that selection and implementation of school- and classroom-level programs are consistent with the mission of schools and appropriate to the learning needs of the individual students.

Facilitate the infusion of effective utilization of technologies, various resources, and technological literacy in all teacher and administrator education programs.

Examine the practice of allocating additional temporary positions to schools through special programs such as intensive basic skills. If the needs being addressed are not likely to diminish, work with appropriate offices to convert the positions from temporary to permanent.

The intent is for the Legislature to review the state functional plans that have been approved by the Governor, and for the functional plans to be used as guidelines to implement state policies.[10] The state functional plan on education was approved by the Governor on May 8, 1989.

Paying for Teaching Staff in Hawaii

The Teachers' Salary Schedule

Teachers in Hawaii are compensated in accordance with state statutes, DOE rules, and applicable provisions of collective bargaining agreements.[11] Wage amounts are set forth on the Teachers' Salary Schedule. The schedule is essentially a grid, on which progressive levels of teacher training are grouped into seven classes on the horizontal axis;[12] and teaching experience is reflected in the fourteen progressive "steps" on the vertical axis.

Wages for each step and class point on the grid are determined by the collective bargaining process, in which negotiations are between the state Board of Education as the employer, and the teachers' exclusive bargaining representative. Currently, the Hawaii State Teachers Association (HSTA) is the teachers' exclusive representative.[13] (A copy of the Teachers' Salary Schedule effective August 30, 1989 to August 29, 1990 is attached as Appendix B.)

DOE policy requires the Department to establish specific criteria for placement on the salary schedule.[14] Teacher classification is designated by the DOE in accordance with its certification requirements.[15] Class I, the lowest classification, for example, is basically comprised of teachers with less than a baccalaureate degree. To qualify for Class IV, a teacher must have one year in the preceding class, plus: a baccalaureate degree plus 45 semester hours earned subsequently; a master's degree plus 15 hours earned subsequently; a five-year

teacher diploma plus 15 semester hours earned subsequently; or a professional teacher certificate plus 15 semester hours earned subsequently. The highest class, Class VII, requires the teacher to hold a certificate issued by the DOE based upon a doctorate degree, and to teach subjects in or related to the teacher's major.[16]

At one time, steps on the salary schedule bore a direct relationship to years of teaching experience.[17] Teachers were frozen in step for several years between 1979 and 1985, however, due to provisions in the collective bargaining law that restricted the payment of "increments" or steps to public employees.[18] Although the current collective bargaining agreement for the period July 1, 1989 to June 30, 1993 substantially corrects the freeze in increments that occurred,[19] the steps currently numbered 1 through 14, bear an imperfect relationship to years of teaching experience.

To illustrate, a teacher with no teaching experience will be assigned to step 1. The next step, step 2, however, includes teachers with 10 to 11 years of teaching experience.[20] The maximum entry level for newly hired teachers is step 7. Newly hired teachers are placed on the appropriate step of the Teachers' Salary Schedule as determined by their accumulated years of verified and allowable teaching experience. However, new teachers cannot enter the schedule at a higher salary step than incumbent teachers with identical years of experience who were prevented from earning normal annual increments (under Act 164, S.L.H. 1975)[21] because of negotiated collective bargaining pay raises.[22]

An increment or step is earned if an employee has a satisfactory rating, and meets one of the following conditions: served in the Department for the entire school year; served in the Department for five continuous working months or more of the current school year; served in the Department for one continuous semester of the current school year; or served in the Department before the second workday in October and completed the semester and served in the Department before the second workday in March and completed the semester.[23]

While the two major criteria for determining the salaries of DOE teachers are training and experience, DOE policy also requires it to establish qualifications for pay differentials.[24] Pay differentials are intended to recognize additional responsibilities, experiences, and training.[25] Grade-level chairpersons, department heads, coaches, band directors, and others are among the recipients of such differentials.[26]

Differentiation of Teaching Roles

House Resolution No. 23, H.D. 1, contemplates the establishment of a number of new teacher "categories," which it refers to as lead teacher, regular teachers, apprentices or interns, educational technicians, and adjunct teachers. Categories of teachers with titles as such do not currently exist within the DOE. Certain aspects of existing positions within the DOE, however, may have responsibilities similar to those contemplated for the House Resolution's new teacher categories.

Lead Teachers

Within the DOE, there are or have been a number of positions which may be associated with "lead teacher" status. A few of these positions are described below.

Department and Grade Level Chairs -- The current collective bargaining agreement calls for department chairpersons at the secondary schools, and grade level chairpersons in the elementary schools (K-6). These chairpersons are among the teachers represented by HSTA in the collective bargaining process. The chairpersons are selected by an educational officer from candidates recommended by the teachers in each department or grade level.[27] Chairpersons are responsible for certain coordination, planning, budgeting, and other functions.

With respect to coordination, the department or grade level chairperson coordinates the work of all teachers within the chair's grade level; acts as a liaison between the administration and the chair's department or grade level; consults with teachers on curriculum implementation and improvement; coordinates the ordering and dissemination of books and periodicals with the librarian; consults with counselors on student problems involving the department or grade level; consults with other department heads to improve the total instructional program; consults with other schools and upper level educational institutions for the purpose of articulation and curriculum improvement; and represents the department at meetings which are scheduled by the school or the State or District offices.[28]

Planning responsibilities involve making recommendations for innovations in teaching methods, aids or training; conducting regular departmental meetings to discuss, among others, problem policies and procedures; and making recommendations for curriculum and school improvements to administration.[29] With respect to budgeting, the chair assumes leadership for the development of department or grade level budget and expenditure plans, in ordering supplies and equipment for the chair's department or grade level, and of maintaining inventories of supplies and equipment.[30] The department or grade level chair has the additional responsibilities of orienting new teachers and substitutes as to duties and responsibilities; assisting teachers with instructional problems within the chair's department or grade level; assisting in the subject assignment among teachers in the chair's department or grade level; and performing other reasonable tasks assigned by the principal that are related to his or her duties as chairperson.[31]

Some time allowances are made to assist the chairpersons in carrying out their responsibilities. Secondary school department chairs are generally scheduled a daily non-teaching period to be used exclusively for fulfilling their chairperson duties and responsibilities. Grade level chairs are not assigned campus supervision during their regular seven-hour work day, and are not required to serve on non-curriculum activities.[32]

Department and grade level chairs receive pay differentials specified in the collective bargaining agreement. Grade level chairs are paid an annual differential of either $836 or $1,036

per year, depending on the size of the instructional staff. Department chairs receive a differential of $1,036 per year for 43 or more sections of a subject; $836 per year for 18 to 42 sections; and no differential for less than 18 sections.[33]

District Resource Teachers -- The duties and responsibilities of DOE "District Resource Teachers", who are also represented in the collective bargaining process by HSTA, may be similar to those associated with lead teacher and master teacher positions elsewhere. The Department does not have a formal description of this position,[34] but a draft document provided by the DOE suggests that the District Resource Teacher: Classroom/Resource is a position of leadership. For example, the draft document states that District Resource Teacher (DRT) helps the principal and teachers interpret, implement, and fulfill the Department's curriculum programs, goals, and objectives. The DRT instructs teachers and demonstrates teaching techniques, strategies, and utilization of instructional materials. He or she assists teachers in development, adaptation and evaluation of instructional materials and instruments. The DRT serves as a resource in the selection and maintenance of instructional supplies, equipment and books. The DRT plans and conducts workshops, seminars, and other inservice training programs. He or she recommends ways in which the curriculum can be extended and adapted to meet the learning needs of all pupils. The DRT assists the school staff in curriculum development projects, serves as an advisor and resource to teachers, assists in the planning and conduct of curriculum meetings, and conducts research related to instructional improvement and curriculum development.[35]

Additionally, the DRT has student instructional duties. The DRT plans, directs, and implements appropriate learning experiences consistent with specified overall program objectives, to meet the needs of all students, and to maintain group interest and control. The DRT observes student performance, and selects, develops, administers, and maintains objective criteria to determine student achievement and needs. Finally, the DRT performs school-related duties as a volunteer or in other assigned areas.[36]

In practice, specific assignments of District Resource Teachers are made at the DOE District Office level, to accommodate varying district needs.[37] The DRT may be assigned at the district level, for example, to work in curriculum development at a single school,[38] to conduct district-wide inservice training for teachers,[39] or to perform other services.

Beginning Teacher Supervisors -- The Beginning Teacher Development Program commenced on September 1, 1966, with the DOE and University of Hawaii working in cooperation with one another. The University provided a staff member as the program's chief consultant.[40] The Department provided supervision to beginning teachers where warranted, by way of Beginning Teacher Supervisors (BTS). "Beginning teachers" were persons who were teaching for the first time on a regular status.[41]

The program called for one BTS for every ten beginning teachers. Depending on need, a BTS could be assigned to work with beginning teachers at a single school, or at several schools.

Where it was impractical to assign a beginning teacher supervisor, beginning teachers were to be supervised by the principal. Neighbor island districts were included in the program.[42]

The BTS's role was to work under the direction of the principal and with the University of Hawaii consultant to provide optimal supervision to the beginning teacher. The BTS helped the beginning teacher assume major responsibility for his or her professional development through classroom visitations, conferences, meetings, demonstrations, and other means. The BTS was also to assist the principal in evaluating the beginning teacher throughout the year.[43]

The UH consultant served as a consultant to BTSs in improving the quality of supervision by conducting regularly scheduled seminars and special supervisory staff meetings, and served as a consultant to the principal when appropriate. The consultant worked cooperatively with State and District Offices in clarifying expectations in evaluating teaching competencies of beginning teachers. The consultant was to submit an annual report to the University and the DOE oriented toward evaluation of its preservice teacher education programs. Other duties of the consultant included assisting districts and University groups in coordinating the beginning teacher program, and acting as a liaison with other institutions or agencies.[44]

The principal was responsible for the professional growth of the beginning teacher, utilizing the services of the BTS and the University consultant. The principal also worked with the BTS and University consultant to improve the quality of supervision, and performed beginning teacher and BTS evaluations.[45]

The program required monthly seminars for BTSs after regular school hours, and periodic staff meetings called by the chief consultant.[46]

Beginning Teacher Supervisors were required to meet certain professional, educational, personal, and experience requirements. Teachers desiring to become BTSs applied through their principal. Final selection of the BTSs was made by the District Superintendent in consultation with school principal(s) concerned, and the consultant from the University of Hawaii. The District Superintendent also made final BTS placements.[47] Beginning Teacher Supervisors were paid a stipend which, for the 1966 school year, was paid by the University of Hawaii in the amount of $60 per month for 10 months.[48]

The Beginning Teacher Supervisor positions were deleted effective September 1, 1973, as no funds were appropriated for the positions.[49]

Although the BTS positions no longer exist, experienced teachers sometimes voluntarily undertake to assist beginning teachers make the transition from the University to the classroom.[50]

It is also noted that for fiscal year 1990-1991, the DOE submitted a supplemental budget request in the amount of $2,501,280 to fund 120 Beginning Teacher Support Positions for the Beginning Teacher Program. The request was not funded.[51] The budget request noted that the

1,600 probationary teachers per year are in need of a support system. The program was designed to reduce the attrition rate of first and second year teachers.[52] These peer consultants would have assisted the beginning teacher in developing mastery of teaching and commitment to the Department, the profession, and public school students. The budget request stated that without such a program, the burden of inducting and supporting beginning teachers is placed on the "already over extended principal and other faculty members."[53]

Apprentices and Interns

There are presently no paid "apprentice" or "intern" positions within the DOE.

The DOE's policy states that it may cooperate with accredited institutions of higher education to permit preservice teachers in teacher education programs to teach, participate, and observe in the public schools. Participation requires verification by the institutions of the ability of the preservice teacher to function effectively in DOE classrooms.[54]

In accordance with this policy, the DOE is cooperating with institutions of higher education in a Cooperative Practicum, to promote meaningful field experiences for teacher education students.[55] The purpose of this effort is two-fold: (1) to link the teacher education programs to DOE's Profile of an Effective Teacher, and (2) to collaborate with the teacher education institutions in selecting, training, and developing effective classroom teachers to become cooperating teachers and observation/participation host teachers, who serve as mentors and models for the teacher education student.[56]

Under this program, the preservice teacher, who is a teacher education student, teams with the cooperating teacher in a continuous sequence of learning experiences which lead toward increased responsibility for the preservice teacher. Instructional management is the major skill focused upon during the student teaching period, which brings together all teaching aspects of planning, delivery, evaluation, and previous learning.[57]

Cooperating teachers are selected by the division of field services at the teacher education institution, from interested candidates nominated by school principals.[58] Cooperating teachers receive special training[59] and compensation of $500 per semester for their work with the preservice teachers.[60]

Finally, it is noted that the former Teacher Intern Program enabled an intern coming out of his or her fifth year of university studies in education to work with an experienced teacher in a school for 1-2 years before becoming a regular teacher.[61] The program was canceled in 1966, because the University of Hawaii discontinued inclusion of the Fifth Year Teacher Intern Program in its College of Education curriculum.[62] In the interest of preserving the values of the program, the DOE instituted in the Beginning Teacher Development Program to assist in the professional development of the beginning teacher.[63]

Educational Technicians

There is no "educational technician" position within the DOE. There is, however, an "Educational Assistant" series, which includes all positions in a public school setting the duties of which involve "para-professional assistance to such professionals as teachers, counselors, social workers, project leaders and others who have immediate and intrinsic concern for the academic, personal, social and/or vocational development of students." The series involves "[v]arious duties in the care and control of students, assisting in drills and other limited instruction, preparation of materials, record keeping, housekeeping and other related functions." Deemed of critical significance is "the predominance of involvement with students when providing para-professional assistance in caring for students, supervising student behavior and activities, advising and/or instructing students."[64]

Educational Assistants are not considered teachers and are not on the Teachers' Salary Schedule. They belong to bargaining unit 3,[65] which is represented by the Hawaii Government Employees Association.[66]

Adjuncts

No "adjunct" position exists within the DOE. Some districts, however, use volunteers from the business community to supplement classroom activities.[67]

The DOE employs Specialty Instructors on a less than half-time basis, "to enable schools to offer a full complement of teaching and learning activities".[68] The need for a specialty instructor is identified by the school principal, who provides justification for the position to the District Superintendent. The duties and responsibilities of the specialty instructor are specified by the principal.[69] To be employed, specialty instructors "must meet the requirements of the instructional assignment/course and be capable of performing the unique responsibilities, functions, specified terms, and conditions established by the principal."[70] Terms and conditions of employment for less than half-time specialty instructors are set forth in a specialty instructor contract. They are usually contracted for one semester, the remainder of a semester, or a school year, and are compensated by a unit rate for days services are rendered.[71]

Terms of employment for specialty instructors who work more than half-time are set by the unit 5 collective bargaining agreement.[72]

Changing Teacher Pay Under Collective Bargaining

There are at least several technical points to consider if criteria for teachers pay are changed to include the new teacher categories proposed by House Resolution No. 23, H.D. 1.

First, mutual consent of the parties is needed to change teacher wages under the current collective bargaining agreement.[73] Second, by law, matters of "classification and

reclassification" are not permissible subjects for negotiations.[74] Reclassification of teachers according to the "new teacher categories" proposed by House Resolution No. 23, H.D. 1, would require the amendment of chapter 297, Hawaii Revised Statutes.

Alternative Approaches to Teacher Compensation

The single salary schedule under which state DOE teachers are paid[75] is only one system for compensating teachers. Major alternatives include merit pay, differentiated staffing, and its relative, the career ladder.

Merit pay refers to a compensation system that links the salaries of individual teachers to evaluations of their performance. "Old style" standard merit pay generally ties salaries to assessments of the form and content of a teacher's activities in the classroom. "New style" standard merit pay normally ties salaries to student scores on standardized tests.[76]

Differentiated staffing generally refers to a hierarchical ordering of separate jobs, sometimes referred to as a "job ladder".[77] There are at least four fundamental characteristics:

(1) The staff is differentiated by the tasks and functions they perform rather than by subject or grade level;

(2) A hierarchy with several salary levels is established -- salary is tied to the particular job;

(3) Categories in the hierarchy are determined by the type and/or degree of responsibility assigned to each position; and

(4) All positions retain some degree of involvement in the instructional process.[78]

The career ladder appears to have evolved from the differentiated staffing model.[79] Both differentiated staffing plans that were popular during the 1970s and career ladder plans that gained popularity in the mid 1980s were designed to enlarge teachers' responsibilities and introduce the opportunity for promotions into their otherwise unstaged careers.[80] Career ladder proposals, like merit pay proposals, link salary determination in part to assessments of teacher's competence or performance, but unlike merit pay proposals they are not premised on the assumption that all teachers know -- or should know -- exactly how they should perform from the moment they first enter teaching.[81] In this respect, the career ladder concept has more in common with the single salary schedule than it does with merit pay.[82]

Proponents distinguish the "career ladder" from the "job ladder" they associate with the differentiated staffing model. They say that promotions in a career ladder are made when a person is ready for them, and are not limited by a fixed number of positions, by turnover in those positions, or by peer competition.[83] In contrast, they say that a teacher cannot rise on the

differentiated staffing "job ladder" unless there is a vacancy on the level above -- and those who fail to secure promotions, or who want to be full time classroom teachers, are left in positions that the system defines as less than "fully professional." They criticize the "job ladder" as a "bureaucratic device for organizing and controlling the work done in an organization."[84]

The Long-Running Debate Over the Best Method of Teacher Compensation

For a long time, the debate as to the best method of compensating teachers was essentially one between proponents of the single salary schedule and merit pay. More than seventy years ago, merit pay proponents began to criticize the single salary schedule as a poor use of funds for education. They argued that the single salary scale was unrealistic in its supposition "that all of the same rank and experience are approximately of equal worth." Merit pay was promoted on the grounds that it would provide a better distribution of rewards, offer more encouragement for study and personal advancement, provide more opportunities for the efficient to rise, tend to better retain the best teachers in the service, and give the school directors better returns in efficiency for the money spent, than did the salary schedule.[85]

Local school boards responded by instituting various types of merit pay plans nationwide. By various estimates, between 18% and 48% of the country's school districts paid teachers by performance between 1918 and 1928.[86]

The enchantment with merit pay was relatively short-lived. Charges of ambiguity grew, as did claims of political patronage, and of favoritism and inequity, particularly as between male and female teachers, and elementary and secondary teachers.[87] Under pressure from teacher organizations, the single salary schedule regained popularity in the 1930s and 1940s[88] focusing on equal rewards for all teachers with the same training and experience.[89] By 1947, nearly 64% of all school districts used the single salary schedule. This percentage increased to 97% by 1951.[90]

Another cycle of interest in merit pay began after World War II and peaked in the late 1960s, an era during which critics of education vocally called for reform. This was particularly true after the launching of the Soviet satellite Sputnik I in 1957.[91] This time, merit pay took on a refined look, but it proved no more lasting.[92] During the 1960s, approximately 10% of the country's local districts employed merit pay in some form. By 1972, only 5.5% did.[93]

The late 1960s fostered a short-lived movement in American schools toward differentiated staffing.[94] The concept was based on three premises: first, there are differences among teachers in intelligence, teaching skill, and level of commitment; second, there are many different roles and activities lumped under the general label "teacher"; and third, different qualities of professional contribution should receive different levels of remuneration, and, further, some teachers should receive as much or more payment for services than some administrators.[95]

Many reasons have been offered for the disappearance of differentiated staffing by the mid 1970s. Some theorize that after the turmoil of the 1960s, neither the public nor educators were ready to disturb the status quo of schools.[96] Others note that teachers' unions, in the early stages of collective bargaining, were not about to endorse multiple salary levels, having just achieved a single salary schedule.[97] The model itself also has been criticized as flawed.[98]

Some attribute the current period of educational reform to the decline in American productivity, and unfavorable reports on the public schools. President Reagan fueled discussion when he asserted in 1983, that "teachers should be paid and promoted on the basis of their merit and competence".[99] The following year, then United States Secretary of Education T. H. Bell wrote about a need for change in the methods of compensating and promoting teachers, advocating a career ladder/master teacher/performance pay program for elementary and secondary schools.[100] ("Master teacher plans" are said to be an off-shoot of the differentiated staffing plans of the 1970s.)[101]

In 1986, two major education reform proposals were published. The reports of both the Holmes Group in Tomorrow's Teachers, and of the Carnegie Forum on Education and the Economy in A Nation Prepared: Teachers for the 21st Century, concluded that teachers are vital to educational reform, and that better teachers must be attracted and retained by the system. Both reports advocated forms of differentiated staffing as a means to this end.

Summary

There has been an ongoing debate in education as to the best method of paying teachers. Teachers in Hawaii are paid under a single salary schedule, in which wages are set through the collective bargaining process.

CHAPTER 3

THE CONCEPT OF TEACHER CATEGORIES IN THE SEVENTIES

Clearly, how to attract and retain quality teachers has been a long-standing issue in the field of education. Differentiated staffing was popularized in the late 1960s and mid-1970s, and variations of it were implemented in schools across the country. Overall, in its form of the seventies, differentiated staffing was a short-lived phenomenon.[1]

There was no universal differentiated staffing model which purported to be a solution for problems in education; in fact the plans varied among scholars and school districts. A review of a few of the models may be helpful to illustrate the concept, stimulate thought, and provide a basis upon which to consider change. This chapter examines a traditional differentiated staffing model, the NEPA plan investigated by the Board of Education in Hawaii in 1971, and a highly publicized (but ultimately abandoned) differentiated staffing plan implemented in Temple City, California. Some of the problems with, and objections to, these models are also examined.

A Traditional Model of Differentiated Staffing

The beginnings of differentiated staffing have been traced to experiments in education conducted in 1956, which touched upon areas such as team teaching, large- and small-group instruction, independent study, the employment of teacher assistants, and the use of technological devices in new and daring ways.[2] During its period of popularity in the late 1960s to the mid-1970s,[3] numerous books promoting differentiated staffing were published.[4]

Fiorino's text on differentiated staffing was published in 1972. He noted at the time that the concept still needed to be tested.[5] The ultimate purpose of staff differentiation, he said, was to provide for the efficient use of human resources to maximize the quality of education. Differentiated staffing also aimed to improve the teaching profession by providing a career ladder,[6] by involving teachers in decision making, and by providing greater satisfaction for teachers.

Differentiated staffing was expected to yield a number of benefits. Teaching efficiency and effectiveness would be increased. Beginning teachers would be provided with assistance and time to develop skills. Individualized instruction would be promoted because paraprofessionals and aides would free teachers to work with individual students. The differentiated instructional staff would function as a coordinated group, and would promote effective learning by presenting learning experiences in proper sequence.[7]

The teaching profession would be enhanced because teachers would no longer have to leave teaching for administration in order to receive higher salaries.[8] Teachers desiring more responsibility and a leadership role would be able to satisfy this need by moving up to the next level on the instructional hierarchy. In these ways, differentiated staffing was expected to help attract and retain new teachers. The expectations which Fiorino had for differentiated staffing are similar to those which House Resolution No. 23, H.D. 1, expects to derive from new categories of teachers.

Common Elements of Differentiated Staffing Models

The most common element of differential staffing models was a hierarchy for the instructional staff. The number of levels in the hierarchy typically varied from three to seven depending on whether paraprofessionals and aides were included with professional and staff members. Four levels were most common for members of the professional staff. Fiorino described his composite of the hierarchical levels as follows.

Level-One Teachers -- The lowest level in the hierarchy was generally an entry level position for beginning teachers. Teachers at this level would primarily execute the curricular and instructional plans prepared by staff members at higher levels in the hierarchy. They devoted all their time to instruction, but their involvement was limited. They were to work with homogeneous groups of children, without diagnostic responsibility, functioned in many instances as a junior member of a team, and had a workload which allowed for a relatively smooth induction into the profession. These teachers were commonly assigned to this level for a probationary period of three to four years. Normally, tenure was not given for this rank unless it was conceived as a career level with an appropriate salary schedule. In either case, promotion to next rank was not automatic.[9]

Level-Two Teachers -- Often called "staff teachers," teachers at this level generally comprised the largest group of professionals. They were comparable to traditional classroom teachers, and were considered the backbone of the school. They performed the accepted tasks associated with teaching. They also worked with groups of students having heterogenous abilities, participated in curriculum-development activities, assisted in the staff-evaluation process, functioned as a team member or individual teacher, assisted in or planned for instruction, and accepted responsibility for a given group of students. Teachers at this level often formed a cadre of experienced teachers who did not desire additional responsibilities.[10]

Level-Three Teachers -- These teachers were often called "senior" or "directing" teachers. They might have been the leader of a team, grade level, or a department. A level-three teacher might have resembled a traditional supervisor, but also had regular part-time instructional responsibility. Additional responsibilities might have included: devising new teaching strategies for implementing curricular plans, diagnosing learning problems and prescribing remedial activities, serving as an advisor in curriculum development and research projects, coordinating the work of all teachers in a given subject or skill area, serving as a team leader, assuming responsibility for selection, training, performance, and evaluation of

paraprofessionals in his or her area, assisting in discovering and refining methods for working with individuals, and conducting or arranging for inservice classes and workshops for teachers, dealing with techniques in skill and subject areas. This position did not carry tenure, but teachers filling these positions were eligible for tenure as teachers at the staff or second level.[11]

Level-Four Teachers -- This was the highest position in instructional hierarchy. Teachers in this position were sometimes called "consulting teachers," "master teachers," or "instructional coordinators." They provided developmental, consultative, and advisory services, and leadership in a broad area of the instructional program. Many districts required a teacher in this position to hold a doctorate in an area appropriate to the responsibilities. This position did not carry tenure, but teachers filling these positions were eligible for tenure as teachers at the staff or second level.

These teachers had the broadest range of responsibility that was directly rooted in classroom teaching. Specific functions might have included providing leadership in designing experimental instructional projects based on research; maintaining a liaison with universities, research centers, industry, and business, managing curriculum-development activities for the teacher's area of responsibility; conducting a continuous program of research and evaluation in the area of responsibility; arranging for and/or conducting inservice classes, workshops, seminars, and discussion groups; preparing proposals for external funding; organizing staff to engage in long-range planning; establishing, with the instructional staff, curriculum and instructional priorities; and developing and maintaining a system for the allocation of resources.[12]

Subprofessionals -- Differentiated staffing models often employed three or four basic categories of subprofessionals, though titles varied greatly among models. The first was the "instructional assistant", who usually worked with one or more staff teachers. They were used in various follow-up activities related to the instructional process, which did not require an interpretation or adaptation of the instructional program. Their duties might have included tutoring individual students, proctoring examinations, obtaining and organizing instructional materials, and preparing visual aids.[13]

The general classification "aide" was used for the second type of subprofessional. This was usually a layperson, or high school or college student. The aide performed many clerical tasks associated with teaching, such as typing, recording test scores, duplicating materials, taking attendance, and collecting money. They also may have assisted in noninstructional situations such as the supervision of groups of students during lunch, recess, or loading and unloading of buses.[14]

The third category of subprofessional was sometimes called an "adjunct teacher". This was a layperson who had gained expertise in a field relevant to classroom studies. The adjunct's work was part of the regular instructional program. He or she could have been employed for any period of time, usually on a daily-rate basis, to perform a specific task determined by a professional teacher or team responsible for instruction in an area related to the

adjunct's knowledge. The adjunct might have given a lecture to students, given demonstrations or performances, or introduced a special skill on a group or individual basis.[15]

Finally, some differentiated staffing models used a fourth category, that of "teaching intern". The intern was usually a college graduate receiving salaried, on-the-job experience while in the process of fulfilling certification requirements. In some models, interns were considered part of the professional staff, and the position was a step in the career ladder.[16] Closely related was the use of teachers-in-training as resident interns during their last year of preservice training. They may have been assigned full time for one year in direct instruction, with supervision.[17]

Team Teaching

Fiorino noted that differentiated staffing required an informal "team teaching" structure in the sense that close cooperation was needed to implement the curriculum. For example, an individual teacher may have been responsible for the major portion of a total program, and utilized other teachers for specialized segments of the program.[18]

Organization and Administration

Differentiated staffing was expected to impact on the school as an organization and its administration in a variety of ways.

Decentralized Decision Making -- This was expected to be the almost universal effect on schools with differentiated staffing. More decisions, particularly those related to the instructional process, were made at the individual school level or building. Some school districts organized academic senates in each building to make decisions which affected them or their students, such as teacher-learning strategies, and curriculum adaptations.[19]

Staff Involvement in Decision Making -- In most differentiated staffing models, instructional personnel made instructional decisions in the planning stages of model development by serving on steering committees and their task forces. After the program was implemented, instructional personnel were included in system-wide decision-making groups, and on instructional councils.[20]

Redefinition of Principal's Role -- Fiorino believed that under differentiated staffing, the school principal would be able to spend more time -- up to half of his or her time -- as an instructional leader. This was said to be possible since the final decision on curriculum and instruction matters would no longer be the principal's responsibility, but would instead rest with the building academic senate, of which the principal was a member.

The principal's primary responsibilities were to participate in, but not be responsible for, supervision and evaluation of teachers, assign and supervise work schedules of noninstructional personnel, prepare the budget and disburse funds and supplies, communicate and interpret

programs to the public, interpret and administer district policy at the building level, interpret and communicate building needs to the central administration and facilitate procedures to meet those needs, and communicate with students and act upon their requests and suggestions within district policies.[21]

Need for Learning Centers -- Fiorino believed that any school district which had implemented differentiated staffing would require "learning center" facilities, in which students would have free and easy access to purposefully selected materials and equipment, and space to use the materials and equipment while engaging in learning activities.[22] The center would contain books, printed material, typewriters, audio and video equipment and computers. The precise type of materials and equipment would depend on whether the learning center was, for example, generally oriented (in which case the learning center could be an augmented school library), oriented toward a particular subject-matter, or for remedial purposes.[23]

Need for Flexible Instruction Organization -- Finally, a successful staff differentiation program would have to be accompanied by flexibility in all aspects of the instructional program, from schedules and time during the school day, class size, group organization, and use of facilities. "[A]dopting a new hierarchy of staff roles without providing the flexibility needed in all other dimensions of the instructional process would present an almost insurmountable obstacle to individualizing instruction," said Fiorino.[24]

Criticisms of and Problems with the Traditional Differentiated Staffing Model

Fiorino anticipated that a number of criticisms would be leveled against the differentiated staffing concept. The first was that differentiated staffing was merely merit pay in disguise. Fiorino's response was that salaries for the differentiated staff would be based on the amount and nature of responsibility associated with a given position, and not on merit pay criteria of achievement or effectiveness.[25]

Opponents of the plan also contended that differentiated staffing might lead to overspecialization of teachers, that it would not demand changes of administrators comparable to the new roles that would be required of teachers, that staff differentiated would substantially increase the per-pupil cost of education, that too much time would be involved in planning and coordination of the instructional process, and that it was new and untested.[26]

This notwithstanding, a number of differentiated staffing models were implemented across the country for short periods of time through the mid 1970s.

Differentiated Staffing in Temple City, California

The Temple City, California project was regarded as a seminal model of differentiated staffing,[27] and was "the most cited program in the literature of the 70s."[28] Within a few years

after its implementation, the plan was abandoned and other innovative components were phased out.[29]

Like Fiorino's model, it had four teacher levels, ranging from associate to master teacher. The plan provided earnings up to $25,000 a year in 1969 dollars.[30] Associate teachers were beginning teachers at the bottom of career ladder. These teachers were in the classroom full time. The position offered high expectations for advancement as their skills and abilities improved over a four-year period. Movement up to the next level required a demonstration that prerequisite skills had been mastered.[31]

The next level was the Staff teacher, also a full-time classroom teaching position. Staff teachers were fully trained, experienced teachers capable of handling multigrouped students. They were to be knowledgeable of trends within their field, new materials, and practices, and capable of preparing materials, guides and objectives for classroom-implementation of the total curriculum.[32]

Senior teachers had demonstrated superior teaching abilities and possessed leadership capabilities. They spent about 60 per cent of their time teaching, and devoted the remainder of their time to leadership activities, such as conducting inservice programs, micro-teaching demonstrations, developing exemplary materials, coordinating experiments, guiding implementation of innovations in curriculum areas and teaching strategies, and generally facilitating change. They were required to be familiar with research findings related to their functions, to be able to demonstrate multiple teaching strategies, and to be able to translate to others general ideas and practices in education. They assisted in identifying district-wide objectives, curriculum development and general problem solving.[33]

The Master teacher was at the top of teaching ladder. Master teachers combined all of the skills, talents, and knowledge of superior teachers with the intellectual abilities of researchers, along with the leadership abilities needed for effective instrumental leadership. They were directly responsible for training senior teachers. They had district-wide responsibilities in defined curriculum areas and were required to be well informed about significant education trends and practices, able to relate it to ongoing planning, training, and curriculum activities. Master teachers were to have full knowledge of experimental design, sophisticated evaluation, and innovation strategies. They taught on a regular basis, and used the classroom to develop exemplary teaching styles and lessons for later use in inservice programs.[34]

In terms of salaries, each succeeding position on the differentiated staff paid more and was based on a "whole-job" concept in which separate salary schedules were established for each role.[35] The beginning salary for the associate-teacher level was approximately equal to starting salaries of other school systems in the surrounding area. The beginning and maximum steps for senior teachers were comparable to those of a building principal with an equivalent working year, because of the comparability in qualifications and responsibilities. Similarly, the

beginning and maximum steps for a master teacher were comparable to those for a 12-month administrator with district-wide responsibilities, such as an assistant superintendent.[36]

Teachers were advanced as openings became available, upon applying for the position, and being selected by a a panel of colleagues who would be working with them at the particular assignment.[37] The number of teachers in each job classification was directly related to available district resources. Wealthy school systems were able to deploy additional advanced roles over moderate income systems.[38]

The Temple City model also featured a new decision-making structure. This included a district level instructional council composed of a master teacher from each curriculum area, three support administrators, and the superintendent as an ex-officio member. The Academic Senate, composed primarily of senior teachers, coordinated activities at the building level. The democratization and professionalization of the school began to become a reality.[39]

As previously stated, the Temple City plan was abandoned and other innovative components were phased out within a few years. From direct observation and the literature, Freiberg identified a number of factors which he believed facilitated the demise of the Temple City and similar programs:

(1) Many teachers were not prepared for the dramatic changes in the work environment. Becoming a team member in a hierarchy took time, effort and preparation.[40]

(2) Parents were concerned that the best teachers -- the master and senior teachers -- were being removed from direct contact with their children.[41]

(3) The roles for each level when operational were difficult to distinguish, especially when promotion and salary were to be differentiated.[42]

(4) The system had an effect of ballooning expenses, that was kept in check only because of the many lower paid new teachers entering the system. When the teacher shortage of the 60s became a teacher surplus of the 70s, the system became too expensive.[43]

(5) The master teacher program became an incentive for a very few -- senior or master teachers -- and a disincentive for many others. The vast majority of teachers would not move up the hierarchy due to financial constraints and quotas.[44]

(6) School principals and district administrators lost status in a decentralized system.[45]

(7) The lack of in-depth evaluation beyond self-reports from those directly involved in the projects meant that there was not an adequate base for modification and improvements. Each district model became too idiosyncratic for general dissemination to other districts.[46]

(8) The total absence of research on the impact of differentiated staffing programs on teaching effectiveness, improved learning, and the achievements of school and district goals left little new knowledge upon which others could build and improve.[47]

(9) Federal and private funding through the Kettering Foundation and other private foundations and the Education Professions Development Act helped initiate a few programs but did not provide the funds to sustain the programs or to research and evaluate their effects.[48]

(10) The two leading national teacher organizations (the American Federation of Teachers and the National Education Association) opposed both the merit elements and hierarchy of master teacher plans.[49]

(11) Inservice programs for both teachers and administrators suffered both from a lack of funding and from inadequate planning for such a major educational change.[50]

(12) Although the Temple City plan was developed with direct input from teachers and administrators, other districts mandated their differentiated staffing plans with limited input and support from the teaching professionals.[51]

(13) Members of the traditional district supervisory staff were at times in direct competition with master teachers.[52]

(14) There was no empirical evidence that master teacher programs reduced the number of outstanding teachers leaving or entering the profession.[53]

(15) After four or five years the system became locked in place. New teachers entering the system realized that all the positions above them were filled.[54]

The NEPA Plan in Hawaii

Hawaii also had an encounter with differentiated staffing in the early 1970s. On the eve of implementation of collective bargaining in the State, a California-based consulting firm called the National Educational Planning Associates (NEPA), submitted to the Board of Education "The

Hawaii Plan: Design for a Comprehensive Personnel Plan and System." NEPA had been hired by the Board of Education to prepare the plan, which cost $83,000.[55]

News articles from that period indicate that the NEPA plan arose from the Board of Education's concern in February 1968, that the DOE did not have a "modern [teacher] classification system."[56] A legislative resolution asked the Board of Education for a plan in which teacher salary would reflect position, duties and responsibilities, rather than years of training, service and additional credits earned.[57] A study was made of classification and pay for educational officers, and in August 1970, NEPA consultants began work on a similar plan for teachers.[58]

The NEPA plan's thesis was that the fundamental question of teacher classification and pay fundamentally relates to the quality of people a school system seeks to recruit and retain, and the quality of an educational program that the system seeks to achieve. Classification and pay, the plan noted, is connected to school organization and staffing. The plan maintained that there are and should be different time requirements and responsibility levels among teachers in schools. NEPA maintained that certain teaching functions called for a high order of training, skill and motivation, were not being recognized or were not being performed well at the school level.[59]

Classification and pay also related to a number of other issues. New training and retraining programs needed to be developed, according to the plan.[60] It called for a redefinition of the role of the school principal, and a rethinking of the organization, staffing practices and roles of educational officers.[61] It encouraged additional flexibility in the resource allocation system, accountability for budgets at the school level, and ultimately, planning and implementation decisions as to the number and type of administrators, teaching staff, paraprofessionals, and volunteers by the principal and faculty.[62] In general, the NEPA plan maintained that the organizational focus of the school system should be on the student and teacher -- and that organizational, staffing, training, classification, and compensation factors for all educational officers and particularly those in the instructional mainstream should flow from and be consistent with the teacher plan.[63]

Career Training Program

The NEPA plan was basically composed of a Career Training Program, and a Career Classification and Compensation Plan. The training program was intended to provide teachers with "a systematic and appropriate method for career-long professional training."[64] It consisted of a number of "Career Training Components" (CTCs), each comprised of a training sequence to lead to "high order qualification for a desirable, needed, and recognized teaching task."[65] CTCs would be designed for a substantial number of areas of teacher performance, such as curriculum, instruction, leadership, and psychological/social/cultural perspectives of teaching.[66] Each CTC would be designed so that it could be earned in about a year while the teacher was carrying a regular load.[67] The training program was to be a fully cooperative program with DOE

and institutions of higher education. The plan recommended that academic credit and credit toward degrees be given for the CTC work.[68]

Career Classification and Compensation Plan

The Classification and Compensation Plan was regarded as a total entity. The classification portion identified groups of positions in education deemed to be of reasonably similar responsibility, scope, accountability and difficulty. It was NEPA's observation that twenty "teacher-type" positions existed. All but three of these positions -- which NEPA called the Teacher Team Leader, Teacher Programmer, and Teacher Planner -- were already being used in the state's education system.[69] Each of the twenty positions or "classifications" was assigned to one of four Responsibility Levels, intended to reflect its nature, and the difficulty and scope of responsibility, leadership, and accountability.[70] The classifications for instructional staff by Responsibility Levels were as follows:[71]

I. Responsibility Level I

Full-time Teachers

1. Teacher - Elementary School
2. Teacher - Secondary School
3. Teacher - Special Education
4. Teacher - Special Assignments

Instructional Support Specialists

5. Teacher - School Librarian
6. Teacher - Counselor
7. Teacher - Diagnostician
8. Teacher - Psychological Examiner
9. Teacher - Speech and Hearing Specialist
10. Teacher - Media Specialist

II. Responsibility Levels II, III, and IV

1. Teacher - Team Teaching Leader (Levels II and III)
2. Teacher - Grade Level Chairman (Levels II and III)
3. Teacher - Department-Subject Area Chairman (Levels II and III)
4. Teacher - Teacher Training Specialist (Levels II and III)
5. Teacher - Installation Advisor (Level II)
6. Teacher - Senior Librarian (Level II)
7. Teacher - Senior Counselor (Level II)

8. Teacher - Instructional Resources Specialist (Levels II or III)
9. Teacher - Planner (Levels II, III and IV)
10. Teacher - Programmer (Levels III and IV)

III. Non-Certificated Instructional Support Level

1. Educational Assistant I
2. Educational Assistant II
3. General Aide I
4. General Aide II

For each classification there was a Role Definition which described: (1) the basic role and responsibility of positions in the class; (2) detailed accountability factors and obligations to students, parents, the community, colleagues, and the profession; (3) training and experience requirements; (4) work schedule time factors; (5) career development opportunities in the instructional area; (6) special career training requirements; and (7) compensation differentials associated with the classification.[72]

For example, the Teacher-Team-Teaching Leader was a Responsibility Level II or III position in the Career Classification Plan. The role definition stated in part that the team leader, in addition to assuming the basic role and responsibilities of a teacher, was responsible for: "(1) the long range scheduling and coordination of all of the team members' activities, (2) determination of detailed curriculum content and materials to be used in implementing defined instructional program objectives, (3) assuring diagnosis and prescription for each student to meet individual needs, and (4) guiding and sometimes supervising the use of instructional techniques and material by team members to help achieve effective instruction."[73]

The Teacher-Planner classification carried a Responsibility Level II, III or IV designation, depending on school size.[74] This position was to be the chief planner for a school, and was to be involved in adapting DOE objectives to the particular school, preparing specific objectives, and measuring progress toward goals. The teacher-planner would also define the school's educational program in planning terms; forecast student enrollment, and requirements for teachers, paraprofessionals and clerical positions; prepare plans for involvement of parent and community volunteers, of student teachers, of school organization and operations; negotiate and justify capital and operating budgets with the central office budget unit; and prepare a school budget, and an annual report to the community on school progress and programs.[75]

The Teacher-Programmer position carried a Responsibility Level III or IV designation, depending on the programmer's experience and competence. The Teacher-Programmer was the number two position in the school, and was to be the chief academic officer of the school, responsible directly to the Education Director. The programmer was to be involved in developing educational objectives for the school, adjusting and modifying the statewide curriculum for local conditions, teacher assignments and transfers, developing an effective learning system,

evaluating teacher approaches to individualized instruction and suggesting new ways to help students, deciding upon teacher composition and class scheduling at the school, and developing a quality control program.[76]

The compensation portion of the Classification and Compensation Plan "price[d] out the position classes on some reasonable basis."[77] It was intended to pay fairly, attract the numbers and types of people desired, retain people and motivate them to work harder, more effectively, and more productively.[78]

The plan called for a base compensation to be paid. Additional compensation units, which were ultimately translated into dollars per unit, would be paid for: (1) higher Responsibility Level classifications; (2) academic credits for up to 30 units beyond the baccalaureate degree; (3) a masters or doctorate degree; (4) teaching service-experience; and (5) CTC components. Special compensation would also be given for teachers who were not given an authorized basic preparation or additional planning period,[79] extra work, or extended work schedules.[80]

According to NEPA, the Career Classification and Compensation Plan would:[81]

(1) Recognize and encourage the career status, benefits, and obligations of teachers and related instructional staff.

(2) Provide a system of vertical growth and compensation for many teachers into higher and clearly defined responsibility-leadership level positions while still remaining members of the instructional staff.

(3) Provide for horizontal growth and compensation through a Career Training Program designed around the specific needs of the Department and its schools, students, and staff.

(4) Permit recruitment, assignment, and transfer of staff with specific work requirements known and the roles and functions of positions defined.

(5) Contain built-in requirements, incentives, and rewards to assure or encourage achievement and maintenance of professional competence.

(6) Provide detailed role definitions for each class of positions for the information and guidance of prospective and current staff and other department personnel.

(7) Evaluate responsibility for leadership of each class of position in relation to other classes thereby establishing bases for compensation differentials and possible career promotion and training opportunities.

(8) Provide information that helps assure the assignment of personnel to positions for which they qualify.

(9) Set compensation for instructional staff on a basis that systematically includes all important salary considerations in deciding the compensation level.

NEPA advocated total implementation of the Career Classification and Compensation Plan by September 1971.[82]

Teachers Vocally Reject Plan

The NEPA plan was poorly received by teachers. At one point, 750 to 800 teachers, most of them members of the Hawaii State Teachers Association, staged a mass protest against the plan and angrily stormed out of a Board of Education meeting, in a show of "total lack of confidence in the Hawaii State Board of Education." An apparent cause of anger was the feeling that the plan impinged upon matters which the protesters believed to be negotiable under collective bargaining, which was about to be implemented for public employees.[83]

Other objections concerned the plan's proposal for teacher compensation. Some teachers charged that the plan would "turn teacher against teacher through a glorified merit pay plan, and . . . rob teachers of hard earned academic credit, years and service credit and classification standing through an unjust salary proposal."[84] One educator argued that the salary portion of the plan was an arbitrary "weighing system for responsibility" that makes the teacher who faces the child ever[y] day the least responsible person.[85] It was noted that one of the positions in the plan's highest Responsibility Level required the teacher to carry only a minimal teaching load, as most of that teacher's time would be spent in curriculum planning.[86]

The Hawaii State Teachers Association (HSTA) echoed these objections and additionally criticized the plan for having been developed by an outside firm, without any actual teacher involvement in the development or writing of the plan.[87] (The Superintendent of Education stated that contrary to the assumption that teachers were not involved in the plan's preparation, NEPA consultants spent two months visiting teachers through the State in late 1970.)[88] Other objections raised by the HSTA were the plan's silence on evaluation details, how teachers in certain levels would be selected, that it made the Board of Education the final arbitrator in any appeal teachers might make, and that its credit requirements would make full-time students of teachers.[89]

The Hawaii Federation of Teachers (HFT) raised similar objections. It characterized the plan as "a merit pay plan which creates an educational hierarchy in each school and leaves the selection of teachers for different responsibility levels entirely in the hands of the administrator." The HFT stated that it would reject any plan that places teachers in competition with one another for differential pay, especially when superimposed over the existing evaluation system. The HFT added that it strongly favored "teacher cooperation over teacher competition."[90]

The HFT termed the responsibilities outlined in the four levels as "quasi-administrative responsibilities." Its spokesman added that "Many of them [the responsibilities] are already handled by the vice principal, and the effect would be to take the teacher away from the priority task of teaching. . . "[91] The HFT also asserted that the NEPA plan discouraged advanced degrees. It noted that under the plan, a master's degree would be the maximum for which a teacher could be paid, since college credits earned toward a Ph.D. might not be considered a part of the career training program.[92]

Disposition

The plan was never implemented, although there is some confusion as to its actual disposition. Some educators recall that the plan "died" in the Board of Education, in part because of strenuous teacher objection. The NEPA plan authors, however, asserted that "[t]he Board of Education already has accepted this plan with a unanimous vote -- an auspicious start indeed."[93]

Summary

There is no universal model of differentiated staffing, but it was popularized and implemented in various forms in the late 1960s and mid-1970s. It was a short-lived phenomenon. This chapter examined some of the plans of the 1970s: a traditional differentiated staffing model, the NEPA plan which was never implemented by the Board of Education in Hawaii, and the highly publicized but unsuccessful Temple City, California model.

CHAPTER 4

VARIATIONS ON DIFFERENTIATED STAFFING IN THE EIGHTIES

In the mid-eighties there was a resurgence of interest in differentiating staffing and variations of it, fueled in part by support from the United States Secretary of Education, and reports on education published by the Holmes Group, and by the Carnegie Forum on Education and the Economy.

Secretary of Education's Academic Rank System

In 1984, the United States Secretary of Education Terrel H. Bell wrote that to attain excellence in education, the best possible talent in teaching must be attracted and retained. Bell noted that most of the advancement opportunities in education require successful candidates to leave teaching and move into management. The public, Bell said, wants a change in the methods of compensating and promoting teachers.[1]

Bell noted that the higher education career ladder system offers opportunities for a professor to gain recognition and advancement to senior rank as an academic professional. To revitalize education, he recommended the following career ladder/master teacher/performance pay program for elementary and secondary schools, adapted from the higher education model.[2]

Creating New Positions

Bell recommended that boards of education across the country should establish career ladders for teachers with at least three steps.

Beginning Instructors -- During a probationary period of at least three years, a teacher new to the profession would hold the rank of beginning instructor. Following satisfactory completion of the probationary period and after a comprehensive evaluation showed fully satisfactory performance, the beginning instructor would be advanced to the position of professional teacher. Bell noted that some beginning instructors may require additional probationary time, and some may have to be eliminated in the best interest of students.[3]

The Professional Teacher -- Most of the teachers in a school system would occupy the rank of professional teacher. These would be the experienced professionals who have proven their competence over the years.

Bell suggested that initially, the board of education would appoint all teachers on probationary status or with less than three years experience, to the rank of beginning instructor.

All other teachers in the school system would be appointed to the rank of professional teacher. Appointments and special duties such as department head or committee chairperson would remain. Bell noted that academic rank should not be confused with special duties, responsibilities and assignments currently existing in the school system.

Significant salary recognition would be provided by the board of education to the extent possible, as teachers move up the career ladder to the rank of professional teacher.[4]

The Master Teacher -- A new position called master teacher would be created as the third step of the career ladder system. This would be a prestige position that would recognize excellence in education. The master teacher would be rewarded with a salary significantly higher than that of the professional teacher, in order to make the salary potential in the upper ranges of teaching competitive with those of administration and other professions.

The intent would be to keep academically able and talented teachers in the classroom. Master teachers would work with other teachers, help in curriculum work and accept college student teacher trainees, but their duties would be carefully limited in order to allow them to maintain their primary responsibility of teaching.[5]

How to Select Master Teachers

Promotion to master teacher would be based upon distinguished teacher performance, as defined by a task force of the school system's most able teachers, instructional supervisors and principals. Bell acknowledged that the number of master teacher positions available would be outnumbered by the number of qualified applicants. He suggested that the selection process be made as objective as possible. A career ladder review panel, comprised of teachers and perhaps supervisors, specialists, parents and others appointed by the board of education, would review folders submitted by master teacher applicants and make recommendations to the superintendent of schools and the board.[6]

Legislative Encouragement

Bell urged state legislatures to provide funds for a basic salary schedule needed to make teachers' salaries as competitive as possible. He suggested that a special appropriation item, the funds of which would be available only to school systems that establish a performance based, career ladder salary structure above and beyond the basic salary schedules, would provide school boards with an incentive to implement such a system.[7]

The Holmes and Carnegie Reports

Differentiated staffing is also called for by two major proposals for educational reform, the report of the Holmes Group,[8] entitled Tomorrow's Teachers, and that of the Carnegie Forum on

Education and the Economy, entitled A Nation Prepared: Teachers for the 21st Century. Both reports were published in 1986.

Key Characteristics of Reform Proposals

Many of the key proposals in the Holmes and Carnegie reports are aimed at upgrading the status of the teaching profession and of colleges of education.[9] According to the reformers, this upgrading will occur through structural changes in elementary and secondary schools and new requirements for initial teacher preparation. Both reports stress that these changes in teacher education will require corresponding alterations in the school settings.[10]

Both reports propose that teachers receive their initial teacher preparation in graduate rather than undergraduate programs, and stress the need for a good subject matter and liberal arts undergraduate experience, and a one or two year graduate credentialing or Master of Arts in Teaching program.[11]

Both reports assume that more intellectually capable teachers, who will deliver a higher quality of education, can be attracted and retained by higher pay and a more "professional" work environment.[12] To provide a professional environment, teachers need to be given more autonomy and less bureaucracy, share in the decision making, and participate in non-classroom-focused activities such as inducting new teachers into the system.[13]

Richardson-Koehler points out that reform in elementary and secondary schools is an essential element of both reports. This reform includes some means of hierarchically differentiating staff functions, providing more pay to those at higher levels, and permitting more faculty involvement in decision making.[14] The Holmes Group career ladder proposal includes the three levels of instructor, professional teacher, and career professional. The Instructor would begin teaching after receiving a B.A., the Professional Teacher would require an M.A. in teaching, and the Career Professional would need a doctoral degree or the equivalent.[15] The levels would be differentiated on the basis of degree of autonomy, salary, and extra-instructional functions. Richardson-Koehler observes that the Lead Teacher of the Carnegie Report is similar to the Holmes Group Career Professional. Both the Lead Teacher and the Career Professional would be involved in such activities as staff development and school decision-making.[16] Lead teachers would receive an Advanced Teaching Certificate from the National Board of Standards, and would require some advanced graduate work.[17]

Portions of the Holmes Group report relating to differentiated staffing are discussed below.

The Holmes Group Report: Tomorrow's Teachers

Tomorrow's Teachers articulates a number of specific goals for reform to: (1) make the education of teachers more intellectually solid, and to make prospective teachers thoughtful students of teaching and its improvement; (2) recognize differences in knowledge, skill, and commitment among teachers; (3) create relevant and defensible standards of entry to the profession of teaching; (4) connect institutes of higher education with schools; and (5) make school better places for practicing teachers to work and learn.[18]

The career structure of teaching must be changed, according to the Holmes Group, if we expect to improve the quality and commitment of the teaching force. Improving teaching's attraction and retention powers requires a "differentiated professional teaching force able to respond to the opportunities provided by a staged career that would make and reward formal distinctions about responsibilities and degrees of autonomy."[19]

The Holmes Group submits that differentiating the teaching career would be advantageous to individuals, public schools, and professional schools of education. It would enable teachers to earn rewards while remaining in their classrooms, and enable communities to responsibly expand and contract a pool of teachers, while protecting the integrity of the professional teaching force.[20] Further, improved working conditions and a career structure of teaching would improve teacher education.[21] These expectations for differentiated staffing are similar to those set forth in House Resolution No. 23, H.D. 1.

Under the report of the Holmes Group, the differentiated profession would be built upon the distinctive contributions of three groups of practitioners, described below.

Instructors -- Instructors would be "bright, well-educated adults" who may be unable to make a career commitment to teaching. They might be undecided about their vocation, or prefer to teach children as secondary work. Because of their limited perspective, instructors would have their lessons structured and reviewed by professional teachers. They would not participate formally in setting school policy, evaluating personnel or programs, counseling students and parents, or determining curriculum. Their rights, responsibilities and benefits would be carefully delineated. They would not have tenure, nor autonomy and the obligations afforded fully professional teachers.[22]

Professional Teachers -- Professional Teachers would constitute the profession's backbone. They would be college graduates who are subject-matter and pedagogy specialists. Professional Teachers would be certified as fully autonomous practitioners, entitled to exercise their classroom duties without supervision. They would understand the core ideas in the subjects they teach, the learning problems children encounter at different ages, and ways to overcome these problems. They would be effective instructors, and would help ensure that schools and communities serve, in the broadest sense, the educational needs of their children.[23]

Career Professionals -- Career Professionals would possess the knowledge and skill essential to improving the educational effectiveness of other adults in the schools. Specialized roles for Career Professionals might include teacher education, curriculum improvement, testing and measurement, strengthening home-school relationships, preparing instructional materials, and conducting action research. These teachers are needed, according to the Holmes Group, to achieve school effectiveness, to revitalize the teaching profession. They would comprise about 20 per cent of the teaching force.[24]

The Holmes Group believes that rational, differentiated staffing in schools that is based upon defensible differences in training, authority, and responsibilities would make it possible to respond fairly to the complexities of teaching and learning in large, diverse institutions.[25]

Critics of "Tomorrow's Teachers"

Many of the recommendations made in Tomorrow's Teachers have been unfavorably received by the education community. Some of the criticisms of the report's recommendation for differentiated staffing follow.

The Quality of Education Will Not Be Improved Because of Economic Constraints -- One critic submits that under the differentiated staffing recommendation of the Holmes Group report, "[t]he fiction of a reprofessionalized teaching force might be maintained, but there would be a considerable pressure to minimize the number of Professional Teachers and to keep to a bare minimum the number of Career Professionals."[26] Many school systems will try to minimize costs by hiring as many Instructors as possible, as short-term, nontenured appointments since this would save districts significant amounts of money. Staff turnover would be continual, and consequently, the bulk of the teaching force would be comprised of persons with less than five years seniority.[27]

The Plan Interferes with Teacher Effectiveness -- Critics argue that teaching behavior in which judgment plays a large role is more successful than uniformly imposing specific teaching techniques or behaviors. The teacher who is carrying out orders, and who is not supposed to generate solutions and modify instructions, is teaching at a disadvantage, with a permanent lid on his or her effectiveness.[28]

Further, some say that the plan of the Holmes Group appears to limit responsibility for the whole school to Career Professionals. These critics point to research showing that teacher identification with the whole school is a critical key to teacher and school effectiveness. The approach of Tomorrow's Teachers perpetuates the structures that curtail and confine teachers' ability to succeed at their jobs, and consequently alienate them.[29]

It has been suggested that the plan is unrealistic in its expectation that the finest teachers, Career Professionals, will have time to continue to be teachers and at the same time specialize in curriculum, manage, supervise, and lead the professions -- tasks that draw them out of the classroom and in some respects put them in conflict with the interests of the

teachers.[30] Some doubt that Career Professionals can be kept within the bounds of the teaching profession, when they are to perform work that is currently done by paid administrators. Teachers who want to do this type of work and thereby increase their challenge, responsibility, and pay as well as extend their careers in education typically renounce their jobs as teachers, get a higher degree, and become administrators or academics.[31]

The Plan is Damaging to Teacher Morale -- The linkage of levels with specific sets of responsibilities has also provoked criticism. Critics maintain that teachers at the lower levels of the hierarchy are inevitably assigned duties that are considered less professional or less important than those at the higher levels of the hierarchy. Since the higher level positions and the greater rewards are limited, competition will develop between teachers for scarce rewards, and teacher cooperation which is so critical to education is disrupted.[32]

Internship and Development Can be Achieved without Changing the Teaching Job Structure -- Some critics assert that it is unnecessary to change the job structure in teaching to promote a model of internship and development. Within the existing job structure of public education, districts have the ability to involve teachers in decision making, provide them with more developmental support, or create internships for teachers.[33]

Summary

Variations on the traditional differentiated staffing model enjoyed renewed interest in the 1980s. In 1984, the United States Secretary of Education recommended a career ladder/master teacher/performance pay program, in order to attract and retain the best possible teaching talent and thereby improve the quality of education. His model was based on the career ladder of higher education institutions. The Holmes Group and the Carnegie Forum on Education and the Economy published separate reports in 1986, each suggesting that schools implement a type of differentiated staffing plan.

CHAPTER 5

CURRENT VARIATIONS ON DIFFERENTIATED STAFFING IN THE STATES

Issues related to the implementation of a hierarchical-type of instructional plan advocated by proponents of differentiated staffing and career ladders, may become clearer by reviewing some plans which are currently in use. The Tennessee and Utah plans discussed in this chapter emphasize the principle that any plan must be carefully thought out before being implemented, and that the plans of the eighties and nineties may be no more impervious to criticism than were the plans of the previous decades.

The Tennessee Career Ladder Program

The Comprehensive Education Reform Act of 1984[1] created a number of programs affecting the professional careers of educators across the state of Tennessee. Part of this package is the career teacher program, which is designed to promote staff development among teachers, and to reward with substantial pay supplements those teachers evaluated as outstanding and who may accept additional responsibilities as applicable.[2] (Excerpts from the Career Ladder Program, Tennessee Code Ann. sec. 49-5-5001, et seq., are attached as Appendix C.[3]) An administrator's program for principals, assistant principals, and supervisors is also part of the program.

The legislative goals for the career ladder program include to attain: an increased percentage of students who pursue higher education; improved standardized test scores and measured knowledge for students at all levels of education; increased funding for education; improvement in job placement; a reduction in the number of teachers who leave teaching service for reasons of job dissatisfaction; a reduction in the percentage of students who enter but fail to graduate from high school.[4]

A Five Step Ladder

Participation in the teacher career ladder program is voluntary for all teachers.[5] The program is built around three levels of teaching licenses: probationary, apprentice, and professional; and three levels of teaching certificates: career levels I, II, and III.[6] Teacher certificates are supplementary to the basic teacher license.[7] Career levels II and III teaching certificates are considered supplementary to the basic career level I teacher certificate.[8] Certificated teachers in the career ladder program are eligible to receive salary supplements for extra months of service, as well as for outstanding service.

License Levels

A probationary teacher is a teacher who has received a passing score on the state teacher examination and has received initial employment in a school system.[9] The license for a probationary teacher is good for one year and is not renewable.[10]

An apprentice teacher is one who has completed satisfactory service as a probationary teacher and who holds an apprentice teacher certificate issued by the state board of education.[11] This license is good for three years and is not renewable.[12]

Certificated Career Levels

A career level teacher is a teacher who has been employed as an apprentice teacher for not less than three years and who holds a career level I, II, or III teacher certificate issued by the state board of education.[13] The initial certificate for each level is valid for ten years and is renewable for additional periods of ten years.[14]

Teachers are eligible for career level certificates based on experience. A career level I certificate requires employment for at least three years as an apprentice teacher. Certified career level I teachers employed as such receive a $1,000 salary supplement in addition to the regular state base pay.[15] They may be assigned by the principal to supervise and assist student interns and probationary teachers as an additional responsibility.[16]

A career level II certificate requires employment for at least three years as a career level I teacher. Career level II teachers must choose either a ten-month contract for which they receive a $2,000 salary supplement; or an eleven-month contract for which they receive a $4,000 salary supplement.[17] If the teacher is not required to work during the eleventh month, he or she receives only that part of the supplement as represents compensation for outstanding service, which is described below.[18] The career level II teacher is required to perform additional duties, which may include working with gifted or remedial students or in other student enrichment programs.[19]

A career level III certificate requires employment for at least four years as a career level II teacher. Teachers at this level must choose either a ten-, eleven-, or twelve-month contract for which they receive a $3,000, $5,000 or $7,000, respectively.[20] If the teacher is not required to work during the eleventh or twelfth month, he or she receives only that part of the supplement as represents compensation for outstanding service, described below.[21] The career level III teacher is required to perform additional duties, which may include supervising and assisting in the skills development of apprentice and career level I teachers, working with remedial or gifted students, or in other student enrichment programs.[22]

Outstanding Service Supplements -- Career level II and III teachers with eleven-month contracts are paid $2,200 and $3,300, respectively, for outstanding performance. Career ladder

teachers with a twelve-month contract receive $3,600 for outstanding performance. Standards used for awarding these supplements are intended to be high.[23]

Advancement in the Career Ladder

Applications for career level certificates are made to the state certification commission,[24] which is comprised of thirteen persons appointed by the governor, including teachers, principals, a supervisor, distinguished representatives of higher education, a superintendent, distinguished lay persons, and the commissioner of education.[25] Certificates are issued, as are teaching licenses, by the state board of education on recommendation of the state certification commission.[26]

Evaluations are integral to advancement in the career ladder, and become part of a teacher's permanent record.[27] Probationary, apprentice and certified career level I teachers are generally evaluated either by a locally developed evaluation process that has received state approval; or by the standard evaluation process developed by the state certification commission and approved by the state board of education. Minimum criteria for the evaluation of these positions include: classroom or position observation and assessment, review of evaluations, personal conference, and examination of professional development activities undertaken by the applicant.[28]

In addition to the local evaluation of apprentice and career level I teachers, a state-conducted evaluation is completed in the last year of validity of the certificate held by an apprentice teacher who applies for career level I certificate, or a career level I teacher who applies for recertification. Disagreement between the local evaluation and the state-conducted evaluation requires the state certification commission to assign a full evaluation team to evaluate the teacher.[29] An apprentice or career level I teacher found not to meet minimum competency standards under the evaluation process specified in the career ladder program, will either be dismissed, have dismissal action brought under the tenure law, be given a six school month period in which to improve, or be given non-state funded local employment.[30]

Certified career level II and III teachers are evaluated in accordance with the process recommended by the certification commission and approved by the state board.[31] Criteria include classroom or position observation and assessment by a team of properly trained career level III teachers, principals or other qualified persons from outside the applicant's school system, or professionally qualified evaluators; review of evaluations by principals, supervisors and others in authority; personal interview; and an examination of professional development activities undertaken by the applicant.[32]

Provisions for Transition into the Program

Certain provisions allow teachers who were already certified when the career ladder program was implemented, to enter the new certification system voluntarily. A public school teacher who has been employed as a certified teacher for at least twelve years on July 1, 1984

may apply for and is eligible to be considered for certification as a career level I, II, or III teacher. Those employed as certified teachers for at least eight years may apply for certification as a career level II or III teacher. Those employed as certified teachers for at least three years may apply for certification career level I teachers.

Five fast-track options were available only during the 1984-85 school year, which enabled currently employed and certified teachers to enter the program at the level of their choice, provided they had the prerequisite experience and successful evaluation. Options for fast-track qualification included three different test options, staff development, or full evaluation at the local level.[33]

The Career Ladder Program Does Not Affect Collective Bargaining

The Comprehensive Education Reform Act of 1984 provides that it shall not have the effect of modifying or limiting the scope of the collective bargaining law for education, nor shall the Act's provisions or rules be formulated or modified through the collective bargaining process.[34]

Developing Evaluation Criteria

The evaluation process is considered very important to the career ladder program. The evaluation system was developed after state officials spent nearly a year working with an Interim Certification Commission, reviewing the literature on effective teaching and receiving feedback from Tennessee teachers.[35] The Teacher Evaluation System uses two different subsystems to assess six domains of competence: (1) planning: prepares for instruction effectively; (2) delivery of instruction: uses teaching strategies and procedures appropriate to content, objectives and learners; (3) evaluation of student progress: uses evaluation to improve instruction and assess students; (4) classroom management: manages classroom activities effectively; (5) professional growth and leadership: establishes and maintains a professional leadership role; (6) oral and written communication skills: communicates effectively.[36]

Each domain of competence includes several indicators of performance. Each performance indicator contains several measurement items.[37]

The first of the two subsystems is used for evaluation at the local level. The model used is either the State Model for Local Evaluation, or a state board approved model based on similar criteria. In the local evaluation, the local school district, through the principal or a designee, is required to evaluate four groups of teachers: first year teachers; teachers in years two through four; all nonparticipants in the career ladder with four or more years of experience; and teachers with four or more years of experience who qualify for and wish to maintain career ladder certification at the first level.[38]

The state-administered Career Ladder Teacher Evaluation System is the second subsystem and is used for peer evaluations or to evaluate teachers opting for the upper two

levels of the career ladder. This evaluation is applicable to those with eight or more years of experience who seek or wish to maintain Career Level II status, and to those with at least 12 years of experience who seek or wish to maintain Career Level III status. Data on each of the six domains of competence are obtained from four different sources with seven instruments.[39] Candidates do not "pass or fail" these instruments. Rather, the instrumentation is designed to provide complementary interlocking data for each of the six domains of competence being assessed. From the synthesized data, teachers are given both a total score, and scores for each of the six domains, 18 indicators of performance, and 85 measurement items. Raw scores on dissimilar scales are translated into scores of between 200 and 800 on a standard reporting scale. To reach a Career Level II, a total score of at least 600 is required. Career Level III requires a total score of at least 700.[40]

A study published in April 1987 concluded that in general, the instruments and scores used in the Tennessee Career Ladder evaluation system worked "remarkably well for [a subject] group of general education candidates."[41]

Preliminary Response to the Career Ladder Program

Tennessee teacher participation in the Career Ladder Program is reportedly strong. Nearly 40,000 of the 42,000 eligible educators elected to enter the Career Ladder Program in its first year.[42] Thirty-nine thousand teachers and administrators -- 90 per cent of all those eligible -- earned Career Ladder I status the first year. Fifteen-thousand of them took standardized tests, 20,000 trained in 40 overtime hours of staff development and the rest submitted to a state-approved local evaluation. More teachers applied for Career Level II or III than could be evaluated during 1984-85.[43]

In 1985, a program commissioner noted that the program was "filled with opportunity, prestige, and higher pay for teachers who want it; it is not a penalty."[44] Teachers are intended to pace themselves in the program; interestingly, many of the state's Teachers of the Year were Level I teachers. Some had not taught enough years to move higher up the ladder. Reportedly, some did not have time to do the extra work in the first year of the program, and some waited to see what the program was like.[45]

In 1985, Tennessee's then governor, Lamar Alexander, noted that he and the legislature had made a huge investment of their time and taxpayers' money in the career ladder program because Tennessee needs to "catch up." He added, "paying teachers more for teaching well will do that better than anything else." For example, a Career Level III teacher with a 12-month contract during school year 1986-87 would make $10,000 more than the best paid teacher made in that teacher's district in 1984. (About $3,000 of that sum was in the 20 per cent across-the-board pay increase that over three years was to go to all teachers, as another part of the Better Schools program.)[46]

By 1987, the program was in its third year, and teacher participation in the program was still deemed to be significant.[47] Furtwengler, the former Assistant Commissioner for the

Tennessee Career Ladder Program, reported some positive results at this point in the program. First, teachers were receiving higher salaries and incentives for outstanding performance. Second, career ladder teachers were serving as mentors to beginning teachers. Third, the majority of Career Level II and III teachers were electing to work extended contracts and to provide new learning opportunities for students. Fourth, teachers' staff development opportunities were increasing and were being geared to meet developmental needs. Fifth, student achievement scores were improving in Tennessee. Furtwengler conceded that the rising test scores cannot be attributed solely to the career ladder program. However, she added that better student performance is a positive indicator that the total reform package is working.[48]

A study was conducted to determine the perceptions of teachers on Career Ladder Levels II and III as to the effectiveness of the career ladder program.[49] The results, published in November 1986, revealed conflicting feedback on the program. Slightly more than half of the career level II and III teachers responding believed that the career ladder program will improve education in Tennessee, and seventy-eight per cent believed that it will improve the quality of instruction. Sixty-eight per cent felt that the program will not attract more qualified individuals into teaching. Seventy-two per cent believed, however, that the career ladder program is an incentive to remain in the teaching profession, but seventy-six per cent believed that merit pay at Career Levels II and III will cause morale problems among individuals in the teaching profession. Most disagreed that the program had had a positive influence on the overall effectiveness of their school, but seventy per cent agreed that the career ladder program should be continued.[50]

Updated Response to the Career Ladder Program

More recent feedback on the program suggests increased teacher dissatisfaction with at least certain portions of the program. Information submitted to the Commissioner of Education in August 1988, including 1,121 teacher responses to questionnaires and some interviews, provided the basis for a study of the career ladder program issued in December 1988.[51] Some of the report's findings on teacher reaction to the program, follow.

Career Ladder Participation -- The report found that a large percentage of teachers chose to "fast track" on the career ladder for the money. A much smaller percentage of qualified teachers chose to pursue upper levels. Those teachers who did choose to pursue Career Levels II and III mentioned monetary rewards and advancement as reasons for participation. For Career Level III teachers, the opportunity to receive professional feedback was also frequently included as a motivational factor.[52]

The majority of the teachers, especially, elementary, female, and Career Level I teachers, chose not to pursue the next level. The major reasons mentioned were time taken away from family, personal life, and students as well as the negative impact of the program on teachers and students. A large number of Career Level II teachers noted previous problems with the program as another reason for not pursuing Career Level III. For both non-career ladder and more experienced teachers, the inability of the program to satisfy professional needs was a major

reason for non-entry into or non-pursuit of the next level. In addition, non-career ladder and Career Level II teachers indicated that the money was "not worth the hassle".[53]

Negative comments about participating in the career ladder program were made twice as often as positive comments. The more experienced teachers, regardless of level achieved, were also most likely to say that they would not participate if given the opportunity to make the choice again.[54]

The majority of the teachers in all demographic groups identified the goals of the career ladder program to be the improvement of three areas: teachers and teaching, the economic conditions of teaching, and the quality of the educational workforce. More experienced teachers and teachers outside urban settings also included responding to political influence as a goal of the program.[55]

Career Ladder Program -- Teachers were far more critical than positive about the career ladder program. During the interviews, the teachers noted the detrimental aspects of the program three times as often as those aspects perceived as being beneficial. The interview category most often cited as negative, the impact on the affective well-being of teachers, was mentioned by the teachers more frequently than all of the beneficial comments combined. The teachers specifically noted the adverse impact on staff morale, a sense of injustice regarding the perceived incorrect career level placement of colleagues, problems related to stress, and the divisiveness created among faculty members. In terms of negative effective impact, Career Level II teachers were the most dissatisfied group.[56]

Encouraging teachers to put on a performance to achieve desired career levels was the next most frequently mentioned detrimental outcome of the program. Probationary, apprentice and Career Level I teachers were particularly dissatisfied regarding this perceived "theater within a theater." Increasing teachers' workloads was also mentioned, especially by those teachers with less experience. Except for Career Level III teachers, the effect of the program on students and student learning was also perceived as a negative factor by a large percentage of teachers. Non-career ladder, Career Level I and more experienced teachers were most vocal in criticizing the program for not recognizing the best teachers.[57]

Overwhelmingly, teachers in all demographic groups identified monetary rewards as the single most beneficial outcome of the career ladder program. The opportunity for self-improvement through professional growth activities, especially for Career Level II and III teachers, and the extra services provided for students by the extended contract program were perceived as particularly worthwhile. Career Level III teachers, citing almost three times the number of beneficial outcomes as any other demographic group, focused on monetary rewards, increased awareness of the complexity of teachers' jobs, the opportunity to learn or try something new, increased confidence in their teaching abilities, and improved morale and attitudes.[58]

The report noted little difference among the various demographic groups regarding career ladder recommendations. Improving the economic impact on teachers, specifically providing across the board pay raises, was suggested most often. This was followed by improving the impact on teachers and students and repealing the Career Ladder Program. The latter was mentioned most often by probationary, non-career ladder, and Career Level I teachers.[59]

Evaluation -- Teachers perceived evaluation as important to their professional growth. They specifically mentioned the opportunity for timely and constructive feedback from objective evaluators as important components of the evaluation process. The majority of the teachers perceived that with local evaluations, evaluation efforts were more manageable, feedback was more timely, and evaluators were more knowledgeable of the teacher's style and the school and classroom context. Career Level III teachers were less positive than were their peers about the local evaluation process and personnel and more positive about the state evaluation process and personnel.

Elements of the evaluation process criticized most often by the teachers were the increased workload; the required paperwork; and the stress, apprehension and pressure attributed to evaluation, especially regarding the state evaluation process.[60]

Lessons Learned from the Career Ladder System

Furtwengler has defined several major issues raised by Tennessee's Career Ladder Program, and offers advice to others developing their own systems.[61] She notes a perception by some that teachers were not adequately involved in developing the Career Ladder Program. Furtwengler advises that active teacher involvement is needed in the development of an incentive program, and further that their participation must be communicated to all teachers.

There have been concerns over the amount of paperwork that the program requires. For example, in the program's first year, teachers were asked to create portfolios that contained instructional plans, classroom management procedures, evaluation procedures, and leadership and professional development activities. The portfolios were used in connection with the evaluation process. This became a "paperwork nightmare" for teachers, and did little to enhance classroom instruction.[62] Interviews also required extensive documentation.[63] No evaluation system should create a paperwork burden for teachers, Furtwengler cautions.[64]

French, Malo, and Rakow studied the Tennessee Career Ladder Evaluation System,[65] and found, among others, that the system's evaluation activities stimulated critical, reflecting thinking among teachers. While teachers often complained that preparation for and participation in career ladder evaluations caused them extra work, they added that the process caused them to think deeply about what they do and why they do it.[66]

These researchers concluded that an evaluation system that measures level of teaching performance can be developed, and opined that in the technical sense, the Tennessee Career Ladder Evaluation System works as intended. This, they say, invalidates a common argument

that performance-based merit pay or career ladder plans are undesirable because it is technically impossible to create an appropriate evaluation system.[67] They add that a detailed computer printout of data gathered in the evaluation process is a great potential resource for feedback and improvement, for both individual and groups of teachers.[68]

Utah Career Ladder System

The Utah Career Ladder System is a flexible system which emphasizes development of a career ladder plan tailored to the needs of local school districts.

In Spring 1983, the governor of Utah, in cooperation with Utah's legislative leadership, formed an eleven-member steering committee charged with developing specific recommendations for the improvement of elementary and secondary education and higher education within the state.[69] That fall, the committee published a report making specific recommendations for the reform of education, after holding a series of meetings and conducting a major public opinion poll of citizens' views concerning the quality of education in the state.[70] With respect to teachers, the committee recommended, among others, that the legislature authorize and fund a program which would allow local districts to establish their own career ladder programs.[71]

The Utah Code calls for each school district to develop a program to evaluate its teachers for placement and advancement on the career ladder compensation system developed by that district.[72] (A copy of portions of the Utah Code concerning Teacher Career Ladders, Utah Code Ann., secs. 53A-9-101, et seq., is attached as Appendix D.) Permissible components of career ladder compensation systems are defined by statute.[73] The legislative intent of the Career Ladder System was to give school administrators control over marginal resources which they could marshall to improve teacher, and more generally, organizational performance.[74]

General Structure of the System

The legislation defines four legislative concerns: (1) the need to reward teaching excellence; (2) the importance of providing incentives for educators to continue to pursue excellence; (3) the rewarding of educators who demonstrate achievement; and (4) the compensation of educators who assume additional educational responsibilities.[75]

The different components of a district's career ladder compensation system may include such broadly defined concepts as extended contract days, fair selection procedures for job enlargement activities, and "a program of differentiated staffing that provides additional compensation and, as appropriate, additional extensions of the contract year, for those who assume additional instruction-related responsibilities. . .".[76] The state Board of Education approves district plans and provides funding for approved plans.[77] The program is state funded.[78] Systematic evaluation of teachers in Utah is mandated by the state, outside of the career ladder program.[79]

During the first year (1983-84) of the Career Ladder System, implementation was hampered by time constraints.[80] Since then, the state board of education has developed procedures to standardize the format of the district career ladder plans.[81]

Evaluation of the System

In June 1987, the Utah state Office of Education requested that Far West Laboratory for Educational Research and Development conduct an evaluation of the state's career ladder system. The report,[82] published in January 1988, found that because the Career Ladder System is so complex, it is being implemented very differently between districts. In some, educators are realizing substantial benefits from it and are strong supporters. Other districts have struggled with attempts to follow the guidelines, and consequently work actively to either evade or subvert its intent.[83]

The 1988 evaluation included the following feedback on different career ladder components.

The Extended Contract Year -- The extended contract year helps to reinforce the professional role of teachers. This component buys more professional teacher time beyond the regular contract year. Teachers are paid for curriculum planning, student assessment, inservice training and critical clerical tasks that support direct instruction.[84] It is almost unanimously valued by teachers, principals, superintendents, board presidents, and parents. Teachers report that they are better prepared for the opening of school, and can spend more student-contact time in direct instruction. Principals are able to convene faculty prior to school to set goals and develop school-wide curriculum plans.[85]

Job Enlargement -- Job enlargement allows districts to pay teachers for short-term activities to expand their work responsibilities in the school. The mentoring of new teachers, curriculum development and service on district-wide instructional committees are the most frequently reported job enlargement activities. Work is targeted by administrators at the school and district levels or committees representing teacher and principals. This component promotes system-wide innovation as districts experiment with new ways of using teacher talent to improve schools.[86]

The researchers found that a number of teachers appreciated the temporary nature of job enlargement assignments, which allowed them to work hard for two to three years in an area of specialty without being required to take on expanded duties permanently. Others found that the temporary nature of their assignment meant that they could not use their temporarily increased income for credit purposes.[87]

The Performance Bonus -- This component is designed to improve the quality of teaching by paying bonuses to teachers rated as the best in the school or district. Teachers qualify for a bonus generally through a positive principal evaluation supplemented by additional lines of

evidence that verify excellent practice. Typically, evaluation scores awarded for the various lines of evidence are ranked and those teachers with the top scores receive extra pay. Bonus amounts and criteria for making the award are determined by the district.[88]

This is the most controversial and least well-implemented of the four components. The problems and strong feelings associated with the performance bonus stem in part from the controversy over the validity of merit pay as a school improvement vehicle. Its greatest benefit has been to focus teacher and principal attention on teacher evaluation. Systematic evaluation of teachers by the principal served in some schools to reinstate the principal as the instructional leader. In others, traditionally collegial principal-teacher working relationships have been fractured by the need to fill a small quota of bonus positions from a much larger pool of teachers considered excellent by their peers.[89]

Those who oppose the bonuses question their validity, and point to the negative effects on teacher morale and school climate, as well as on trust and professional communication among teachers, and between principals and teachers, which can ultimately threaten the quality of students' education.

The researchers opined that teacher and principal uncertainty about the reliability of evaluation seemed justified, since the understanding of the factors that verify excellent teaching is, as a science, quite tentative.[90] They found that effectiveness of use of the performance bonus varied greatly between districts. Districts that have successfully used the performance bonus component have worked out a way to preserve the legitimacy of the award while ensuring that all good teachers are rewarded.[91]

The Career Ladder Levels -- This component is designed to differentiate teachers' professional status in schools by creating a career ladder through which teachers may advance in status, work responsibilities, and pay. The intent is to provide an incentive for excellent teachers to remain in the classroom. Typically, districts have from four to six rungs on the teacher career ladder. Levels are generally differentiated by sustained documentation of excellent teaching performance and expanded work responsibilities in schools. Mentoring and curriculum development are most frequently designated as roles appropriate for senior teachers.[92]

The researchers opined that career ladders can potentially make significant long-term changes in the structure of the teaching profession, because they provide a mechanism to institutionalize broader teacher work responsibilities and expectations of sustained excellence in teaching. At their best, teachers are promoted on the ladder because they have earned advancement through consistently excellent evaluations and proof of their ability to assume broader work roles in the school.[93] Expanded responsibilities in the school are gradually increased as teachers move up the ladder, and the kind of work performed is recognized by teachers and principals as legitimate, necessary work of the school.[94]

Less effective career ladders impose requirements for advancement which look much like the requirements for advancement on a salary schedule.[95]

The researchers note that much remains to be learned about how to differentiate professional teacher roles in schools. Excellent teachers bring a broad range of talents to their work, and it is unclear which aspects of these talents should qualify teachers for advancement.[96]

Conclusions about the Career Ladder System

Research indicated that teachers and principals "either love or hate the CLS [Career Ladder System], but the policy has not been evaded."[97] Educators throughout the state strongly supported retention of the system. Ninety-five per cent of superintendents strongly agreed that the system should continue. Ninety per cent of school board presidents agreed that it should be continued.[98]

Teacher and principal responses to a survey indicated strong agreement that the system should continue.[99] They ranked the Career Ladder System components as follows, from most to least valuable: extended contract year (most valued), job enlargement, career ladder levels, performance bonus (most controversial component).[100]

The Career Ladder System is producing a very substantial reallocation of teacher salaries across the state. The amount of money earned by teachers in all components varied substantially in both dollar amount and as a percentage of individual base salaries.[101] Career Ladder Levels Payments contributed on the average of 1.39 per cent of the teacher's base salary.[102]

Both principals and teachers reported that the CLS' single most powerful effect is the attention to teacher evaluation, which is needed for both the Career Ladder Levels and Performance Bonus components.[103] Fifty-four per cent of the principals and 44 per cent of the teachers surveyed agreed that Career Ladder Levels are incentives to "[c]are more about teaching quality." There was slightly less agreement that the Career Ladder Levels served as incentives for teachers to "[c]arry out district curriculum objectives" (49 per cent of principals and 41 per cent of teachers agreed); "[i]mprove their teaching skills" (47 per cent of principals and 50 per cent of teachers agreed); or "[m]onitor student achievement" (42 per cent of principals and 43 per cent of teachers agreed).[104] The extended contract year and job enlargement components were seen as expanding the role definition of a professional teacher in Utah.[105]

The system received mixed reviews as a school improvement tool.[106] Fifty-four per cent of principals surveyed, and 42 per cent of teachers surveyed, agreed that the Career Ladder Levels effectively allow the district to improve the quality of education in the district.[107]

Both teachers and principals reported that their districts had been fair in trying to implement the Career Ladder System.[108]

A number of policy recommendations were made for the system and its components. The researchers noted that the Career Ladder Levels component has the fundamental capacity to transform the Utah public schools. The importance of allowing districts discretion in determining the funding for ladder levels was important while districts are still learning how to differentiate professional responsibilities. The state was encouraged to increase the level of technical assistance to the districts to help them further develop a ladder system which incorporates both performance bonus and job enlargement activities.[109]

Summary

This chapter examined career ladder models that are currently being used in Tennessee and in Utah. The Tennessee model is a comprehensive one, with a five-tier ladder in which participation is on a voluntary basis. Teachers are eligible to receive salary supplements for an extended contract, and for outstanding performance. Reaction has been mixed.

The Utah plan legislates guidelines for a Career Ladder System with four major components, but leaves for selection at the local level the components to be used. Teachers and principals believe that the system should continue, and ranked the system components as follows, in terms of value: the extended contract year (most valuable), a job enlargement plan, career ladder levels, and the performance bonus (most controversial component).

CHAPTER 6

NEW CATEGORIES OF TEACHERS IN HAWAII

In November 1988, a report prepared at the request of a Hawaii business organization recommended that major changes be made in the structure of the educational system of this State. One of the report's suggestions for strengthening the teaching professions called for teachers to have new roles and responsibilities. The new categories of teachers mentioned in House Resolution No. 23, H.D. 1, appear to have been derived from recommendations in that report. This chapter examines the new teacher roles and responsibilities described in the report, and summarizes input from educators in Hawaii on the new teacher categories mentioned in the resolution.

The Berman Report

The idea of differentiating the staff in the teaching force surfaced again in Hawaii in November 1988, when a private organization, the Hawaii Business Roundtable,[1] unveiled the report on education it had commissioned for $300,000.[2] The six-volume report, entitled "The Hawaii Plan: Educational Excellence for the Pacific Era" (more commonly known as the "Berman report"), was prepared by the Berkeley, California based policy-research-and-analysis firm of BW Associates.

General Recommendations of the Berman Report

Hawaii public schools, according to the Berman report, should strive to enable all students to learn to their potential and to master the knowledge, skills, and values needed for social and economic success in the 21st century.[3] To meet this goal, the report makes six overall recommendations:

1. Institute universal early childhood education.[4]
2. Reorganize governance and management.[5]
3. Modernize curriculum and instruction.[6]
4. Strengthen the teaching and administrative professions.[7]
5. Renew secondary schools.[8]
6. Renovate public school facilities.[9]

Recommendations for a Program to Strengthen the Teaching Profession

The Berman report maintains that the teaching profession can be strengthened by upgrading requirements for becoming a teacher, diversifying the roles of teachers, providing teacher-selected staff development, and empowering teachers to participate in school decision-

making. It adds that the administrative profession should be strengthened by giving principals more responsibility for school performance, holding them accountable for results, and providing training for increased leadership skills and professional growth.[10]

To strengthen the teaching and administrative professions, the report recommends the following approach:

1. Candidate teachers should meet high requirements.[11]
2. A professional board should set teacher standards.[12]
3. Teachers should have new roles and responsibilities.[13]
4. All teachers should have training and professional growth as part of their job.[14]
5. Faculty should serve on school leadership councils.[15]
6. Administrators should receive more responsibility and training.[16]

With respect to the second point, the Berman Report recommends three levels of certification: provisional, professional and temporary. The provisional status would be used for Interns and Residents. The Professional certificate would be given to teachers who have finished their Master's degree and all other certification requirements. The salary levels for these categories would be an outcome of the collective bargaining process between the union and the DOE. Teachers would no longer be given incremental salary increases for coursework since staff development would be evaluated at the school level and apply to all staff. The only salary differential other than those bargained for would be given to the Lead Teacher, described below.[17] Seniority would probably remain a factor in determining teacher compensation.[18] Temporary certification would be given to Educational Technicians and their contracts would be specified by the Community School Board.[19]

The third point relates to the addition of new categories of teachers, and apparently gave rise to the new teacher categories contemplated by House Resolution No. 23, H.D. 1.

Overview of New Teacher Categories

With respect to point three, above, the Berman report foresees new teacher roles and responsibilities under the following names: Lead Teacher, Full Teacher, Intern and Resident, Educational Technician, and Adjunct Teacher. In essence, the Lead Teacher would function as a coordinator of other teachers in the hierarchy. Each teaching category would have specific roles and responsibilities, which are described in detail below.

Schools would be encouraged to organize into Teacher Teams, consisting of one or more Lead Teachers, Full Teachers, Educational Technicians, and Adjunct Teachers. The Lead Teacher would be the coordinator of the team. Full Teachers would be team members and participate fully in planning and development. Ideally one or two teams could join together to form a school-within-a-school which would develop its own identity and educational program. Teams would plan together and share responsibility for a group of students. The nature of teams would be locally determined and designed by administrators and teachers. Students

might enroll in a school-within-a-school and remain there throughout their elementary and secondary experience. Members of the team would meet regularly to review the accomplishments and problems of each student, and would also meet regularly with students and parents to review student progress.[20]

New Categories of Teachers Defined

The Berman report asserts that "differentiating the teaching career" would eliminate the current process of promoting good teachers out of the classroom and placing them in positions where they slowly lose their connection with the practical classroom experience.[21] According to the report, the new teaching categories would give teachers opportunities to develop professionally as individuals. The contemplated roles and responsibilities of these new teacher categories would be as follows.

Lead Teachers -- Lead Teachers would head Teacher Teams, provide team leadership, and mentor Interns. They would play a key role in the improvement of curriculum and instruction in the reorganized public education system. As head of a Teacher Team, each Lead Teacher would participate in determining, in consultation with Team members, the Team's workload, scheduling, and division of labor best suited to meet student needs. The position would be flexible enough to include management and training responsibilities and classroom teaching and parenting contact responsibilities.

Lead Teacher candidates would be nominated by a School Leadership Council, from among "the most able, dedicated, and talented" Full Teachers at the school. Nominees would be required to hold a professional certificate.[22] Other selection criteria would be developed at the local school level. The nomination would need to be approved by the Community School Board,[23] which would appoint Lead Teachers up to the maximum number allowed by state budget considerations.

The initial appointment to a Lead Teacher position would be for a period of a year. At the end of the year, the Lead Teacher would be evaluated by the Teacher Team, the Principal, and the Community School Board. If all were in agreement, the Lead Teacher would serve an additional three-year appointment, which would be renewable every three years following the evaluation process. Lead Teacher status would not continue if a Lead Teacher moved to a new position.

A Lead Teacher would work on an 11-month contract, and would receive a 20 percent increase in salary. As a teacher, a Lead Teacher would have full tenure. The status would not be affected by a failure to be re-appointed or by a decision to resign as a Lead Teacher.[24]

Full Teachers -- Full Teachers would be responsible for the learning environment and curriculum planning for students in their classrooms. They would be responsible for the primary contact with students in the educational environment, for teaching, development, and presentation of curriculum to students, and for evaluation of student progress within those areas

of specific responsibility in cooperation with the Teacher Team in that school. They would also participate in the governance of their school through the Teacher Team. A Full Teacher would be required to hold a professional certificate.[25]

Intern and Resident Teachers -- Intern and Resident Teachers would work under the supervision of the Lead Teacher and gradually would be given teaching responsibilities. They would have provisional status as teachers. Each would be a member of a Teacher Team, and would serve as an apprentice under a Lead Teacher.

An Intern would be a beginning teacher and would serve a three-year probationary period. A Resident would be a teacher new to Hawaii with experience elsewhere, and would serve a one year probationary period. According to the Berman report, both types of provisional teachers need to spend time adapting to Hawaii's unique multi-cultural environment and reorganized educational setting. Probationary periods would include participation on a Teacher Team and peer evaluation. Evaluation of the Intern would be completed by the Teacher Assessment Panel from the Hawaii Teaching Standards and Certification Board (HTSCB).[26]

By the end of probation, these provisional teachers would function as Full Teachers, and would be responsible for planning, classroom management, teaching, and participation in the Teacher Team. At the end of the respective probationary periods, the HTSCB would process the certificate applications.

The internship and residency would be conditions for earning, and count toward, tenure.[27]

Educational Technician -- Educational Technicians would be paraprofessionals with more training and responsibility than aides, but less than Full Teachers. They would work under teacher supervision to give teachers better control and use of their time. They would be used to increase student-adult contact, to enhance the effectiveness of the Teacher Teams, and to enable teachers to tailor instructional schedules and curriculum planning to meet differing student needs.

Educational Technicians could be used to tutor individual students, lead small group discussions, prepare and distribute curriculum materials, assist Teachers with classroom management and routine clerical tasks, and monitor, score and record results from student diagnostic and other tests; introduce and manage classroom computer technology, demonstrate experiments, lead field trips, and help prepare reports to parents.

Educational Technicians would be certified by the HTSCB to teach and provide related services under direct guidance of teachers or Lead Teachers. Certification would require an educational background of a two-year community college degree or a bachelor's degree.[28] The certificate would not entitle the holder to same rights as those of certificated teachers, such as tenure or seniority.

Certified Educational Technicians would be able to become teachers through a Fast-Track program. The Fast-Track program would include completion of a Bachelor's degree and passing the Professional Teacher's Exam, and four years experience as an Educational Technician, plus one additional year as an apprentice.[29]

Educational Technicians would be hired by the Community School Board under limited, fixed-term contracts for full or part time by the local school board. They would earn substantially less than Teachers; Educational Technicians would be paid an average annual salary of $16,000, with actual salaries determined by the Community School Board. Funding would come from the local school's program budget.[30]

Adjunct Teachers -- Adjunct Teachers would be specialists from all walks of life who would teach occasional classes, give guest lectures, lead seminars or other small group discussions, occasionally work with individual students for limited periods of time, or help prepare specialized curriculum materials.

They would be hired by the Community School Board on a flexible, short-term basis, with the length of the contract negotiated to fit the specific circumstance. Salaries, which would be funded by the local school's program budget and perhaps partially by local business, would be locally negotiated to fit varying employment conditions. A state certificate would not be required for Adjunct Teachers.[31]

The Berman report advocates implementation of a type of differentiating staffing in the schools.[32] Although the Berman report suggests a number of major reforms for the Hawaii educational system, BW Associates believes that its plan for establishing new teacher roles and responsibilities would benefit the State's educational system, even if the other reforms are not undertaken.[33]

Reactions to House Resolution No. 23, H.D. 1

Certain representatives of the DOE and of teachers were interviewed for their comments on the concept of new teacher categories referenced in House Resolution No. 23, H.D. 1. The responses are summarized below.

Department of Education, Office of Personnel Services

The Assistant Superintendent, Office of Personnel Services, observed that the resolution appears to be trying to define a universally effective teaching model, which is difficult at best. He opined that in line with the State's movement toward decentralized schools, teachers should have a say in what happens in their local schools with involvement from the community. For these reasons, he felt it undesirable to mandate implementation of a plan, such as new teacher categories, on a statewide basis.[34]

One possibility is to allow individual schools to opt to use the suggested new teacher categories as a basis for dividing roles and responsibilities. For example, "Lead Teacher" designation and responsibilities might entitle a teacher to a salary differential, such as that currently given to grade level and department chairs and coaches. Solid criteria would need to be developed for selection.[35]

The assistant superintendent noted that there are teacher shortages in certain areas, such as math, science, industrial arts, and special education, counseling, librarians, and to some extent English teachers. About 500 people per year graduate from teaching institutes in Hawaii, and the Department projects that about 700 to 900 new teachers will be needed each year for the next ten years. The department regularly tries to recruit teachers from the mainland to fill the gap.[36]

The cause of the shortage, however, is not just salary. It was noted that salaries for teachers in Hawaii are fairly competitive with those offered by mainland school districts, and should be adequate for persons living in Hawaii. Salary is a factor in mainland recruiting efforts since prospective recruits are faced with moving costs and comparatively higher housing costs in Hawaii. At some point, it may be necessary to consider offering mainland recruits, and possibly neighbor islands transfers, some type of housing and transportation subsidies.[37]

The assistant superintendent opined that working conditions for teachers in Hawaii are generally all right and are probably not responsible for the teacher shortage. There is, of course, room for improvement in areas such as reducing class size and paperwork, and increasing planning time, all of which requires a commitment of resources.[38]

Lack of professionalism is not a likely cause of the teacher shortage although teaching may need to be marketed as more of a profession. Teachers end up involved in problems that should be dealt with at home. Professionalism can be raised by improving teacher training, particularly training that is more field based, geared toward collaboration, conflict management, and facilitation; and by lengthening the internship. This, of course, also requires resource commitment.[39]

It was also suggested that outstanding schools, or outstanding teachers should be recognized by awards to the school as a whole, or perhaps by individual awards in the form of money, certificates of achievement, or course credit.[40]

DOE District Superintendents

The ideas raised by House Resolution No. 23, H.D. 1, were also discussed individually with the seven DOE District Superintendents.[41] Most, but not all, of the District Superintendents supported the idea of "new categories of teachers" referenced in the resolution or some type of plan with teaching levels. Several suggested that the resolution was premature, and the Legislature or DOE should first identify the educational objectives sought, and then determine

the means to attain those objectives. The feedback varied considerably, in part due to the rather vague wording of the resolution.

Many potential benefits were associated with the idea of a hierarchical teaching structure. It was suggested that such a plan would help beginning teachers, coordinate teaching efforts, contribute to staff development, provide teachers with incentive and motivation through a career ladder, recognize expert teachers, make the best use out of teachers, increase professionalism by improving teaching skills, enhance job interest, challenge and possibly reduce job burn-out, encourage evaluation -- which was identified as a tool for improvement, and enhance curriculum development. It was generally, but not unanimously, agreed that a differentiated teaching staff would contribute to the attraction and retention of teachers, improve instructional quality, and improve quality of education.

One district superintendent favored adoption of a Master Teacher position to assist beginning teachers, as did the Beginning Teacher Supervisors in the 1960s. It was suggested that such a program be implemented on a statewide basis, with at least one Master Teacher for every two or three schools. The position would be a permanent one, in order to enable the Master Teacher to build expertise, develop new techniques, and to attract tenured teachers, and would be implemented on a statewide basis. These teachers would receive a pay differential because they would need to put in more hours than regular teachers. This district superintendent disfavored additional categories of teachers, because they would be too difficult to define. Further, the process of assigning a teacher to a category would necessarily be too subjective, since formal training alone does not accurately determine whether a teacher would make a good lead teacher.

Certain problems were also anticipated in addition to the notion that the resolution puts "the cart before the horse". It was pointed out that categorizing teachers may result in pulling the most effective teachers out of the classroom to perform administrative and coordinating duties. Care would be needed to see that evaluations for promotions do not become political. It may be difficult to sell the idea to teachers during the current teacher shortage. It was said that the plan puts the burden of training on the schools. If leadership and supervisory responsibilities take some teachers out of the classroom, the student to teacher ratio will increase. It was also noted that the needs of rural and neighbor island schools may differ from those of urban schools.

With respect to tying teacher pay to the new roles and responsibilities, most district superintendents believed that teachers should continue to receive their base pay under a salary schedule, but that those taking on greater responsibility because of a new teaching role should receive a salary differential.

Generally, the district superintendents agreed that the plan should be optional, or if mandated on a statewide basis, that individual schools should be given the flexibility to determine matters such as the number of positions within each teacher category that they needed. Several district superintendents also suggested that there be fluidity in the higher level

positions, so that a teacher taking on the position of lead or master teacher could choose to return to regular teaching duties if the teacher so desired.

Most of the district supervisors supporting the idea of new teacher categories recommended that a task force be appointed to review existing models, and develop a model best suited for the needs of the State. Several stressed the importance of having teachers represented on the task force. Several favored piloting the plan. One district supervisor felt a pilot project was unnecessary since the concept of teacher categories is already occurring in the schools on an informal basis. The advocate of the Master Teacher position, which would assist beginning teachers, also felt there was no need to pilot such a Master Teacher program, since the former Beginning Teacher Supervisor positions had been quite successful.

Many of the district superintendents made reference to the informal role differentiation occurring in the schools. For example, it was noted that District Resource Teachers may play a curriculum leadership role in a specific school. Experienced teachers in some schools are coaching one another. Cooperating teachers are working with student teachers who are still in the University of Hawaii College of Education. Volunteers from the business community may present lectures to students once a week, in an adjunct teacher type of capacity. Teacher support may also be provided by Educational Assistants.

At least several districts have or are developing staff development plans which involve some degree of teaching levels. The Central Oahu District is preparing a Teacher Development Plan, projected to be published in the spring of 1990. The plan is designed to strengthen teaching ability. Levels in the plan will range from the beginning teacher to the master teacher.[42]

The Leeward Oahu District piloted a Mentor Teacher Program in the 1987-88 school year. Beginning elementary and secondary teachers in the pilot program were teamed with mentor teachers, who were former cooperating teachers with the University of Hawaii. A 1988 evaluation of the program found that such induction programs eased the transition between student teaching and the probationary period; may reduce the teacher attrition rate; and can improve beginning teacher effectiveness.[43]

The Honolulu District Office of the DOE, in connection with the University of Hawaii, is drafting plans for a pilot Professional Development School (PDS). For the pilot project, it is recommended that an elementary school be designated as a PDS. The PDS would participate in preservice teacher preparation, serve as a vehicle for administrative training for an intern, and would possibly provide training for school counselors. Some of the PDS faculty may be highly qualified and experienced cooperating teachers, ready for involvement in the PDS as Adjunct faculty at the University of Hawaii. Others may need additional coursework and mentoring to become qualified for appointment to the PDS. The pilot PDS is planned to begin operation in the fall of 1990.[44] The district superintendent expressed an interest in coordinating a pilot for the new teacher categories with the pilot PDS now under development in the Honolulu District.[45]

Hawaii State Teachers Association (HSTA)

The HSTA believes that the teacher in the classroom is the core of teaching;[46] that regardless of teaching positions and responsibilities, teachers are equals;[47] that one category of teachers is not inherently more valuable or diligent than another category of teachers;[48] and that teachers are members of a team in the school, not part of a hierarchy.[49] To keep teachers in the classroom who are energized by teaching children, wages, work hours and working conditions must be made conducive to that process.[50] HSTA believes that high quality teachers cannot be attracted and retained if the regular classroom experience is devalued;[51] a plan which elevates master teachers or lead teachers out of the classroom would injure teacher morale and would destroy the teaching workforce.[52]

The HSTA is not opposed to the concept of paying differentials, negotiated in the collective bargaining process, to teachers who perform tasks above and beyond those duties and responsibilities inherent to teaching, but what constitutes inherent teaching duties is an unresolved issue.[53] It would be willing to discuss a plan within a salary schedule that facilitates teaching in the classroom without creating a bureaucracy.[54] HSTA would not, however, want a plan that affects teaching legislatively imposed without the involvement of teachers.[55]

On a broader basis, HSTA believes that decisions should be made as to the goals of public education, and teaching must be restructured to prepare students for the future.[56] The Legislature, the DOE, HSTA, the public, parents, and members of the community and perhaps others should be involved in the process.[57] Once the goals of public education are determined, then various models and means to attain those goals can be discussed.[58] Until then, HSTA believes that it is premature to discuss differentiated staffing.[59]

The HSTA would like to see representatives of the DOE, perhaps the University of Hawaii, and other educational organizations work out the possibility of an entirely new salary schedule, not just one that would include the current step and class process. The product would be presented to the Legislature, whose assistance would be requested so as to allow the new salary schedule to be put into the 1993-95 collective bargaining agreement.[60] In the meantime, the HSTA "wholeheartedly" supports a single salary schedule for teachers, structured to allow teachers to progress steadily through the salary schedule in order to encourage teacher retention.[61]

HSTA notes that "team teaching", which House Resolution No. 23, H.D.1 contemplates, is already occurring on an informal basis in the schools. The department chair or grade level chair could be regarded as a "lead teacher" who coordinates the regular teachers. Many schools also have student teachers, and educational assistants, and lay or specialty teachers who may be similar to adjunct teachers.[62]

The HSTA says that the quality of instruction will not be enhanced if quality teachers are promoted out of the classroom. New teacher categories are not needed to elevate the quality of

training received by new teachers, since prospective new teachers are already involved in internships within the schools. Lack of clearly demarcated responsibilities supposed by the resolution is not a current problem.[63]

New teacher categories, if only labels, will not enhance professionalism in teaching, to the extent that professionalism means that teachers can decide who should get paid more. Professionalism may be enhanced to the extent that new teacher categories would make educational technicians available to grade papers, so as to give the teacher more time for other activities.

HSTA believes that teacher salaries must be increased to a "professional level" that will ensure Hawaii's capability to attract and retain excellent teachers. The entry level salary of teachers must be made competitive with those of other professionals with comparable education and responsibility.[64] Special compensation should be provided to meet specific objectives such as: (1) additional profession-related responsibilities, (2) student-related extracurricular responsibilities, and (3) expenses for professional growth programs, for example, tuition, fees, and other costs.[65]

The union also favors improving teacher image by recognizing outstanding classroom teachers, a program which it suggests be conducted by institutions of higher education in the State. It suggests activities such as: (1) special awards of distinction given to outstanding teachers by the University of Hawaii College of Education at commencement, (2) honorary degrees granted to deserving teachers, and (3) small grants or tuition stipends awards to outstanding classroom teachers for the purpose of advanced study or special research.[66]

Hawaii Federation of Teachers

The Hawaii Federation of Teachers had no comment on the concepts raised by House Resolution No. 23, H.D. 1.[67]

Summary

It appears that the concept of new teacher categories discussed in House Resolution No. 23, H.D. 1 (1989), stemmed from the Berman report, released in November 1988. Some educators were interviewed concerning their reaction to the concepts in the house resolution; their input varies in part because of the vagueness of the resolution. The DOE is hesitant to have an effective teaching model determined by Legislation. Many, but not all, DOE District Superintendents support the general concept of new teacher categories as an elective plan which may improve the quality of instruction. The HSTA believes that the concept is premature -- educational objectives should be defined first, and then plans should reflect the most feasible method of attaining the objectives.

CHAPTER 7

THE GENERAL ARGUMENTS OVER DIFFERENTIATED STAFFING

As is evident from both practical and theoretical models of differentiated staffing, the concept has its supporters and detractors. The major arguments in favor of and against differentiated staffing are listed below; many have been discussed previously. Any model proposed for implementation should be viewed against these considerations.

Arguments in Favor of Differentiated Staffing

The following are some of the major arguments that have been raised in support of differentiating staffing, and career ladder plans.

- The necessity for continuous professional development spanning preservice training and running through career-long development is recognized.[1] Beginning teachers would receive help.[2]
- The best use would be made of teachers.[3]
- Professionalism would be enhanced as teachers improve teaching skills.[4]
- New access to the reform of teacher education is provided.[5]
- Teachers are given more choice of the roles they might play.[6]
- It recognizes that teachers are not omnicapable, and that no individual can perform all the roles traditionally assumed by the teacher.[7]
- Promotion in teaching is made possible by establishing career patterns in teaching.[8]
- Inservice teachers may be motivated by the potential for advancement.[9]
- Strong teacher candidates may be attracted by the potential for advancement.[10]
- The lockstep salary schedule is broken.[11]
- Individualized programs for students are more feasible.[12]
- Teaching efforts would be coordinated between teaching disciplines.[13]

- It recognizes that changes in staffing also require modifications in curriculum, in the use of time and resources, and in psychological climate.[14]
- It is [according to some] economically feasible to implement. The initial investment is reasonable.[15]
- Monetary requirements may be lessened because part of reward is prestige.[16]
- Job interest, and challenge would be enhanced, and job burn-out possibly reduced.[17]
- Evaluation, a tool for improvement, would be encouraged.[18]
- Curriculum development would be enhanced.[19]

Arguments Against Differentiated Staffing

A number of drawbacks have been associated with differentiated staffing and career ladder plans, including the following:

- The most qualified and ambitious teachers will spend more time in administration than teaching, in order to reach optimum salary levels.[20]
- If the system actually keeps good teachers who reach the top of their pay ladders, teachers at lower levels have little hope for promotion. The lack of mobility is a disincentive for those wanting greater responsibility and pay, and these teachers may suffer decreased morale and leave the school system or the profession.[21]
- Current classroom duties may become diluted or simplified, and the initial excitement and challenge of a new position on a lower rung would likely be dissipated.[22]
- Potential teachers may be less attracted by long-term possibilities than by short-term rewards.[23]
- Workload may increase, lowering morale.[24]
- Efforts may be directed away from the classroom.[25]
- Long-term commitment is required, and it is difficult to obtain short-term results.[26]
- The system may be costly if many teachers advance, if additional responsibilities are many, or if rewards are large.[27]

- If additional responsibilities are overemphasized, effects may be outside of core teaching and learning goals.[28]
- It requires considerable organizational change.[29]
- Expanded support programs may require substantial administrative work in development and execution.[30]
- Teachers and community may not support the reallocated use of teacher time.[31]
- Care would be needed to see that evaluations for promotions do not become political.[32]
- The burden of teaching new teachers is put on the schools.[33]
- If leadership and supervisory responsibilities take some teachers out of the classroom, the student to teacher ratio will increase.[34]
- It is difficult to define different teaching levels.[35]

Summary

The concept of differentiated staffing is not universally accepted. This chapter summarized a number of frequently raised arguments in favor of, and against, such a model.

CHAPTER 8

DEVELOPMENT OF A DIFFERENTIATED STAFFING PLAN

As the previous chapters have noted, the concepts of differentiated staffing and career ladders plans are not universally supported. What should be considered if a decision is made to develop such a plan? This chapter discusses some of the elements deemed to be important to a successful plan, and some logical steps to develop one.

Considerations in Designing a Plan

A number of considerations have been identified in the literature as critical to the success of a differentiated staffing or career ladder plan.[1]

Economic Reward System

Economic rewards for high levels of responsibility should be significant. Small awards provide limited incentives to undertake risks and expend the energy to achieve new levels of competence.[2] Similarly, under the plan, starting salaries for teachers should be improved.[3]

Teachers should be required to continuously demonstrate high performance to retain higher levels of pay and status. Once a teacher has derived money and status from a given increase in pay, this incentive diminishes in importance as a motivator. Resources are limited, and if those who receive the incentive do not have much chance of losing it, its access by others will be constrained.[4]

Awards should not be based on competition among teachers. Motivation theory teaches that incentives must be considered attainable. Awards that are based on comparisons among individuals or limited in number will be viewed by many workers, especially those needing the most improvement, as beyond their reach. Competitive awards will discourage peer interaction and social approval, both of which are important to effective teaching.[5]

Teacher Evaluations

Teacher evaluation and assessment practices must be effective,[6] fair, and predictable.[7] Evaluation, monitoring, and feedback should be frequent.[8] The criteria against which performance is measured, and the goals they manifest, should be clear. Evaluations for rewards and status should be performed by outside observers and judges. Performance appraisals by principals or other teachers often cause tension or competition. Many observers believe that performance evaluators who decide about monetary rewards, advancement, or retention cannot

also provide support for professional growth because the employee whose work is being judged will not disclose personal weaknesses and will resent negative evaluations.[9] Standardized test scores should be eliminated as a standard of evaluation.[10]

Staff Development

There should be a structural vehicle for collaboration and staff development.[11] The school must operate from the assumption and cultural expectation that everyone can improve.[12] Inservice training or staff development should be an integral part of the system and should be focused toward improving teachers' chances to earn higher pay and status. Providing teachers with information that they are falling short of performance goals without the support they need to reach those goals invites alienation and frustration. The evaluation system can provide evidence of teacher needs and motivate teachers to improve. It should also identify teachers who can serve as models and peer tutors, thus enriching a school's or district's professional development resources.[13]

Organizational Support

Provisions must be made for organizational support through professional contact with other teachers and administrative involvement and support. Procedures and policies aimed at this goal will cut "organizational inertia" and provide the opportunity for success that current structures in educational organizations do not provide.[14]

Steps Toward Development of a Plan

There is no best method by which to develop a differentiated staffing or career ladder plan, but it is helpful to review the advice of experts. The following excerpts are from VanLoozen.[15]

Involve Those Whom the Plan Will Affect

Involve all those who will be affected by the plan. This includes teachers, since they may participate in and benefit from the plan; school administrators, since they will implement and operate the plan; the school board, school parents and other citizens, and members of the business community, since they will financially and politically support the plan.

Once there is agreement to consider a program, it may be desirable to establish one or more committees, consisting of representatives of the above groups, to research and design the program. It may also be helpful to hire a consultant to assist the administration and the development committee in designing a program. If hired, the consultant should be brought into the district three to six months before the study committee begins its work in order to become familiar with the school system and its people, and to have time to earn the respect and trust of the school administrators and teachers.[16]

Research Other Plans

The research committee should learn, among others, about the different kinds of applicable programs, how they were developed, why some worked and others did not, and about plans under development. It may also be helpful to consider what aspects of various plans would be supported by major teacher organizations, as well as teacher representatives on the committee.[17]

Determine Plan Objectives

Having obtained knowledge on what is possible, the information should be related to the district or school system. This requires a determination of the objectives to be accomplished by the plan. The objectives, for example, might be to attract and retain quality teachers, to enhance professionalism in teaching, to enhance the quality of public instruction, and to enhance the quality of teacher training. It may also be helpful to define what is not wanted in the plan.[18]

Design the Plan to Fulfill the Objectives

The plan can now be designed to accomplish the established objectives. Standards for teacher performance must be determined, and tools must be devised to consistently and objectively evaluate teacher output. If increasing educational productivity is a goal, teachers should be encouraged to initiate their own proposals to accomplish this goal.

A decision must be made as to the type of plan that is financially feasible. It may be appropriate to investigate outside financial help such as grant moneys or financial support toward the program from local businesses.

Feasibility must also be assessed in view of the level of trust between school management and staff, since it will undoubtedly affect teacher livelihoods. The level of trust may be improved by involving staff in the development, perhaps by way of committees at each school which serve as a liaison between school staff and the plan's development committee.[19]

The plan's feasibility should also be examined from the perspective of state law.[20]

Document the Plan

Board policy, along with appropriate forms, must be developed in writing, outlining the plan's objectives, criteria for eligibility for different levels of the plan, procedures for application, the evaluation criteria, the pay schedule, the appeals procedure, and a statement that the success of the plan will be monitored and evaluated.[21]

Implement the Plan

The focus should be on the four main keys for successful implementation of a teacher ranking program: commitment by the board, administration, and staff to the plan; agreement on how to implement the plan; understanding who is responsible for different aspects of plan implementation; and good communication to the public about the plan's effect on student achievement.[22]

The administration should develop a realistic plan of implementation. It should include a timeline addressing when teachers will be placed on the plan, when evaluations will be made, when applications and recommendations for advancement will be made, and when final approval on recommendations will be given.[23]

Monitor and Refine the Plan

Finally, evaluations must be conducted to determine whether the plan is meeting its objectives, improving productivity, and financially worthwhile. This and other information is needed in order to assess the program's value, as well as to improve it.[24]

Summary

This chapter provided considerations offered by experts for development of a successful differentiated staffing or career ladder plan.

CHAPTER 9

FINDINGS AND RECOMMENDATIONS

Facts and Findings

Public school teachers in Hawaii are not formally stratified into titles denoting specialized roles and responsibilities, such as the lead teacher, regular teacher, apprentice or intern, educational technician and adjunct teacher categories referenced in House Resolution No. 23, H.D. 1. Teachers are paid under a single salary schedule which takes into account their respective years of teaching experience, and their level of academic training, but not their particular role or responsibility in the school. The amount of wages paid on each point of the salary schedule is determined through the collective bargaining process. Under the current collective bargaining agreement, however, salary differentials are given to teachers holding certain positions of additional responsibility, such as Grade Level Chairperson and Department Chairperson.

The concept of "new teacher categories" referred to in House Resolution No. 23, H.D. 1, appears to have stemmed from the recommendations of the Berman report, a privately commissioned report on improving the quality of education in Hawaii, which was published in November 1988. The Berman report recommends, among others, that the teaching profession should be strengthened, and that one of the means to accomplish this is to give teachers new roles and responsibilities. The authors of the Berman report acknowledge that it advocates a form of the "differentiated staffing" model, in which teachers are paid according to their roles and responsibilities.

Differentiated staffing was popularized in the late 1960s and early 1970s, but was not enduring. In fact, in 1971, the Board of Education in Hawaii considered a plan recommending differentiated staffing, but rejected it when teachers vocally objected to the plan.

Finding No. 1: The concept of establishing the new categories of teachers referenced in House Resolution No. 23, H.D. 1, is not new. It suggests a form of the differentiated staffing model under which teachers are paid according to their roles and responsibilities.

Differentiated staffing plans, and their relative, career ladder plans, have enjoyed renewed interest in the 1980s, thanks to national support from the United States Secretary of Education, the Holmes Group, and the Carnegie Forum on Education and the Economy, among others, and in Hawaii due largely to the Berman report. Variations of such plans are currently being employed in school systems across the country, with degrees of success. Many arguments have been made by educators on either side of the differentiated staffing issue, and it is far from a universally endorsed concept.

Finding No. 2: While the concept of differentiated staffing has received recent national and local support, nationally many educators oppose it.

In Hawaii, the Department of Education (DOE) is hesitant about the prospect of having what constitutes effective teaching determined by a legislatively mandated plan. Many, but not all District Superintendents, support the concept of new teacher categories or some type of plan involving teaching levels, as a means to improve the quality of instruction and thereby the quality of education. Some other possible benefits perceived to follow the establishment of new teacher categories include assisting beginning teachers, coordinating teaching efforts, staff development, increased teacher incentive and motivation, making the best use of teachers, and increased professionalism through improved teaching skills. It is generally, but not unanimously, agreed that a differentiated teaching staff would contribute to the attraction and retention of teachers, improve instructional quality, and improve the quality of education.

The Honolulu District Office of the DOE is now drafting plans for a pilot Professional Development School (PDS) for preservice teacher preparation, and the district has expressed interest in coordinating a pilot project for new teacher categories within the pilot PDS.

The teachers' union (i.e., the collective bargaining representative), the Hawaii State Teachers Association, believes that the concept of establishing new teacher categories is premature, and that educational objectives should be defined first, and then plans should reflect the most feasible method of attaining those objectives.

Finding No. 3: Some educators in Hawaii support the concept of new teacher categories to improve the quality of instruction and education in the State, while others oppose it.

The literature suggests that a logical first step is to form a task force involving all those who will be affected by the plan -- teachers, school administrators, the school board, school parents and other citizens, and perhaps members of the business community -- for the initial purpose of deciding whether to consider a plan. If appropriate, the task force can later direct research on existing plans, determination of plan objectives, plan design and documentation, plan implementation, monitoring, and refinement.

Finding No. 4: If a plan for establishing new categories of teachers is to be pursued, all those who will be affected by such a plan should be involved developing it through their respective representatives.

Recommendations

1. The Legislature should consider whether the concept of establishing new teacher categories is aimed at attaining a defined educational objective; whether the most feasible way to attain the objective is by establishing new teacher categories; and whether the Legislature has enough information to make such a determination at this time.

2. If the concept of new teacher categories is to be pursued further, a task force should be established involving all those who will be affected by the plan -- teachers, school administrators, the school board, school parents and other citizens, and perhaps members of the business community. The task force should make an independent recommendation whether to pursue the concept of establishing new teacher categories.

3. If the concept is pursued, the task force should consider implementing pilot plans in connection with the PDS to be piloted by the Honolulu District Office. The task force should also take responsibility for directing research on existing plans, determining plan objectives, designing a plan, documenting it, implementing the plan, and plan monitoring and refinement.

FOOTNOTES

Chapter 2

1. "Graduate Programs of Teacher Education and the Professionalization of Teaching," by Virginia Richardson-Koehler and Gary D. Fenstermacher (College of Education, University of Arizona, 1987 rev.), p. 3. (Mimeographed).

2. "Structuring Teacher Pay: Panaceas, Problems and Potential," National Education Association Search, June 1985, p. 3.

3. "The Single Salary Schedule," National Educational Association Search, April 1985, pp. 5-8.

4. Hawaii, Department of Education, Personnel Office, Supplemental Budget Request, Fiscal Year 1990-91, Narrative Justification of Estimated Program Costs, Budget Program Code 02-03-07-02-00. (Mimeographed). (Hereinafter Budget Justification).

5. The State Functional Plan on Education "delineate[s] specific strategies of policies and priority actions that should be addressed in the short-term," in order to implement the long-term state objectives of the Hawaii State Plan. Hawaii, The Hawaii State Plan - Education (Honolulu, 1989), p. I-1. (Hereinafter The Hawaii State Plan - Education).

6. Hawaii, Department of Education, "Working Together Toward Excellence - Goals and Objectives of the Hawaii State Board of Education" (Honolulu: May 1986). (Hereinafter "Working Together Toward Excellence")

7. The Hawaii State Plan - Education, p. III-7; "Working Together Toward Excellence", p. 16.

8. The Hawaii State Plan - Education, pp. III-7-10.

9. The time frame for this implementing action is set forth as 1988-1991. The Program Adjustment Request for the action is: $790,033 for Inservice Training of School Administrators and Classified Staff; $350,000 for new initiative for Leadership Academy; $1,008,000 for Recruitment and Retention of Teachers and School Administrators in the 1989-91 Biennium; $1,547,170 for new initiative for a School Administrator's Training Program in the 1990-91 Fiscal Year; $1,588,598 as requested for School Clerks in the 1989-91 Biennium. The Hawaii State Plan - Education, p. III-7.

10. The Hawaii State Plan - Education, p. I-4.

11. Hawaii, Department of Education, Certificated Personnel Policies and Procedures, (hereinafter Certificated Personnel Policies) Policy No. 5200.

12. The Office of the Legislative Auditor is preparing a study for the 1990 Regular Session of the Legislature pursuant to Senate Concurrent Resolution No. 232, S.D. 1, on the impact of adding a new classification (Class VIII) for teachers in the public school system.

13. Technically, HSTA is the exclusive representative for

bargaining unit 5, which is comprised of "[t]eachers and other personnel of the department of education under the same salary schedule . . .", including part-time employees working at least half-time. Hawaii Rev. Stat., sec. 89-6.

The current Collective Bargaining Agreement expressly states that the teachers unit excludes, "Part-time teachers (as defined by section 89-6, Hawaii Revised Statutes); Substitute Teachers, Adult Education Teachers except those on annual contract, Summer School Teachers, Summer School Supportive Staff (Counselors, Librarians, etc.); Special Contract Teachers (Consultants, Special Projects, Workshop Teachers, etc.); ROTC Instructors, Driver Training and Educational Instructors, Model Cities Teachers, PL 89-10 Chapter 1 (not on regular teachers' salary schedule); Language Arts Lay Readers; Non-Teacher Athletic Coaches; Home/Hospital Instruction Teachers (as defined by Section 89-6, Hawaii Revised Statutes): Non-Teachers, Non-Athletic Activities Supervisors; Part-time Advisors, PL 89-10 Chapter 1 (Drop Out Program); Civil Defense Teachers; National Teachers Corps Interns; Student Teachers; Vocational Home Economics Teachers (as defined by section 89-6, Hawaii Revised Statutes); Vocational Agriculture Teachers (as defined by section 89-6, Hawaii Revised Statutes)." Agreement Between the Hawaii State Teachers Association and the State of Hawaii Board of Education, July 1, 1989 - June 30, 1993 (Honolulu, 1989) (hereinafter HSTA/BOE Agreement), p. 1.

14. Certificated Personnel Policies, Policy no. 5200.

15. Hawaii Rev. Stat., sec. 297-31.1. Certification is a license to practice teaching, school administration, and educational administration in the Hawaii public school system. It controls initial entry into certificated positions within the DOE and is intended to assure the continued competent performance of professional employees. It is DOE's policy to maintain a teacher certification policy to assure that students in the public schools have competent teachers. Teacher certification is used to (1) assure that upon initial entry into the teaching profession, teachers are properly trained and have demonstrated a basic set of teaching competencies and personal attributes, and (2) to assure that once in service, teachers consistently demonstrate competent teaching ability and performance. Certificated Personnel Procedures, Policy no. 5300.

16. Certificated Personnel Policies, Reg. no. 5205.

17. Interview with Donald R. Nugent, Assistant Superintendent, Office of Personnel Services, Department of Education, November 20, 1989.

18. Hawaii State Teachers Association, Teaching Today for Hawaii's Tomorrow (Honolulu), p. [7].

19. Letter from Joan Lee Husted, HSTA Director of Program, to Ken Takayama, December 21, 1989, pp. 1-2.

20. Hawaii, Department of Education, "Teachers Salary Schedule Entry

Levels for Employees New to the Hawaii Department of Education - August 30, 1989 - August 29, 1990".

21. The Act provided in part, "Effective July 1, 1976, an employee shall not be entitled to his normal annual increment or longevity increase, as the case may be, in any fiscal year that an increase in the applicable salary or wage board schedule is effected, whether by statute or agreement, and no part of such a fiscal year shall be counted as service creditable for any future increment or longevity pay increase; provided that any collective bargaining agreement, the expiration date of which is beyond June 30, 1976, which provides for a general wage adjustment together with incremental and longevity increases shall be observed in accordance with the terms of the agreement in effect on June 30, 1975 for an employee covered by such an agreement." Act 164, S.L.H. 1975.

22. Certificated Personnel Policies, Reg. no. 5200.

23. Certificated Personnel Policies, Reg. no. 5201.

24. Certificated Personnel Policies, Policy no. 5200.

25. Certificated Personnel Policies, Reg. no. 5201.

26. Certificated Personnel Policies, Policy no. 5200; Reg. no. 5204.

27. HSTA/BOE Agreement, pp. 45-46.

28. Ibid.

29. Ibid.

30. Ibid.

31. Ibid.

32. Ibid., p. 47.

33. Ibid., pp. 47, 53.

34. Nugent interview, November 20, 1989.

35. Hawaii, Department of Education, District Resource Teacher: Classroom/Resource, (draft) April 18, 1983, pp. 1-3.

36. Ibid., pp. 3-4

37. Nugent interview.

38. Telephone interview with Shirley T. Akita, District Superintendent, Kauai District Office, Department of Education, September 27, 1989.

39. Ibid.

40. Hawaii, Department of Education, Memorandum on "Background Data - Beginning Teacher Development Program" 1966-1973 (hereinafter Background Memo), p. 1.

41. Hawaii, Department of Education, Memorandum on "Beginning Teacher Development Program", May 24, 1966 (hereinafter Program Memo), p. 1.

42. Ibid.

43. Ibid., p. 3.

44. Ibid., p. 4.

45. Ibid.

46. Ibid., p. 3.

47. Ibid., p. 2.

48. Ibid., p. 3; Background Memo, p. 1.

49. Background Memo, p. 1.

50. Interview with Dr. Liberato C. Viduya, Jr., District Superintendent, Central Oahu District Office, Department of Education, September 26, 1989.

51. Nugent interview, November 20, 1989.

52. Budget Justification. The budget request justification states that retention of new teachers is national problem, with 60-70 percent of new teachers leaving teaching during their first two years. It adds that "[a] large number of those leaving the profession in their first two years do so because they cannot gain mastery over teaching due to the condition of their entry into the profession." The request describes these negative conditions as including isolation from senior colleagues, vague relationships with school administrators, classrooms with an overrepresentation of students who are unwilling to learn, schedules that require multiple preparations, few opportunities for participation in the goal-setting and implementation activities of the school, and an absence of on-going assistance in continuing to learn to teach.

53. Budget Justification.

54. Certificated Personnel Policies, Policy no. 5600.

55. Details of the Cooperative Practicum are described in a publication of the State Department of Education, Office of Personnel Management, Certification and Development Branch, Department of Education, entitled Guidelines for Teacher Education Program Field Experiences in the Hawaii Public Schools (Honolulu: November 1987).

56. Ibid., p. i.

57. Ibid., pp. 23-25.

58. Ibid., pp. 15-16.

59. Ibid., p. 16.

60. Nugent interview, November 20, 1989.

61. Background Memo, p. 1; interviews with Sakae Loo, District Superintendent, Windward Oahu District Office, Department of Education, and with Dr. Margaret Y. Oda, District Superintendent, Honolulu District Office, September 25 and 26, 1989, respectively.

62. Hawaii, Department of Education, Principals' Circular No. 2216, May 25, 1966, p. 1.

63. Ibid.

64. "Hawaii, Department of Education, Class Specification for the Educational Assistant Series", September 28, 1972, p. 1

65. Unit 3 membership is statutorily defined as "[a]ll employees throughout the State within any of the following categories: ... (3) Nonsupervisory employees in white collar positions." Hawaii Rev. Stat., sec. 89-6(a).

66. Interview with Donald R. Nugent, Assistant Superintendent, Office of Personnel Services, Department of Education, September 22, 1989.

67. Interview with Edward K. Nakano, District Superintendent, Leeward Oahu District Office, Department of Education, September 27, 1989.

68. Certificated Personnel Policies, Reg. no. 5104.

69. Certificated Personnel Policies, Procedure no. 5104.1

70. Certificated Personnel Policies, Reg. no. 5104.

71. Ibid.

72. Nugent interview, September 22, 1989.

73. HSTA/BOE, p. 59.

74. Hawaii Rev. Stat., sec. 89-9.

75. Nugent interview, November 20, 1989; Telephone interview with Joan Husted, HSTA Director of Programs, November 22, 1989.

76. Samuel B. Bacharach, David B. Lipsky and Joseph B. Shedd, Paying for Better Teaching: Merit Pay and Its Alternatives (Ithica: Organizational Analysis and Practice, Inc., 1984) (hereinafter Bacharach), p. 2.

77. Ibid., p. 51.

78. A. John Fiorino, Differentiated Staffing: A Flexible Organization (New York: Harper & Row, 1987), pp. 3-4.

79. Susan Moore Johnson, "Incentives for Teachers: What Motivates, What Matters," Educational Administration Quarterly, Summer 1986, p. 70.

80. Ibid., p. 69.

81. Bacharach, p. 51.

82. Ibid.

83. Ibid., pp. 51-52.

84. Ibid., p. 51.

85. Susan Moore Johnson, Pros and Cons of Merit Pay, Phi Delta Kappa Educational Foundation, Fastback No. 203 (Bloomington, In.: 1984), pp. 21-22.

86. Ibid.

87. "Merit Pay Problems and Facts," National Education Association Search, May 1984, p. 9.; "The Single Salary Schedule," National Education Association Search, April 1985, p. 7.

88. "Some Points to Consider When You Discuss Merit Pay," by Lu VanLoozen (American Association of School Administrators, Arlington, Va., 1983), p. 16. (Mimeographed).

89. "Merit Pay Problems and Facts," p. 9.

90. "The Single Salary Schedule," p. 7.

91. Barbara Z. Presseisen, Unlearned Lessons (Philadelphia, Pa.: Palmer Press, 1985), p. 19.

92. Johnson, Pros and Cons of Merit Pay, p. 22.

93. Ibid.

94. Roy A. Edelfelt, "Career Ladders: Then and Now," Educational Leadership, November 1985, p. 62.

95. James Lewis, Jr., Foreword, Differentiating the Teaching Staff (West Nyack, N.Y.: Parker Publishing Company, Inc., 1971), pp. 1-3.

96. Edelfelt, p. 63.

97. Ibid.

98. See Chapter 7, below.

99. Johnson, "Incentives for Teachers," p. 63.

100. T. H. Bell, "The Master Teacher," School Business Affairs, July 1984, p. 43.

101. Lu VanLoozen, p. 13; Edelfelt, p. 62.

Chapter 3

1. Susan Moore Johnson, "Incentives for Teachers: What Motivates, What Matters," Educational Administration Quarterly, Summer 1986, p. 70.

2. A. John Fiorino, Differentiated Staffing: A Flexible Instructional Organization (New York: Harper & Row, 1972), p. 5.

3. Johnson, p. 70.

4. See, e.g., James A. Cooper, Differentiated Staffing (Philadelphia, Pa.: W. B. Saunders Company, 1972); Richard A. Dempsey and Rodney P. Smith, Jr., Differentiated Staffing (Englewood Cliffs, N.J., Prentice-Hall, Inc., 1972); Fenwick W. English and Donald K. Sharpes, Strategies for Differentiated Staffing (Berkeley, Ca.: McCutchan Publishing Corporation, 1972); A. John Fiorino, Differentiated Staffing: A Flexible Instructional Organization (New York: Harper & Row, 1972).

5. Fiorino, p. 12.

6. More than a decade later, it would be argued that differentiated staffing features a "job ladder" in which promotions up the ladder are not part of the scheme; as distinguished from a true career ladder, in which promotions are made when a person is ready for them, and which are not dependent upon a position vacancy. (See Chapter 2 notes 82 and 83, and accompanying text.) As a practical matter, it appears that providing teachers with the prospect of promotion to a higher level on the ladder is integral to both the career ladder model, and to Fiorino's differentiated staffing model. This characteristic continues to appear in contemporary "differentiated staffing models." Thus, research on "career ladders" is deemed applicable to, and is sometimes referenced in, this study.

7. Fiorino, pp. 7-8.

8. Ibid.

9. Ibid., pp. 18-19.

10. Ibid., p. 19.

11. Ibid., pp. 19-21.

12. Ibid., pp. 20-21.

13. Ibid., p. 22.

14. Ibid., pp. 22-23.

15. Ibid., pp. 23, 83.

16. Ibid., p. 23.

17. Ibid., pp. 23, 82.

18. Ibid., p. 24.

19. Ibid., pp. 25-26.

20. Ibid., pp. 26-27.

21. Ibid., pp. 29-30.

22. Ibid., p. 34.

23. Ibid., pp. 35-36.

24. Ibid., pp. 33-34, 36-37.

25. Ibid., p. 9.

26. Ibid., pp. 11-12.

27. Ibid., p. 41.

28. Johnson, p. 70.

29. H. Jerome Freiberg, "Master Teacher Programs: Lessons from the Past," Educational Leadership, December 1984/January 1985, p. 16.

30. Johnson, p. 70.

31. Freiberg, p. 16-17.

32. Ibid., p. 17.

33. Ibid.

34. Ibid.

35. Michael Stover, "Temple City Differentiated-Staffing Project," in A. John Fiorino, Differentiated Staffing: A Flexible Instructional Organization, p. 59.

36. Ibid.

37. Ibid., p. 62.

38. Ibid., p. 64.

39. Freiberg, p. 18.

40. Ibid.

41. Ibid.

42. Ibid.

43. Ibid.

44. Ibid.

45. Ibid.

46. Ibid.

47. Ibid.

48. Ibid.

49. Ibid.

50. Ibid.

52. Ibid.

53. Ibid.

54. Ibid.

55. Honolulu Advertiser, March 15, 1971, p. A-17.

56. Ibid.

57. Honolulu Star-Bulletin, March 15, 1971, p. A-22.

58. Honolulu Advertiser, March 15, 1971, p. A-17.

59. National Educational Planning Associates, The Hawaii Plan: Design for a Comprehensive Personnel Plan and System (Palo Alto, Ca.: 1971) (hereinafter NEPA), pp. 3-4.

60. Ibid.

61. Ibid., pp. 5-6

62. Ibid.

63. Ibid., p. 6.

64. Ibid., p. 7.

65. Ibid.

66. Ibid., pp. 8-9.

67. Ibid., p. 10.

68. Ibid., p. 11.

69. Ibid., pp. 15-16.

70. Ibid., Appendix B, p. 6.

71. Ibid., Exhibit, "Instructional Staff Classification by Responsibility Levels."

72. Ibid., Appendix B, p. 7.

73. Ibid., p. 70.

74. Ibid., p. 124.

75. Ibid., pp. 123-124.

76. Ibid., pp. 131-133.

77. Ibid., p. 15.

78. Ibid., p. 18.

79. Ibid., Exhibit, "Basic Elements of Career Compensation Plan for Instructional Staff."

80. Ibid., pp. 23-25, and Appendix B, p. 8.

81. Ibid., Appendix B, pp. 8-9.

82. Ibid., p. 29.

83. Honolulu Advertiser, March 19, 1971, pp. A-1, A-6; Honolulu Star-Bulletin, March 19, 1971, p. A-5.

84. Honolulu Star-Bulletin, March 19, 1971, p. A-6.

85. Honolulu Star-Bulletin, March 6, 1971, p. A-9.

86. Honolulu Advertiser, March 15, 1971, p. A-17.

87. Ibid.

88. Honolulu Advertiser, March 15, 1971, p. A-17.

89. Ibid.

90. Honolulu Advertiser, March 20, 1971, p. A-14.

91. Honolulu Advertiser, March 15, 1971, p. A-17.

92. Honolulu Advertiser, March 20, 1971, p. A-14.

93. NEPA, p. 29.

Chapter 4

1. T. H. Bell, "The Master Teacher," School Business Affairs, July 1984, pp. 41, 43.

2. Ibid., pp. 41-43.

3. Ibid., p. 41.

4. Ibid., pp. 41-42.

5. Ibid.

6. Ibid., p. 42.

7. Ibid., pp. 42-43.

8. The Holmes Group is a consortium of education deans and chief academic officers from the major research universities in the United States, organized around the goals of the reform of teacher education and the reform of the teaching profession. Former U.S. Secretary of Education Terrel Bell was among those who assisted the Holmes Group when it began its critical analysis of teacher education in 1983. The Holmes Group, Tomorrow's Teachers (East Lansing, Mi: 1986), Preface, pp. vii-ix.

9. "Graduate Programs of Teacher Education and the Professionalization of Teaching" by

Virginia Richardson-Koehler and Gary D. Fenstermacher (College of Education, University of Arizona, 1987 rev.), p. 2. (Mimeographed).

10. Ibid.

11. Ibid.

12. Ibid., pp. 3-4.

13. Ibid., p. 3.

14. Ibid., p. 2

15. Ibid., p. 3.

16. Ibid.

17. Ibid.

18. The Holmes Group, p. 4.

19. Ibid., p. 36.

20. Ibid., pp. 36-37.

21. Ibid., p. 37.

22. Ibid., p. 38.

23. Ibid.

24. Ibid., pp. 40-41.

25. Ibid., p. 41.

26. Michael W. Apple, "Will the Social Context Allow a Tomorrow for Tomorrow's Teachers?," Teacher's College Record, Spring 1987, pp. 333-334.

27. Ibid.

28. Mary Anne Raywid, "Tomorrow's Teachers and Today's Schools," Teachers College Record, Spring 1987, p. 415.

29. Ibid.

30. Robert Dreeben, "Comments on Tomorrow's Teachers," Teachers College Record, Spring 1987, p. 360.

31. Ibid.

32. Sharon C. Conley and Samuel B. Bacharach, "The Holmes Group Report: Standards, Hierarchies, and Management," Teachers College Record, Spring 1987, p. 342.

33. Ibid., p. 344.

Chapter 5

1. Tenn. Code Ann., sec. 49-5-5001 et seq.

2. Tenn. Code Ann., sec. 49-5-5002(b)(1).

3. The Tennessee Career Ladder has apparently undergone significant changes since its introduction in 1984. For example, compare the existing statutory scheme to the description of this program given by Carol Furtwengler, "Tennessee's Career Ladder Plan: They Said It Couldn't be Done!", Educational Leadership, November 1985. (Hereinafter, Furtwengler, "Tennessee's Career Ladder Plan")

4. Tenn. Code Ann., sec. 49-5-5023.

5. Tenn. Code Ann., sec. 49-5-5004(a)(4).

6. Tenn. Code Ann., secs. 49-5-5002(b)(1), 49-5-5201.

7. Tenn. Code Ann., sec. 49-5-5002(f).

8. Tenn. Code Ann., sec. 49-5-5002(c).

9. Tenn. Code Ann., sec. 49-5-5003(10).

10. Tenn. Code Ann., sec. 49-5-5203(a)(2).

11. Tenn. Code Ann., sec. 49-5-5003(2).

12. Tenn. Code Ann., sec. 49-5-5203(a)(2).

13. Tenn. Code Ann., sec. 49-5-5003(7).

14. Tenn. Code Ann., sec. 49-5-5203(a)(1).

15. Tenn. Code Ann., secs. 49-5-5201, 49-5-5206.

16. Tenn. Code Ann., sec. 49-5-5209.

17. Tenn. Code Ann., secs. 49-5-5201, 49-5-5207.

18. Tenn. Code Ann., sec. 49-5-5207(b).

19. Tenn. Code Ann., secs. 49-5-5207, 49-5-5209.

20. Tenn. Code Ann., secs. 49-5-5201, 49-5-5208.

21. Tenn. Code Ann., sec. 49-5-5208(c).

22. Tenn. Code Ann., secs. 49-5-5208, 42-5-5209.

23. Tenn. Code Ann., sec. 49-5-5002(e).

24. Tenn. Code Ann., sec. 49-5-5007.

25. Tenn. Code Ann., sec. 49-5-5102.

26. Tenn. Code Ann., sec. 49-5-5201.

27. Tenn. Code Ann., sec. 49-5-5202(d).

28. Tenn. Code Ann., secs. 49-5-5204, 49-5-5205.

29. Tenn. Code Ann., sec. 49-5-5205(j).

30. Tenn. Code Ann., sec. 49-5-5203(c)(1).

31. Tenn. Code Ann., sec. 49-5-5202.

32. Tenn. Code Ann., sec. 49-5-5204.

33. Furtwengler, "Tennessee's Career Ladder Plan", p. 52.

34. Tenn. Code Ann., sec. 49-5-5012.

35. Furtwengler, "Tennessee's Career Ladder Plan," p. 52.

36. Russel L. French, George E. Malo, and Ernest A. Rakow, "What We Have Learned from Tennessee's Career Ladder Experience," Educational Leadership, November 1988, (hereinafter French), p. 70.

37. Indicators of performance and measurement statements for each domain of competence are published in the Teacher Evaluation Manual. Tennessee, Department of Education, Career Ladder Teacher Orientation Manual - 1989 - 1990 (Nashville Tenn.: 1989).

38. French, pp. 70-71.

39. The data sources include classroom observation, a portfolio created by the teacher, an interview with the teacher, a peer questionnaire, a student questionnaire, a superordinate (principal) questionnaire, and a written test. These data sources, and details of the evaluation process are discussed by Furtwengler in "Tennessee's Career Ladder Plan," p. 52.

Since the inception of the career ladder program, the evaluation

process has been modified. See, Furtwengler, "Lessons from Tennessee's Career Ladder Program," Educational Leadership, April 1987 (hereinafter Furtwengler, "Lessons").

40. French, p. 71.

41. "Career Ladder Instrumentation: The Tennessee Experience", by Joyce R. McLarty (American Educational Research Association Annual Meeting, April 1987), p. 16. (Mimeographed).

42. Furtwengler, "Tennessee's Career Ladder Plan," p. 56.

43. Lamar Alexander, "Teachers Tell What the Career Ladder is Doing for Tennessee's Educators," Educational Leadership, November 1985, p. 55.

44. Ibid.

45. Ibid.

46. Ibid.

47. Furtwengler, "Lessons," p. 69.

48. Ibid.

49. Data were gathered by distributing a questionnaire to 600 Career Level II and III teachers in Tennessee. The sample consisted of 200 teachers from each of the major geographic regions of the state. The return rate on the questionnaire was 79 percent (474 teachers). Thomas L. Reddick and Larry E. Peach, "Career Ladder II and III Teachers' Perceptions of the Effectiveness of the Tennessee Career Ladder Program" (Memphis: Mid-South Educational Research Association, Annual Meeting, November 20, 1986), p. 3. (Mimeographed).

50. Ibid., pp. 3-6.

51. Tennessee, Department of Education, A Study of the Career Ladder and Extended Contract Programs, December 1988.

52. Ibid., p. 9.

53. Ibid., pp. 9-10.

54. Ibid., p. 10.

55. Ibid.

56. Ibid., pp. 13-14.

57. Ibid., p. 14.

58. Ibid., pp. 14-15.

59. Ibid., p. 15.

60. Ibid., pp. 18-19.

61. Furtwengler, "Lessons," p. 69.

62. Ibid., pp. 67-68. Furtwengler reports that the teacher portfolio requirement was eliminated in the program's second year, except for the candidate's report of professional development and leadership activities.

63. Ibid., p. 68.

64. Ibid.

65. French, p. 70.

66. French reports that the Tennessee Career Ladder evaluation process requires candidates to write summaries of their professional growth and leadership activities over the past five years and to evaluate and explain the benefits of these activities to themselves and their students. Candidates also take the Professional Skills Test, on which they respond to 25

items in each of four criteria domains: planning, delivery of instructions, evaluation of student progress, and classroom management. Scores on the test become part of the measurement data used in deriving a domain score. Results from these two instruments produce a common factor. The researchers conclude analyzing and writing about professional activities and reasoning about classroom procedures and problems in a test format apparently caused teachers to reflect upon and evaluate their decisions in similar ways. Ibid., p. 71.

67. Ibid., p. 72.

68. Ibid.

69. Far West Laboratory for Educational Research and Development, An Evaluation of the Utah Career Ladder System (San Francisco: January 1988) (hereinafter Far West), p. 4.

70. Far West, p. 4.

71. Ibid., pp. 4-5.

72. Utah Code Ann., sec. 53A-9-101, et seq.

73. Utah Code Ann., sec. 53A-9-103.

74. Far West, p. 9.

75. Ibid., p. 6; Utah Code Ann., sec. 53A-9-101.

76. Utah Code Ann., sec. 53A-9-103.

77. Far West, p. 6; Utah Code Ann., sec. 53A-9-105.

78. Utah Code Ann., sec. 53A-9-105.

79. Far West, p. 7.

80. Ibid.

81. Ibid., pp. 7-8.

82. See no. 69 above.

83. Far West, p. 13.

84. Ibid.

85. Ibid., pp. 13-15.

86. Ibid., p. 15.

87. Ibid., pp. 15-17.

88. Ibid., p. 17.

89. Ibid., pp. 17-20

90. Ibid., p. 18.

91. Ibid., p. 19.

92. Ibid., pp. 20-21.

93. Ibid., p. 21.

94. Ibid.

95. Ibid., pp. 21-22.

96. Ibid.

97. Ibid., p. 23.

98. Ibid., pp. 24-25.

99. In response to the survey question, "The Career Ladder Levels Component should be continued . . .," the results in percentages were as follows:

	Principal Opinion(%)	Teacher Opinion(%)
Disagree	9.2	18.0
	10.9	10.6
Neutral	20.3	18.4
	26.1	20.8
Agree	33.5	32.2

Ibid., pp. 24-25.

100. Ibid., p. 24.

101. However, it has been recently reported that pay for public school teachers in Utah has dropped from 26th highest in the country, to 40th, over the last four years. National Public Radio, September 25, 1989.

102. Far West, pp. 27-28.

103. Ibid., p. 32.

104. Ibid., p. 34.

105. Ibid., p. 35.

106. Ibid., p. 38.

107. Ibid., p. 40.

108. Ibid., pp. 38-39, 44.

109. Ibid., pp. 60-61.

Chapter 6

1. The Hawaii Business Roundtable describes itself as an organization dedicated to improving life in the community. Its members are primarily chief executive officers of large Hawaii corporations, and several private foundations. Letter from Hawaii Business Roundtable, November 15, 1988, attached to BW Associates, The Hawaii Plan - Educational Excellence for the Pacific Era (Berkeley: 1988) (hereinafter BW Associates), vol. 1.

2. Honolulu Star-Bulletin, November 14, 1989, p. A-3.

3. BW Associates, vol. 1, p. 8.

4. BW Associates summarizes this recommendation as follows: The State should make a major commitment to develop a preschool program in which all four and five-year olds would be entitled to attend a high quality public or private preschool and daycare program subsidized by the State. The program would enable the fifty percent of children currently not attending any preschool to start formal school with preparation equal to children who have the financial means. Moreover, by raising standards for private and public preschools, all of Hawaii's children will be able to receive an appropriate foundation for learning throughout their lives. Ibid.

5. BW Associates summarizes this recommendation as follows: The public school system should be gradually shifted to a community-centered school system within a statewide structure that insures equity, quality, accountability, and support for local efforts. Under this proposal, local schools and community boards would have the authority to control their educational programs and to be accountable for results. Principals and teachers would be empowered to tailor their school to local conditions, and parents would have a choice of schools and small schools-within-schools. Authority in the system would be clarified so that statewide leadership could set high standards to guide the new system to the future. Ibid.

6. BW Associates summarizes this recommendation as follows: Schooling should be focused so

that all students can acquire the core knowledge, abilities and values needed for Hawaii's future as a multi-cultural society in the Pacific Age. Hawaii education should build an infrastructure for using educational technology and for training teachers and administrators so that they can create effective learning environments for every student. Under this proposal, schools would be given incentives to develop and implement flexible instructional approaches to match their students' needs. By using technology and a team approach, teachers can create small school environments where each student is given attention and inspiration to achieve. Ibid., vol. 1, p. 9.

7. This recommendation is discussed in detail below.

8. BW Associates summarizes this recommendation as follows: Secondary schools should be restructured so that all students can master core subjects by the tenth grade and then choose specialized education in high school or post-secondary institutions. This proposal calls for all secondary students to take a mastery test in the tenth grade, similar to the comprehensive examinations taken by students in many parts of the world. Pupils could then focus on their last two years of high school as a transition to their next step -- higher education or work. Students choosing what they want to do, be it college preparation or vocational training, would bring motivation and excitement into the high schools of the future. Ibid., p. 9.

9. BW Associates summarizes this recommendation as follows: The State should renovate current facilities and construct new buildings to meet enrollment growth, population shifts, and modern instructional needs. Good facilities do not guarantee quality education, but poor facilities hamper attempts to achieve excellence. Inadequate school buildings -- lacking needed maintenance and special learning equipment -- tell the community, the students, and the professionals that the State does not hold education in a high regard. The report recommends a major investment to turn the current situation around in line with the decision to develop a world-class education system. Ibid.

10. Ibid.

11. The report states that teacher candidates would complete a Master's degree, pass a rigorous professional examination, serve a three-year internship, and meet certificate renewal requirements every seven years. Ibid., vol. 6, p. 6.

12. The report states that a Hawaii Teaching Standards and Certification Board would be established to set professional standards, issue and revoke teacher credentials, and oversee beginning teacher evaluation. Ibid.

13. Discussed below.

14. The report states that teachers would be given additional time to attend staff development given by teacher cooperatives or other providers. BW Associates, vol. 6, p. 6.

15. The report states that teachers would participate in school decision-making through service on a School Leadership Council which would work with the principal on school policy. Ibid.

16. The report states that principals would serve on a twelve-month contract that would include a requirement for training for professional growth and participation in an administrators' cooperative. Ibid.

17. Ibid., vol. 6, p. 15.

18. Interview with Paul Berman and Patricia Stone, September 14, 1989.

19. BW Associates, vol. 6, p. 15.

20. Ibid., vol. 2, p. 52.

21. Ibid., vol. 6, p. 16.

22. Ibid., vol. 6, p. 17.

23. The report recommends that the current School Community Councils be changed to locally-elected Community School Boards that would have authority to oversee school development plans, the school budget, and the hiring of personnel. Ibid., vol. 1, pp. 20-21.

24. Ibid., vol. 6, p. 17.

25. Ibid., vol. 6, pp. 17-18.

26. The report recommends that a Hawaii Teaching Standards and Certification Board be established to further the professionalization of teaching. Under the current system, DOE certifies teachers based upon the course content taken and successful completion of the National Teacher's Exam. The creation of a separate Board would remove certification from DOE and allow professionals to set appropriate standards and procedures. Ibid., vol. 1, p. 34.

27. Ibid., vol. 6, p. 18.

28. Ibid., vol. 1, pp. 34-35.

29. Ibid., vol. 1, p. 35.

30. Ibid., vol. 6, pp. 18-19.

31. Ibid., vol. 6, pp. 19-20.

32. The firm hesitates to use the term "differentiated staffing" to describe its plan for new teacher categories, because it suggests a hierarchy in which there are only limited number of top positions. BW Associates says that some kind of rotation of the top positions is one possibility to avoid a quota problem. Berman and Stone interview, September 14, 1989.

33. Ibid.

34. Interview with Donald Nugent, Assistant Superintendent, State of Hawaii, Department of Education, Office of Personnel Services, September 22, 1989.

35. Ibid.

36. Ibid.

37. Ibid.

38. Ibid.

39. Ibid.

40. Ibid. For an example of a school reward program, see "Reaching for Excellence in Instruction - School Incentives Program," by Donald Nugent (Department of Education, State of Hawaii).

41. The seven District Superintendents with whom House Resolution No. 23, H.D. 1, was discussed, and their districts are: Dr. Margaret Y. Oda, Honolulu District Office; Dr. Liberato C. Viduya, Jr., Central Oahu District Office; Edward K. Nakano, Leeward Oahu District Office; Sakae Loo, Windward Oahu District Office; Dr. Alan R. Garson, Hawaii District Office; Shirley T. Akita, Kauai District Office (Kauai and Niihau); and Lokelani Lindsey, Maui District Office (Maui, Molokai, and Lanai).

42. Interview with Dr. Liberato C. Viduya, Jr., District Superintendent, Central Oahu District Office, Department of Education, September 26, 1989.

43. "Evaluation of Mentor-Beginning Teacher Collegial Pairing in the Leeward District," by Ron Heck (College of Education, University of Hawaii at Manoa, Honolulu, June 1988), pp. 1-3, 14-17. (Mimeographed). See also, Hawaii, Department of Education, Leeward Oahu School District, Mentor Handbook (Waipahu: August, 1987).

44. "Concept Paper on Professional Development Schools", by Bob Potter (September 19, 1989, draft 6). (Mimeographed).

45. Interview with Dr. Margaret Y. Oda, District Superintendent, Honolulu District Office, Department of Education, September 28, 1989.

46. Telephone interview with Joan Husted, HSTA Director of Programs, November 25, 1989.

47. Memorandum re Supplementary Pay Task Force "Final Report" (Hawaii State Teachers Association), May 2, 1988, p. 2. (Mimeographed).

48. Ibid.

49. Ibid.

50. Letter from Joan Lee Husted, HSTA Director of Programs, to Ken Takayama, December 21, 1981. (Hereinafter "Husted letter"), p. 1.

51. Ibid.

52. Husted interview, November 25, 1989.

53. Ibid.

54. Ibid.

55. The HSTA is in accord with Resolution F-9 (1986) of the National Education Associatino, its parent organization, which advocates the following cautious approach toward possible implementation of a differentiated staffing plan:

[N]o differentiated staffing plan should be undertaken or continued unless--

a. Local affiliates are in agreement with the desirability of such a plan and act in full partnership in the study of differentaited staffing and are accepted as full partners with their administrations in the consideration, design, authorization, implementation, evaluation, and continuation of any plan of differentiated staffing.

b. The responsibilities of certificated and noncertificated staff are defined by certificated staff.

c. The community is kept informed and its cooperation is sought.

d. Funding is at a level to ensure the maintenance of constructive teaching loans and adherence to the Association's principles for professional salaries.

56. Interview with Earl A. Arruda, President, Hawaii State Teachers Association; Joan Husted, HSTA Director of Programs; and Bruce L. Schwartz, HSTA Specialist, September 11, 1989 (hereinafter Arruda interview).

57. Ibid.

58. Ibid.

59. Ibid.

60. Husted letter, p. 2.

61. Hawaii State Teachers Association, A Proposal for Excellence in Education (Honolulu: 1986, 2d ed.) (hereinafter A Proposal for Excellence), p. 9.

62. Husted interview, November 25, 1989.

63. Arruda interview.

64. A Proposal for Excellence, pp. 9-10.

65. Ibid.

66. Ibid., p. 10.

67. Telephone call to Hawaii Federation of Teachers, September 28, 1989.

Chapter 7

1. H. Jerome Freiberg, "Master Teacher Programs: Lessons from the Past," Educational Leadership, December 84/January 85, p. 16; citing Roy A. Edelfelt, "Differentiated Staffing: Some Questions and Answers," National Elementary Principal, 1972, pp. 49-54.

2. Interview with various DOE district superintendents, September-November 1989.

3. Ibid.

4. Ibid.

5. Freiberg, pp. 49-54.

6. Ibid.

7. Ibid.

8. Ibid.

9. "Teacher Compensation and Evaluation in Public Education" (Center for Public Sector Labor Relations, Indiana University, Bloomington, 1985) (hereinafter "Teacher Compensation"), pp. 15-16. (Mimeographed.)

10. Ibid.

11. Freiberg, pp. 49-54.

12. Ibid.

13. District Superintendent interviews.

14. Freiberg, pp. 49-54.

15. "Teacher Compensation," pp. 15-16.

16. Ibid. In contrast, Deering comments that successful career ladders require the infusion of a considerable amount of money into public education. "A good number of teachers, if not most, believe they are underpaid. So, from the teachers' standpoint, to require them to do more, or to require them to perform their jobs at a higher level, will take a considerable amount of money." In addition to the extra money needed for teacher salaries, Deering says that there is an administrative cost which the district or State must absorb. Thomas Deering, "Developing a Career Ladder: Getting Down to the Basics," Thrust, May/June 1987, p. 24.

17. District Superintendent interviews.

18. Ibid.

19. Ibid.

20. "Teacher Compensation," p. 13

21. Ibid.

22. Ibid.

23. Ibid., p. 15

24. Ibid.

25. Ibid.

26. Ibid.

27. Ibid.

28. Ibid., p. 16.

29. Ibid.

30. Ibid.

31. Ibid.

32. District Superintendent interviews.

33. Ibid.

34. Ibid.

35. Ibid.

Chapter 8

1. For a list of general questions which should be considered in planning the purpose and design of a career ladder plan, see "Developing Career Ladders in Teaching" (Association of Teacher Educators, Reston, Va., 1985), pp. 6-9. (Mimeographed).

2. Willis D. Hawley, "Designing and Implementing Performance-Based Career Ladder Plans," Educational Leadership, November 1985, p. 58.

3. "Formal Teacher Supervision by Teachers in a Career Ladder," by Ann Weaver Hart (Department of Educational Administration, University of Utah, April 1985), pp. 2-3. (Mimeographed).

4. Hawley, pp. 58-59.

5. Ibid., p. 59.

6. Hart, pp. 2-3.

7. Hawley, p. 59.

8. Ibid., p. 60.

9. Ibid.

10. Hart, pp. 2-3.

11. Ibid.

12. Ibid.

13. Hawley, pp. 60-61.

14. Hart, pp. 2-3.

15. "Some Points to Consider When You Discuss Merit Pay," by Lu VanLoozen (American Association of School Administrators, Arlington, Va., 1983), pp. 20-21. (Mimeographed). VanLoozen's pointers on designing a "merit pay" plan are deemed applicable to this study, since she regards differentiated staffing to be "another form of merit pay." Ibid. at 13.

16. Ibid., pp. 20-21.

17. Ibid., pp. 21-22

18. Ibid., pp. 22-24.

19. Ibid., pp. 24-31.

20. VanLoozen suggests the possibility of passing legislation that would enable a plan to be implemented, if it is in conflict with state bargaining, tenure and other laws. She reports that this occurred in North Carolina to benefit the plan proposed by the Charlotte-Mecklenburg school district, which was not in compliance with state tenure laws. The bill was supported by the district, the governor, the state superintendent of public instruction, the state university, the press and others. Ibid., p. 30.

21. Ibid., pp. 31-32.

22. Ibid., pp. 32-33.

23. Ibid., pp. 32-35.

23. Ibid., pp. 35-36.

HOUSE OF REPRESENTATIVES
FIFTEENTH LEGISLATURE, 1989
STATE OF HAWAII

H.R. NO. 23 H.D. 1

HOUSE RESOLUTION

REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO EVALUATE THE ESTABLISHMENT OF NEW CATEGORIES OF TEACHERS WITHIN THE TEACHING FORCE.

WHEREAS, Hawaii currently has a teacher shortage, particularly at the secondary school level; and

WHEREAS, possible reasons for this shortage include the relatively low salary levels for teachers and problems relating to professionalism and working conditions; and

WHEREAS, problems of attracting and retaining quality instructors in the public education system will persist unless these conditions are addressed and improved; and

WHEREAS, the public needs to be assured that public school teachers are proficient in the materials and subjects they are assigned to teach; and

WHEREAS, one method of enhancing professionalism and quality instruction in the State's public school system is the establishment of new teacher categories creating new roles and responsibilities for teachers and their assistants; and

WHEREAS, the concept of establishing teacher teams consisting of a lead teacher, regular teachers, apprentices or interns, educational technicians, and adjunct teachers will clearly demarcate responsibilities, enhance the quality of training received by new teachers, and elevate teacher standards overall; and

WHEREAS, the restructuring of the State's system of teacher roles and responsibilities may be expected to lead to greater excellence in Hawaii's teaching force; now, therefore,

BE IT RESOLVED by the House of Representatives of the Fifteenth Legislature of the State of Hawaii, Regular Session of 1989, that the Legislative Reference Bureau is requested to evaluate the establishment of new categories of teachers within the teaching force, as described above, in the collective bargaining process; and

BE IT FURTHER RESOLVED that the Legislative Reference Bureau submit findings and recommendations, including any proposed legislation, twenty days prior to the convening of the Regular Session of 1990; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the Governor of the State of Hawaii, the Superintendent of Education, and the Chairperson of the Board of Education.

Appendix B

TEACHERS' SALARY SCHEDULE
A N N U A L
08-30-89 TO 08-29-90

STEPS	CLASS I	CLASS II	CLASS III	CLASS IV	CLASS V	CLASS VI	CLASS VII
1	T01-01 22,292	T02-01 23,381	T03-01 24,581	T04-01 25,224	T05-01 25,941	T06-01 26,705	T07-01 27,513
2	T01-02 22,829	T02-02 23,967	T03-02 25,224	T04-02 25,941	T05-02 26,705	T06-02 27,513	T07-02 28,354
3	T01-03 23,381	T02-03 24,581	T03-03 25,941	T04-03 26,705	T05-03 27,513	T06-03 28,354	T07-03 29,261
4	T01-04 23,967	T02-04 25,224	T03-04 26,705	T04-04 27,513	T05-04 28,354	T06-04 29,261	T07-04 30,239
5	T01-05 24,581	T02-05 25,941	T03-05 27,513	T04-05 28,354	T05-05 29,261	T06-05 30,239	T07-05 31,268
6	T01-06 25,224	T02-06 26,705	T03-06 28,354	T04-06 29,261	T05-06 30,239	T06-06 31,268	T07-06 32,472
7	T01-07 25,941	T02-07 27,513	T03-07 29,261	T04-07 30,239	T05-07 31,268	T06-07 32,472	T07-07 33,756
8	T01-08 26,705	T02-08 28,354	T03-08 30,239	T04-08 31,268	T05-08 32,472	T06-08 33,756	T07-08 35,107
9	T01-09 27,513	T02-09 29,261	T03-09 31,268	T04-09 32,472	T05-09 33,756	T06-09 35,107	T07-09 36,541
10	T01-10 28,354	T02-10 30,239	T03-10 32,472	T04-10 33,756	T05-10 35,107	T06-10 36,525	T07-10 38,014
11	T01-11 29,261	T02-11 31,268	T03-11 33,756	T04-11 35,107	T05-11 36,525	T06-11 38,014	T07-11 39,577
12	T01-12 30,236	T02-12 32,465	T03-12 35,099	T04-12 36,519	T05-12 38,009	T06-12 39,572	T07-12 41,212
13	T01-13 31,251	T02-13 33,738	T03-13 36,500	T04-13 37,994	T05-13 39,557	T06-13 41,198	T07-13 42,921
14	T01-14 32,813	T02-14 35,424	T03-14 38,325	T04-14 39,894	T05-14 41,534	T06-14 43,258	T07-14 45,067

TEACHERS' SALARY SCHEDULE
MONTHLY RATE
08-30-89 TO 08-29-90
*ACT 172, S.L.H. 1989**

STEPS	CLASS I	CLASS II	CLASS III	CLASS IV	CLASS V	CLASS VI	CLASS VII
1	T01-01 1857.68	T02-01 1948.42	T03-01 2048.42	T04-01 2102.00	T05-01 2161.76	T06-01 2225.42	T07-01 2292.76
2	T01-02 1902.42	T02-02 1997.26	T03-02 2102.00	T04-02 2161.76	T05-02 2225.42	T06-02 2292.76	T07-02 2362.84
3	T01-03 1948.42	T02-03 2048.42	T03-03 2161.76	T04-03 2225.42	T05-03 2292.76	T06-03 2362.84	T07-03 2438.42
4	T01-04 1997.26	T02-04 2102.00	T03-04 2225.42	T04-04 2292.76	T05-04 2362.84	T06-04 2438.42	T07-04 2519.92
5	T01-05 2048.42	T02-05 2161.76	T03-05 2292.76	T04-05 2362.84	T05-05 2438.42	T06-05 2519.92	T07-05 2605.68
6	T01-06 2102.00	T02-06 2225.42	T03-06 2362.84	T04-06 2438.42	T05-06 2519.92	T06-06 2605.68	T07-06 2706.00
7	T01-07 2161.76	T02-07 2292.76	T03-07 2438.42	T04-07 2519.92	T05-07 2605.68	T06-07 2706.00	T07-07 2813.00
8	T01-08 2225.42	T02-08 2362.84	T03-08 2519.92	T04-08 2605.68	T05-08 2706.00	T06-08 2813.00	T07-08 2925.58
9	T01-09 2292.76	T02-09 2438.42	T03-09 2605.68	T04-09 2706.00	T05-09 2813.00	T06-09 2925.58	T07-09 3045.08
10	T01-10 2362.84	T02-10 2519.92	T03-10 2706.00	T04-10 2813.00	T05-10 2925.58	T06-10 3043.76	T07-10 3167.84
11	T01-11 2438.42	T02-11 2605.68	T03-11 2813.00	T04-11 2925.58	T05-11 3043.76	T06-11 3167.84	T07-11 3298.08
12	T01-12 2519.68	T02-12 2705.42	T03-12 2924.92	T04-12 3043.26	T05-12 3167.42	T06-12 3297.68	T07-12 3434.34
13	T01-13 2604.26	T02-13 2811.50	T03-13 3041.68	T04-13 3166.18	T05-13 3296.42	T06-13 3433.18	T07-13 3576.76
14	T01-14 2734.42	T02-14 2952.00	T03-14 3193.76	T04-14 3324.50	T05-14 3461.18	T06-14 3604.84	T07-14 3755.58

	SUBSTITUTE TEACHER (Per Diem)	PART-TIME TEMPORARY TEACHER (Hourly Rate)	STANDBY TEACHER-IN-CHARGE (Standard Hourly Rate)
Class I	$88.46	$14.74	
Class II	92.78	15.46	$ 2.50
Class III	97.54	16.26	

* Pay raise as negotiated in the AGREEMENT BETWEEN THE STATE OF HAWAII BOARD OF EDUCATION AND HAWAII STATE TEACHERS' ASSOCIATION (7-1-89 to 6-30-93) provides for an across-the-board annual increase of 1.5% over the 2-1-89 Salary Schedule; advancement of incumbents on Steps 1-13 to next higher step; and one additional percent (1%) between Steps 13 and 14.

Appendix C

Tennessee Code Annotated

1988 Supplement

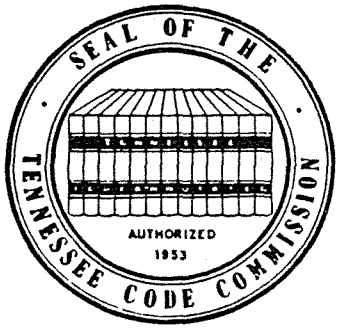
Updated through the 1988 Session of the General Assembly

Volume 9

1983 Replacement

THE OFFICIAL TENNESSEE CODE

Prepared Under the Supervision of the
Tennessee Code Commission



WILLIAM J. HARBISON, Chairman
JAMES A. CLODFELTER, Executive Secretary
FRANK F. DROWOTA
W. J. MICHAEL CODY
CLETUS W. MCWILLIAMS

Cumulative pamphlet. Place in pocket of bound volume.
Remove 1987 pamphlet.

THE MICHIE COMPANY
Law Publishers
CHARLOTTESVILLE, VIRGINIA
1988

TENNESSEE CODE ANNOTATED

TITLE 49

EDUCATION

CHAPTER.

CHAPTER.

CHAPTER 1

STATE ADMINISTRATION

PART 1—GENERAL PROVISIONS

49-1-101. System established.

Cross-References. English deemed official and legal language, § 4-1-404.

Volunteer public education trust fund, title 49, ch. 3, pt. 4.

Section to Section References. This title is referred to in § 49-5-5104.

This section is referred to in §§ 49-5-5304, 49-5-5305, 49-5-5306.

Textbooks. Tennessee Jurisprudence, 19 Tenn. Juris., Municipal, State and County Securities, § 10; 22 Tenn. Juris., Schools, § 1.

Law Reviews. Education and the Court: The Supreme Court's Educational Ideology, 40 Vand. L. Rev. 939 (1987).

Cited: County of Johnson v. United States Gypsum Co., 664 F. Supp. 1127 (E.D. Tenn. 1985).

49-1-102. Administration generally. — (a) The system of public education in Tennessee shall be governed in accordance with laws enacted by the general assembly and under policies, standards, and guidelines adopted by the state board of education which are necessary for the proper operation of public education in grades kindergarten (K) through twelve (12). The policies, standards, and guidelines shall be formulated by the state board of education, with such assistance from the commissioner of education as the state board may request.

(b) The commissioner of education shall perform such duties as are assigned to him by law and is responsible for the administration, implementation, supervision, and enforcement of the policies, standards, and guidelines of the state board of education.

(c) There shall be a local public school system operated in each county. There may be a local public school system operated in a municipality or special school district. Any local public school system shall be administered by:

(1) A local board of education; and

(2) A superintendent or director. [Acts 1925, ch. 115, § 2; Shan. Supp., § 1487a16; Code 1932, § 2307; Acts 1974 (Adj. S.), ch. 654, § 1; 1979, ch. 20, § 1; T.C.A. (orig. ed.), § 49-102; Acts 1984 (1st E.S.), ch. 6, § 2.]

leave program provided in § 8-50-101 who leaves such employment and within two (2) years becomes a teacher employed by any local board of education shall be allowed to convert all accumulated state sick leave into sick leave under this section, provided, that any person may waive such conversion by notice to the authority responsible for his appointment. The previous employer shall certify to the new employer that the sick leave for which credit is being sought actually is accrued and due and is substantiated by records of the agency compiled during the course of such employment and not from records compiled solely for purposes of establishing leave credit. The conversion of sick leave under this subsection shall be available to any employee who has transferred employment from any herein named state agency to any local school system. [Acts 1955, ch. 136, § 18; 1957, ch. 75, § 1; 1959, ch. 93, § 1; 1967, ch. 396, § 1; 1968 (Adj. S.), ch. 420, §§ 1, 2; 1971, ch. 128, § 1; 1971, ch. 421, § 1; 1973, ch. 2, § 1, 1974 (Adj. S.), ch. 488, § 1; 1975, ch. 46, §§ 1, 2; 1975, ch. 100, § 2; 1977, ch. 364, § 2; 1978 (Adj. S.), ch. 557, § 2; 1979, ch. 78, § 1; 1980 (Adj. S.), ch. 544, § 1; 1980 (Adj. S.), ch. 567, § 1; 1981, ch. 282, §§ 1, 2; 1982 (Adj. S.), ch. 674, §§ 3, 4; T.C.A., § 49-1314(c); Acts 1984, ch. 657, § 1; 1986, ch. 850, § 3.]

Section to Section References. This section is referred to in §§ 8-38-125, 49-5-504.

49-5-711. Personal and professional leave — Accumulation and use. — (a) Under policies adopted by the local board of education, a teacher shall be allowed personal and professional leave earned at the rate of one (1) day for each one half (1/2) year employed. A teacher may take not more than two (2) days of personal or professional leave prior to having earned it, but it shall be charged against his year's allowance. Any personal and professional leave remaining unused at the end of a year shall be credited to that teacher as sick leave.

(b) If at the termination of his services any teacher has been absent for more days than he had accumulated or earned leave, there shall be deducted from the final salary warrant of such teacher an amount sufficient to cover the excess days used by him.

(c)(1) Personal leave is intended to be used for personal reasons. Subject to the following conditions, it can be taken at the discretion of a teacher who shall not be required to give reasons for the use of any personal leave. The approval of the superintendent, his designee, or board of education shall be required under the following conditions:

(A) If more than ten percent (10%) of the teachers in any given school request its use on the same day, provided, however, on making this calculation, any major fraction shall be considered as one (1); and in schools of five (5) teachers or less, one (1) teacher may take personal leave at his discretion;

(B) If personal leave is requested during any prior established student examination period; or

(C) If personal leave is requested on the day immediately preceding or following a holiday or vacation period.

(2) Except in an emergency, a teacher shall give at least one (1) day's advance notice of intent to take personal leave. [Acts 1955, ch. 136, § 18; 1957, ch. 75, § 1; 1959, ch. 93, § 1; 1967, ch. 396, § 1; 1968, ch. 420, §§ 1, 2; 1971, ch. 128, § 1; 1971, ch. 421, § 1; 1973, ch. 2, § 1; 1974, ch. 488, § 1; 1975, ch. 46, §§ 1, 2; 1975, ch. 100, § 2; 1977, ch. 364, § 2; 1978, ch. 557, § 2; 1979, ch. 78, § 1; 1980, ch. 544, § 1; 1980 (Adj. S.), ch. 567, § 1; 1981, ch. 282, §§ 1, 2; 1982, ch. 674, §§ 3, 4; T.C.A., § 49-1314(d); Acts 1986, ch. 850, §§ 1, 2.]

PARTS 10-49—[RESERVED]

PART 50—GENERAL PROVISIONS

49-5-5001. Short title. — Parts 50 through 57 of this chapter shall be known and may be cited as the "Comprehensive Education Reform Act of 1984". [Acts 1984 (1st E.S.), ch. 7, § 1.]

Section to Section References. This part is referred to in §§ 49-5-5004, 49-5-5101, 49-5-5103, 49-5-5104, 49-5-5202, 49-5-5203, 49-5-5211, 49-5-5212, 49-5-5304, 49-5-5305, 49-5-5308, 49-5-5404, 49-5-5405, 49-5-5408, 49-5-5504, 49-5-5505, 49-5-5508, 49-5-5702, 49-6-3004.

49-5-5002. Career ladder program — Salary supplements. — (a) The purpose of parts 50 through 55 of this chapter is to establish a new professional career ladder program for full time teachers, principals and supervisors.

(b)(1) The new career teacher program shall consist of probationary teacher, apprentice teacher, career level I teacher, career level II teacher, and career level III teacher positions. The new career ladder program shall be designed to promote staff development among teachers, and to reward with substantial pay supplements those teachers evaluated as outstanding and who may accept additional responsibilities as applicable.

(2) The new career principal program shall consist of provisional principal, career level I principal, career level II principal, and career level III principal positions. The new career ladder shall be designed to improve the administrative skills of principals, and reward with substantial pay supplements those principals evaluated as outstanding.

(3) The new career assistant principal program shall consist of provisional assistant principal, career level I assistant principal, career level II assistant principal, and career level III assistant principal positions. The new career ladder shall be designed to improve the administrative skills of assistant principals and to reward with substantial pay supplements those assistant principals evaluated as outstanding.

(4) The new career supervisor program shall consist of provisional supervisor, career level I supervisor, career level II supervisor and career level III supervisor positions. The new career ladder shall be designed to improve the skills of administrative supervisors, and reward with substantial pay supplements those supervisors evaluated as outstanding.

(c) In each new career ladder program, the career level I teacher certificate, the career level I principal or assistant principal certificate and the career level I supervisor certificate shall be the basic certificates and all upper level certificates shall be supplementary to the basic certificate.

(d)(1) Supplements paid under the career ladder program shall consist of a supplement paid for outstanding performance, and in the case of educators with eleven (11) or twelve (12) month contracts, as provided for herein, a compensation for the extra months of service. In the case of career level II teachers and career level II principals, assistant principals, and supervisors with an eleven (11) month contract, the payment for outstanding performance shall be two thousand two hundred dollars ($2,200). In the case of career level III teachers and career level III principals, assistant principals, and supervisors with an eleven (11) month contract, the payment for outstanding performance shall be three thousand three hundred dollars ($3,300). In the case of career ladder educators with a twelve (12) month contract, the payment for outstanding performance shall be three thousand six hundred dollars ($3,600). Such amount shall be paid by the state to the local education agency for the career ladder program.

(2) If a career ladder educator is already employed by a local education agency for an eleventh (11th) month, and is compensated with local funds, the local education agency shall receive an amount equal to the difference between the eleven (11) month supplement provided for in parts 52-55 of this chapter and the amount that the career ladder educator would receive for outstanding performance. If a career educator is already employed by a local education agency for a twelfth (12th) month, and is compensated with local funds, the local education agency shall receive an amount equal to the difference between the twelve (12) month supplement provided for in parts 52-55 of this chapter and the amount that the career ladder educator would receive for outstanding performance. This is to be reimbursement for funds already paid by the local education agency so that the career ladder educator will continue to receive the compensation he is being paid by the local education agency for the eleven (11) or twelve (12) month service plus the state supplement for outstanding performance, but the local education agency would recover for its use in its instructional programs, funds which it would have expended for employment of that educator during the eleventh (11th) or twelfth (12th) month, if the educator was not employed under the career ladder program during the eleventh (11th) or twelfth (12th) month.

(e) It is the intent of the general assembly that the salary supplements provided for herein be awarded on the basis of outstanding performance and that the standards utilized for this purpose be kept high. The commissioner of education shall report to the committee created in § 3-15-301 on the adequacy of the standards.

(f) In each career ladder program the certificate issued to the educator shall be supplementary to the basic license issued to the educator. [Acts 1984 (1st E.S.), ch. 7, §§ 3, 13; 1984, ch. 829, § 1; 1985, ch. 465, § 3; 1986, ch. 933, §§ 3, 4, 10, 24; 1987, ch. 308, § 34.]

Amendments. The 1987 amendment added (f).

Effective Dates. Acts 1987, ch. 308, § 62. July 1, 1987.

Cross-References. Teaching incentive pay supplement, § 49-3-306.

49-5-5003. Definitions. — For purposes of parts 50 through 57 of this chapter, the following terms have the following meanings unless the context requires otherwise:

(1) "Academy" means the principal-administrator academy created by part 57 of this chapter;

(2) "Apprentice teacher" means a person who has completed satisfactory service as a probationary teacher and who holds an apprentice teacher certificate issued by the state board of education;

(3) "Assistant principal" means a person who serves in a position covered by the provisions of part 54 of this chapter whether designated as assistant principal, associate principal, deputy principal, vice principal, or otherwise;

(4) "Career level assistant principal" means any person who holds a career level I, career level II, or career level III assistant principal certificate issued by the state board of education;

(5) "Career level principal" means a person who holds a career level I principal, career level II principal, or career level III principal certificate issued by the state board of education;

(6) "Career level supervisor" means a person who holds a career level I supervisor, career level II supervisor, or career level III supervisor certificate issued by the state board of education;

(7) "Career level teacher" means a person who has been employed as an apprentice teacher for not less than three (3) years and who holds a career level I teacher certificate, career level II teacher certificate or career level III teacher certificate issued by the state board of education;

(8) "Educator" means a teacher, supervisor, assistant principal or principal eligible for certification under the provisions of parts 50 through 55 of this chapter or such other professional persons as the state board of education, upon recommendation of the state certification commission, shall include and provide job descriptions for. "Educator" also includes a teacher, supervisor, assistant principal, or principal employed at a private school where contracts with public schools for public school students constitute at least eighty-five percent (85%) of the total revenue of such private school;

(9) "Principal" means any person employed on a full time basis by a local education agency and certified as a provisional or career level principal under the provisions of parts 50 through 55 of this chapter, or any person who is certified by the state board of education as a principal notwithstanding whether the person's working title is principal, assistant principal or vice principal;

(10) "Probationary teacher" means a teacher who has received a passing score on the state teacher examination and has received initial employment in a school system;

(11) "Provisional assistant principal" means any person who holds a provisional assistant principal certificate issued by the state board of education;

(12) "Provisional principal" means any person who holds a provisional principal certificate issued by the state board of education;

(13) "Provisional supervisor" means any person who holds a provisional supervisor certificate issued by the state board of education;

(14) "Regional commission" means a regional certification commission created by § 49-5-5121 operating in any one grand division of the state;

(15) "School month" means any month except June, July, or August, regardless of the actual months in which a school may be in session;

(16) "School year" means the months of September through May, regardless of the actual months in which individual local education agencies conduct classes;

(17) "State certification commission" means the state certification commission created by § 49-5-5101; and

(18) "Supervisor" means a person involved in staff or curriculum development on a full time basis. This shall include those individuals who work as supervisors under various federal projects and special education programs. All supervisory duties shall be included in the description of administrative supervisors formulated by the state board of education under the provisions of § 49-5-5501. [Acts 1984 (1st E.S.), ch. 7, § 4; 1984, ch. 829, § 2; 1985, ch. 465, § 29; 1986, ch. 933, §§ 3, 4, 25, 44.]

49-5-5004. Application of career ladder program. — (a)(1) Parts 50 through 55 of this chapter shall apply to all educators who enter the teaching profession for the first time after July 1, 1984 or who are certified as an apprentice or career level teacher or a provisional or career level principal or assistant principal or supervisor after July 1, 1984.

(2) It is the legislative intent that teachers in state departments and special schools shall be eligible for the same career ladder supplements as teachers in local education agencies.

(3) Nothing herein shall be construed to grant duplicate supplements to such teachers.

(4) Participation in the career ladder program shall be voluntary for all educators.

(b) Educators employed at the state special schools shall be included under the provisions of parts 50 through 55 of this chapter on the same basis as educators employed by local education agencies.

(c) Educators employed by the department of correction, the department of mental health and mental retardation, and the department of human services shall be eligible to participate in the career programs provided for in parts 50 through 55 of this chapter. The department of personnel, in consultation with the department of finance and administration and the departments involved, shall prepare an implementation plan for the evaluation of its educator employees which substantially complies with the intent of §§ 49-5-5204 and 49-5-5205. This plan shall be approved by the state board of education prior to implementation. To the extent that this evaluation plan, in qualifying as an approved plan under parts 50 through 55 of this chapter, does not meet the requirements of part 2, chapter 30 of title 8, compliance with parts 50 through 55 of this chapter shall control.

(d) Educators who are employed on a part-time or substitute basis shall be included under the provisions of parts 50 through 55 of this chapter; such persons who work fifty percent (50%) of the school days in successive years shall be granted credit for the number of days actually worked for purposes of determining eligibility for participation in the career ladder program. Provided, however, such persons must obtain their certificate provided for herein while performing such part-time or substitute service.

(e) Persons who are employed to teach vocational or other courses and who are not required to hold a college degree shall be eligible to participate in the career ladder program on the same terms as other teachers. The state certification commission, with the approval of the state board of education, shall develop comparable and appropriate certification and evaluation standards, criteria, procedures, and instruments in accordance with the provisions of parts 50 through 55 of this chapter for the evaluation and advancement of such non-degreed teachers.

(f) Certified personnel who are not employed in academic classroom instruction, such as, but not limited to, special education teachers, physical education teachers, librarians, music or art teachers shall be eligible to participate in the career ladder program on the same terms as other teachers. The state certification commission, with the approval of the state board of education, shall develop comparable and appropriate certification and evaluation standards, criteria, procedures, and instruments in accordance with the provisions of parts 50 through 55 of this chapter for the evaluation and advancement of such teachers.

(g) The state certification commission shall recommend to the state board of education appropriate rules regarding the applications and placement in the career ladder program of full-time educators who fill dual capacity positions, such as, but not limited to, principal-teachers, supervisor-teachers, or teachers with split grade classes.

(h)(1) After July 1, 1984, all certificates and licenses for teachers, principals, or supervisors, and renewals thereof shall be issued by the state board of education, on the recommendation of the state certification commission in accordance with the terms of parts 50 through 55 of this chapter.

(2) All licenses of educators who are not included in the professional career ladder program provided for in parts 50 through 55 of this chapter, in effect on July 1, 1984, under the provisions of part 1 of this chapter, shall remain in full force and effect according to their terms and may be renewed, in accordance with the regulations of the state board of education.

(i) The state board of education, on recommendation from the state certification commission, shall provide a temporary teaching license for out-of-state educators initially employed in Tennessee. [Acts 1984 (1st E.S.), ch. 7, §§ 5, 25, 89; 1985, ch. 465, § 30; 1986, ch. 826, § 2; 1986, ch. 933, § 1; 1987, ch. 308, § 35, 41-43, 50.]

Code Commission Notes. Some references in this section to "certificate" were not changed to license by Acts 1987, ch. 308, as other references to "certificate" in chapter 5 were.

Amendments. The 1987 amendment, in (a), substituted "license" for "certificate" and deleted "which shall be valid for a period of not more than two (2) years until that educator is evaluated and his or her place in the career ladder program is determined" at the end of the subsection.

designated the existing sentences as (1)-(3) and added (4); in (h), substituted "certificates and licenses" for "certificates" near the beginning of (1) and substituted "licenses" for "certificates" near the beginning of (2); and, in (i),

Effective Dates. Acts 1987, ch. 308, § 62. July 1, 1987.

Section to Section References. This section is referred to in § 49-5-5013.

Attorney General Opinions. "Enter the teaching profession" construed, OAG 85-043 (2/19/85).

49-5-5005. Implementation of career ladder program. — (a)(1)(A) For the purposes of implementing the new certification system known as the career ladder program for teachers and providing the transition opportunity for presently certified teachers to enter the new certification system voluntarily, any public school teacher who has been employed as a certified teacher for at least twelve (12) years on July 1, 1984, may apply for and is eligible to be considered for certification as a career level I teacher, career level II teacher or a career level III teacher, and any such teacher who has been employed as a certified teacher for at least eight (8) years may apply for and is eligible to be considered for certification as a career level I teacher or a career level II teacher. Any person who has been employed as a certified teacher for at least three (3) years may apply for and is eligible to be considered for certification as a career level I teacher.

(B) During the 1984-1985 school year only, and as soon as appropriate validation and standard-setting studies have been completed and the minimum qualifying score by which both current and prospective teachers alike may enter the new certification system which has been adopted for each test and announced by the state certification commission, certification as a career level I teacher shall be granted to any eligible teacher who receives a passing score on the National Teachers Exam Core Battery or Specialty Area Test or another secure test selected by the state certification commission with the state board of education's approval for the desired area of endorsement, and who receives a positive recommendation from the local education agency based upon teaching performance in the classroom. The local education agency shall provide a positive recommendation to the state certification commission for all teachers unless the teacher has a history of negative performance evaluations, including the most recent evaluation, in the teacher's personnel file. Teachers who have previously taken the National Teachers Exam Core Battery or area test administered and taken beginning November, 1979, and who received scores above the minimum qualifying score adopted by the state board of education shall not be required to take this test again but may submit adequate evidence of their score to satisfy this requirement.

(C) As an alternative to taking the National Teachers Exam Core Battery or Specialty Area Test or other secure test provided for herein, any eligible person desiring to become a career level I teacher during the 1984-1985 school year may elect to be evaluated using the criteria and procedures provided for in §§ 49-5-5204 and 49-5-5205. All teachers who are certified as career level I teachers under the new certification system shall receive the supplement provided for career level I teachers in § 49-5-5206.

(D) In addition to the other alternatives provided for herein for persons employed as a certified teacher for at least three (3) years on July 1, 1984, to

become career level I teachers during the 1984-1985 school year, any eligible person desiring to become a career level I teacher may elect to participate in and complete a locally developed staff development program that has been approved by the state board of education. The state board of education shall issue guidelines, standards and procedures relating to locally developed staff development programs. After the guidelines, standards and procedures are issued, any local education agency seeking approval of its staff development program shall submit its program to the state board of education for review, and, if approved, an eligible teacher's completion of this program shall entitle such teacher to certification as a career level I teacher.

(2) In the 1984-1985 school year, a duly certified career level I teacher who has met the new requirements established pursuant to this section and who is employed as a teacher by a local education agency shall receive a one thousand dollar ($1,000) annual salary supplement in addition to any other compensation to which the teacher may be entitled. To receive the supplement for the 1984-1985 school year, the career level I teacher must complete all the requirements set out in subdivision (a)(1)(B) for the new certification as a career level I teacher by December 31, 1984, including receiving a positive recommendation from the local education agency based upon teaching performance in the classroom. The local education agency shall provide to the state certification commission a positive recommendation for all teachers unless the teacher has a history of negative performance evaluations, including the most recent evaluation, in the teacher's personnel file. To receive the supplement for the 1984-1985 school year, a teacher choosing to become a career level I teacher in accordance with the procedures in subdivisions (a)(1)(C) and (a)(1)(D) must complete all requirements by July 1, 1985.

(3) During the 1984-1985 school year only, a presently employed and certified principal or supervisor, or a presently employed assistant principal, shall be eligible to receive a one thousand dollar ($1,000) salary supplement, in addition to any other compensation to which the principal, assistant principal or supervisor may be entitled, upon completion of any of the requirements otherwise set forth for teachers in subdivisions (a)(1)(B), (a)(1)(C) or (a)(1)(D) within the time limits of subdivision (a)(2). The positive recommendation required in subdivision (a)(1)(B) shall be based upon the individual's performance as a principal, assistant principal or supervisor. Principals, assistant principals and supervisors shall continue to receive the supplement until they are eligible to enter the career ladder program, but in no case for more than three (3) years. The supplement shall not be granted beyond the year that the principal, assistant principal, or supervisor is eligible for career ladder entry if he does not apply for career ladder certification.

(b) For the purpose of implementing a career ladder program for principals, any person employed as a principal, assistant principal, or supervisor and certified as a principal or supervisor on or before July 1, 1984, who has been employed as a principal, assistant principal, or supervisor, for at least five (5) years and who meets the criteria established by the state certification commission and approved by the state board of education shall be eligible to apply for a career level I principal, a career level II principal or a career level III

principal certificate. Any person employed as a principal, assistant principal, or supervisor and certified as a principal or supervisor on or before July 1, 1984, who has been employed as a principal, assistant principal, or supervisor for at least three (3) years and who meets the criteria established by the state board of education shall be eligible to apply for a career level I principal or a career level II principal certificate. Any person employed as a principal, assistant principal, or supervisor and certified as a principal or supervisor on or before July 1, 1984, who has been employed as a principal, assistant principal, or supervisor for at least one (1) year and who meets the criteria established by the state certification commission and approved by the state board of education shall be eligible to apply for a career level I principal certificate.

(c) For the purpose of implementing a career ladder program for assistant principals, any person employed as a principal, assistant principal, or supervisor and certified as a principal or supervisor on or before July 1, 1984, who has been employed as a principal, assistant principal, or supervisor for at least five (5) years and who meets the criteria established by the state certification commission and approved by the state board of education shall be eligible to apply for a career level I assistant principal, a career level II assistant principal or a career level III assistant principal certificate. Any person employed as a principal, assistant principal, or supervisor and certified as a principal or supervisor on or before July 1, 1984, who has been employed as a principal, assistant principal, or supervisor for at least three (3) years and who meets the criteria established by the state certification commission and approved by the state board of education shall be eligible to apply for a career level I assistant principal or a career level II assistant principal certificate. Any person employed as a principal, assistant principal, or supervisor and certified as a principal or supervisor on or before July 1, 1984, who has been employed as a principal, assistant principal, or supervisor for at least one (1) year and who meets the criteria established by the state certification commission and approved by the state board of education shall be eligible to apply for a career level I assistant principal certificate.

(d) For the purpose of implementing a career ladder program for supervisors, any person employed as a principal, assistant principal, or supervisor and certified as a principal or supervisor on or before July 1, 1984, who has been employed as a principal, assistant principal, or supervisor for at least five (5) years and who meets the criteria established by the state certification commission and approved by the state board of education shall be eligible to apply for a career level I supervisor, a career level II supervisor or a career level III supervisor certificate. Any person employed as a principal, assistant principal, or supervisor and certified as a principal or supervisor on or before July 1, 1984, who has been employed as a principal, assistant principal, or supervisor for at least three (3) years and who meets the criteria established by the state certification commission and approved by the state board of education shall be eligible to apply for a career level I supervisor or a career level II supervisor certificate. Any person employed as a principal, assistant principal, or supervisor and certified as a principal or supervisor on or before July 1, 1984, who has been employed as a principal, assistant principal, or supervisor for at least one (1) year and who meets the criteria established by the state

certification commission and approved by the state board of education shall be eligible to apply for a career level I supervisor certificate.

(e) [Deleted by 1985 amendment.]

(f) It shall be the intent of the general assembly to encourage outstanding candidates to enter the field of education by devoting its continuing attention to the improvement of entry level salaries of teachers in public elementary and secondary schools. [Acts 1984 (1st E.S.), ch. 7, § 6; 1984, ch. 829, §§ 3, 4, 45; 1985, ch. 465, §§ 4-6; 1986, ch. 933, §§ 2, 8.]

Section to Section References. This section is referred to in §§ 49-5-5201, 49-5-5301, 49-5-5401, 49-5-5501.

Attorney General Opinions. Participation by certified teachers never employed in Tennessee as a teacher, OAG 85-043 (2/19/85).

Applicability of amendment, OAG 86-179 (10/15/86).

49-5-5006. "Toe-in-the-water." — (a) Any person who was certified and employed full or part time prior to July 1, 1984, as a teacher, principal or assistant principal, or supervisor, and who becomes certified and is employed as a career level teacher, principal or assistant principal, or supervisor, may, at any time elect to renew the certificate previously issued by the state board of education.

(b) Any certified person may elect this option only one time. Any person electing this option shall be reissued the certificate and endorsements held prior to obtaining career ladder certification. Reissued certificates shall be valid for the remaining term of the original certificate, with the remainder of the term to be computed from the date the person was accepted for career ladder certification.

(c) Any person who was certified and employed full or part time prior to July 1, 1984, as a teacher, principal or assistant principal, or supervisor who applies for any career level certificate provided for in parts 50 through 55 of this chapter and who does not qualify for such certificate shall retain the certificate issued prior to July 1, 1984 for the remainder of the term of that certificate and may renew that certificate in accordance with standards issued in accordance with part 1 of this chapter.

(d) When determining whether any person applying for any certificate provided for in parts 50 through 55 of this chapter meets a minimum qualification relating to prior years of experience, the applicant's total current, relevant years of experience shall be credited notwithstanding any breaks in employment. The state board of education, on the recommendation of the state certification commission may, by rule, establish criteria by which the currency and relevancy of the prior experience may be determined. [Acts 1984 (1st E.S.), ch. 7, § 7; 1985, ch. 465, § 7; 1986, ch. 933, § 15.]

Section to Section References. This section is referred to in § 49-5-5205.

49-5-5007. Applications. — Persons applying for any certificate provided for in parts 50 through 55 of this chapter shall apply to the state certification commission. [Acts 1984 (1st E.S.), ch. 7, § 8.]

49-5-5008. Consideration of class-size and out-of-field assignments in setting guidelines for evaluations. — In establishing guidelines and standards to receive the supplement under parts 50 through 55 of this chapter the state board of education and/or the state certification commission may build in a factor or factors recognizing oversize classes and assignment to teach outside the field of certification. [Acts 1984 (1st E.S.), ch. 7, § 101.]

49-5-5009. Appeal procedure. — (a)(1) Any person applying for a certificate provided for herein who is not recommended for certification by the state certification commission may request the state board of education to review the decision by filing a written request for review of the decision of the state certification commission within sixty (60) days following the date of the decision. This request shall contain a detailed statement of the basis of the request for review. The detailed statement of the basis of the request for review may be amended any time prior to the state board's staff member closing the record and preparing the proposed findings of fact and recommended decision that will be mailed to the parties as set forth in subsection (c). The person requesting a review by the state board of education shall also file a copy of the request for review with the local education agency employing him.

(2) Upon its receipt of the copy of the request for review, the local education agency may, at its option, intervene before the state board of education. Upon such intervention, the local education agency shall have all the rights of other parties provided for herein.

(b) The state board of education shall conduct this review based upon the record prepared by the state certification commission and shall have the authority, by rule, to prescribe the contents and form of this record. This record shall include any statements or written evidence which the person applying for the certificate desires to submit. The record shall be available to the parties for review and, upon payment of reasonable copying costs, the record shall be mailed to the party requesting it. The parties shall have sixty (60) days from receipt of the record to add additional statements or evidence. All parties shall be given notice that additions have been made to the record, and have the opportunity to secure copies of such additions to the record.

(c) Upon the receipt of the request for review of a decision and the record of the proceedings of the state certification commission the state board of education shall authorize a staff member to review the record and prepare proposed findings of fact and a recommended decision which shall be sent to the parties. The proposed findings of fact shall specify the staff member's evidentiary facts for each contested content area or data source.

(d) Any person applying for the certification who does not agree with this proposed decision in his case may, within forty-five (45) days of his receipt of the decision, file written exceptions to the decision stating his reasons for taking exception to the proposed decision and may request a hearing before a duly authorized hearing officer of the state board of education. If a hearing is requested, it shall be limited to the record below; provided, however, that the person filing the exception shall be entitled to introduce new evidence relating to the bias or prejudice of the state certification commission or, with the approval of the hearing officer, any other additional evidence when it has

been shown to the satisfaction of the hearing officer that the additional evidence is material and that there were good reasons for failure to present it in the proceedings before the state certification commission. The hearing officer shall forward a recommendation to the state board of education which shall make a final decision in a timely manner.

(e) Any person applying for a certificate provided for in parts 50 through 55 of this chapter who is aggrieved by the decision of the state board of education, or local education agency employing such person, is entitled to judicial review in the manner provided for in § 4-5-322.

(f) No person seeking to review a decision of state certification commission or the state board of education shall be entitled to be paid the salary supplement for the certificate in dispute but shall be entitled to receive the salary supplement for any current, valid certificate held by such person.

(g) The state board of education may, in its discretion, direct the state certification commission to extend the validity of a certificate provided for in parts 50 through 55 of this chapter, for a period not to exceed one (1) year, for any person requesting a review of a decision of the state certification commission. Provided, however, that any person whose certificate is extended after it otherwise expires shall not be entitled to the salary supplement provided for in parts 50 through 55 of this chapter and shall not be required to perform the additional duties, if any, required in parts 50 through 55 of this chapter.

(h) The state board of education shall construe the provisions of parts 50 through 55 of this chapter, and the rules, regulations, and evaluation criteria promulgated pursuant thereto, in favor of the person seeking review, absent substantial and material evidence to the contrary. However, the burden of going forward with the evidence shall be upon the person seeking to review the decision of the state certification commission. [Acts 1984 (1st E.S.), ch. 7, § 9; 1984, ch. 829, § 5; 1986, ch. 933, §§ 18-22; 1987, ch. 308, § 1; 1988, ch. 777, § 5.]

Amendments. The 1987 amendment deleted "a regional commission or" preceding "the state certification commission" in the first sentence of (a)(1) and in the second sentence of (h); substituted "the state certification commission" for "either the regional commission or state certification commission, as applicable" in the first sentence of (c); and, in (d), deleted "either the regional commission or" and "the regional commission or" preceding "the state certification commission" near the middle and at the end of the second sentence, respectively.

The 1988 amendment rewrote the first sentence in (b) which read: "The state board of education shall conduct this review based upon the record prepared by the regional commission or the state certification commission or both and shall have the authority, by rule, to prescribe the contents and form of this record."

Effective Dates. Acts 1987, ch. 308, § 62. July 1, 1987.

Acts 1988, ch. 777, § 8. April 19, 1988.

Section to Section References. This section is referred to in § 49-5-5203.

49-5-5010. Loss of supplements — Reasons. — Once a person qualifies for and receives a salary supplement as a career level I, career level II or career level III teacher or a career level I, career level II or career level III assistant principal, principal or supervisor, such person shall not be denied the supplement unless:

(1) He is dismissed for cause;

(2) He fails to maintain or renew any certificate provided for in parts 50 through 55 of this chapter; or

(3) He elects not to or refuses to perform the extra duties required in parts 50 through 55 of this chapter. Any career level educator who has a change in positions but who remains within the career ladder certification system shall retain his state salary supplement for the remaining year(s) of validity of the career level certificate, as provided in §§ 49-5-5212, 49-5-5308, and 49-5-5508. However, an educator who holds more than one career level certificate may receive only one (1) state salary supplement, the highest of those for which he is otherwise eligible. [Acts 1984 (1st E.S.), ch. 7, § 10; 1986, ch. 933, §§ 3, 4, 16, 43.]

49-5-5011. Funding of program. — (a) Costs of administration of parts 50 through 57 of this chapter, including the salary supplements, pay for substitutes, travel expenses of the members of the state certification commission, and other expenses incident to parts 50 through 57 of this chapter, shall not be a part of or paid through the Tennessee Education Finance Act of 1977, compiled in chapter 6 of this title.

(b) Funds paid out by the state under the provisions of parts 50 through 57 of this chapter shall not be subject to the provisions of § 8-11-110, and shall not be subject to any reduction on account of that section or otherwise.

(c) Any cost to local government as determined by the general assembly in the general appropriations act which is mandated under the provisions of the Comprehensive Education Reform Act of 1984 shall not be borne by any local government but shall be solely an obligation of and payable by the state.

(d) Any funds appropriated for the implementation of the provisions of the Comprehensive Education Reform Act of 1984 and not expended in the current fiscal year shall remain available for such purposes at the end of the fiscal year, and shall not revert to the general fund, but be maintained as a revolving fund for the purposes of implementing parts 50 through 57 of this chapter.

(e) The department of education shall reimburse local education agencies an amount not to exceed thirty dollars ($30.00) per day or the amount which the local education agency regularly pays its substitute teachers, if more, for any necessary substitute while a career level teacher, principal, or supervisor or a state certification commission member is performing duties under parts 50 through 57 of this chapter. [Acts 1984 (1st E.S.), ch. 7, §§ 11, 24, 90, 103; 1987, ch. 308, § 2.]

Compiler's Notes. The 1984 General Appropriations Act is ch. 1002.

The Comprehensive Education Reform Act of 1984, referred to above, is compiled in parts 50 through 57 of this chapter.

Amendments. The 1987 amendment deleted "regional commissions or the" and "regional commission or a" preceding "state certification commission" in (a) and (e), respectively.

Effective Dates. Acts 1987, ch. 308, § 62. July 1, 1987.

49-5-5012. Relationship between Comprehensive Education Reform Act and Professional Negotiations Act. — Nothing in the Comprehensive Education Reform Act of 1984, or the rules, standards, criteria, procedures or instruments adopted in accordance therewith, shall have the effect of modifying or limiting the scope of part 6 of this chapter. Likewise, none of the

provisions of the Comprehensive Education Reform Act of 1984 or the rules, standards, criteria, procedures or instruments used for the evaluation or certification of educators or for the purpose of providing the pay supplements provided for in the Comprehensive Education Reform Act of 1984, which are adopted by the State or local education agencies pursuant to the Comprehensive Education Reform Act of 1984, shall be formulated or established, changed, altered or modified, directly or indirectly, through the process provided for in part 6 of this chapter. [Acts 1984 (1st E.S.), ch. 7, § 91; 1984, ch. 829, § 38.]

Compiler's Notes. The Comprehensive Education Reform Act of 1984, referred to in this section, is compiled in parts 50 through 57 of this chapter.

49-5-5013. Pay supplements for teachers in special schools. — A pay supplement, out of funds appropriated to the respective agency, shall be paid to teachers in the state special schools and the state departments specified in § 49-5-5004. This supplement shall be provided in the following manner:

(1) Teachers commencing their second year of teaching after July 1, 1986, shall receive a five hundred dollar ($500) salary supplement, which shall be in addition to any other salary to which the teacher may be entitled. This supplement shall continue for two (2) additional years, as adjusted by the state board of education so that during each such year the eligible teacher will receive a total state salary and supplement equal to the salary and supplement provided to teachers commencing a second year of teaching during the applicable year; and

(2) Teachers who are in their third or fourth year of teaching during the 1985-1986 school year shall receive a supplement adjusted by the state board of education so that their total state salary and supplement will equal the salary and supplement provided to teachers commencing a second year of teaching during the applicable year. Likewise, teachers who are in their fourth year of teaching during the 1986-1987 school year shall receive a supplement adjusted by the state board of education so that their total state salary and supplement will equal the salary and supplement provided to teachers commencing a second year of teaching during the applicable year. [Acts 1986, ch. 826, § 1.]

49-5-5014. Evaluator's immunity from liability. — Superintendents, principals, assistant principals, supervisors and teachers shall not be held liable, personally or officially, when performing their duties in the evaluation of educators pursuant to the Comprehensive Education Reform Act of 1984. Immunity shall not extend to willful acts determined to be arbitrary, capricious, intended to damage the educator's reputation or which are discriminatory or illegally motivated. [Acts 1986, ch. 933, § 45.]

Compiler's Notes. The Comprehensive Education Reform Act of 1984, referred to above, is compiled in parts 50 through 57 of this chapter.

Effective Dates. Acts 1986, ch. 933, § 46. May 1, 1986.

49-5-5015 — 49-5-5020. [Reserved.]

49-5-5021, 49-5-5022. [Transferred.]

Compiler's Notes. These sections, concerning the select oversight committee on education, and review regarding the career ladder program, were transferred to title 3, ch. 15, part 3 in 1987.

49-5-5023. Legislative goals for career ladder program. — (a) By July 1, 1989, it is the legislative intent that the following goals shall be attained:

(1) An increase in the percentage of students who enter four-year university degree programs and who subsequently earn baccalaureate degrees;

(2) An improvement in the average National Teachers Examination scores of students enrolled in public university teacher preparation programs;

(3) An increase in the scores of public university entry-level students on the composite tests of ACT and SAT;

(4) An improvement in standardized examination scores of graduating seniors at public universities;

(5) An increase in the number of students from public universities who pass all parts of professional licensing examinations on the first attempt in fields for which a licensure examination is required;

(6) An improvement in test scores of students entering graduate schools within public universities as measured by such national examinations as the graduate record exam (GRE);

(7) An increase in the measured knowledge of graduates of public university graduate and professional programs;

(8) An improvement in the library holdings of the public technical institutes, community colleges, and universities;

(9) For those universities whose defined role includes research, an improvement in the ranking of the public universities' research activities as measured by additional external grants and gifts received for sponsored research (recognizing, however, that changes in federal research policies are beyond the control of individual institutions or the state of Tennessee);

(10) An improvement in the support given to public universities' public service programs as measured by additional external funds received for such activities;

(11) An improvement in the job placement rate by specific vocational fields studied for all vocational graduates of area vocational schools, technical institutes, and community colleges;

(12) An improvement in the correlation of specific vocational fields of study offered by area vocational schools, technical institutes, and community colleges with the specific vocational needs of each service area of the state as determined by projections of the state departments of planning, employment security, economic and community development, and labor;

(13) The implementation by public universities of policies which insure that no credit offered for courses which provide remediation for high school deficiencies will apply toward minimum degree requirements for graduation; and

(14) A reduction in those courses now offered for degree credit by public technical institutes and community colleges which serve as remediation for high school deficiencies (recognizing that until such time as the basic skills possessed by all high school graduates in Tennessee are significantly improved, these institutions will continue to have a significant remediation responsibility).

It is the legislative intent that for each institution of higher learning there shall be annual measurable benchmarks as well as a list of specific achievements to be realized by the end of the fifth year presented to the special committee of the general assembly created by § 3-15-301. These annual measurable benchmarks will set the standard for evaluating progress toward the goals, as stated. Where possible, these benchmarks and goals will have the complete agreement of the state board of regents, the university of Tennessee board of trustees, and the higher education commission for the various campuses of higher education in the state of Tennessee. Where specific benchmarks and/or goals cannot be agreed upon, the final decision shall be made by the special committee after presentations by the state board of regents, the university of Tennessee board of trustees, and the higher education commission. It is the legislative intent that the base benchmark for comparative purposes shall be the 1983-84 academic year and that predicted benchmarks and goals shall be presented to the special committee no later than February 15, 1985.

(b) By July 1, 1989, it is the legislative intent that the following goals shall be attained:

(1) A fifty percent (50%) reduction in the number of teachers who leave teaching service for reasons of job dissatisfaction;

(2) A twenty percent (20%) decrease in the percentage of students who enter high school but who do not graduate from high school;

(3) The elimination of waivers for teaching outside area of specialty;

(4) An improvement in performance shown by a ten percent (10%) decrease in the percent of students failing the state proficiency test in each subject at the ninth and twelfth grades;

(5) A relative increase in test scores of students who take the following tests, such increase to enable Tennessee students to rank higher than the national average in each and every subject area or category;

(A) American college test (ACT); and

(B) Scholastic aptitude test (SAT); and

(6) A fifteen percent (15%) increase in the number of students mastering each skill in reading and mathematics as measured on the basic skills criterion-referenced tests in grades three (3), six (6) and eight (8).

(c) By July 1, 1989, it is the legislative intent that nationally normed achievement tests be selected for administration at three (3) grade levels in the 1984-1985 school year and that within five (5) years, the statewide average test scores achieved on such tests by Tennessee students be higher than the national average for comparable grade groups in each subject; provided further, it is the legislative intent that the state board of education develop other measurable goals and/or benchmarks and submit same to the special joint committee of the general assembly created by § 3-15-301.

(d) By July 1, 1989, it is the legislative intent that the instructional program shall be improved to provide measurable improvement in the subjects of Chapter II "The Basic Academic Competencies", Chapter III "Computer Competency: An Emerging Need" and Chapter IV "The Basic Academic Subjects", all as set out in *Academic Preparation For College: What Students Need To Know And Be Able To Do,* published by the College Board, 888 Seventh Avenue, New York, New York, 10106, 1983. [Acts 1984 (1st E.S.), ch. 7, §§ 97-99; 1984, ch. 829, §§ 39-43.]

Section to Section References. This section is referred to in § 49-6-3505.

Part 51—Certification and Evaluation

49-5-5101. Creation of commission — Student advisory council created. — (a) There is hereby created the state certification commission which is responsible for the administration of the certification and evaluation program for educators provided for in parts 50 through 55 of this chapter under the supervision of the state board of education.

(b)(1) There is hereby created a student advisory council to the state certification commission. The advisory council shall be composed of six (6) students enrolled in the tenth, eleventh or twelfth grade of a Tennessee public high school appointed by the governor, two (2) from each grand division. The term of the member shall be one (1) year. The members shall elect a chairman and such other officers as they may deem advisable.

(2) The advisory council shall meet at the call of the chairman of the state certification commission but not less than once per calendar quarter. The student advisory group shall advise the state certification commission in the performance of its duties.

(3) Members of the student advisory council shall serve without compensation but shall receive reimbursement for travel expenses in accordance with the provisions of the comprehensive travel regulations promulgated by the department of finance and administration and approved by the attorney general. [Acts 1984 (1st E.S.), ch. 7, §§ 14, 96.]

Compiler's Notes. The state certification commission created by this section terminates on June 30, 1990, by § 4-29-211. See also § 4-29-112.

Section to Section References. This part is referred to in §§ 4-29-211, 49-5-5001, 49-5-5002, 49-5-5003, 49-5-5004, 49-5-5006, 49-5-5007, 49-5-5008, 49-5-5009, 49-5-5010, 49-5-5011, 49-5-5021, 49-5-5022, 49-5-5202, 49-5-5203, 49-5-5211, 49-5-5212, 49-5-5304, 49-5-5305, 49-5-5308, 49-5-5404, 49-5-5405, 49-5-5408, 49-5-5504, 49-5-5505, 49-5-5508, 49-5-5702, 49-6-3004.

49-5-5102. Composition — Appointment — Confirmation — Vacancy — Election of chairman. — (a)(1) The state certification commission shall consist of thirteen (13) persons appointed by the governor, as follows: four (4) teachers, one (1) from each grand division and one (1) at large, and at least one (1) being an elementary school teacher, one (1) a middle school teacher, and one (1) a high school teacher; two (2) principals, at large; one (1) supervisor, at large; two (2) distinguished representatives of higher education, one (1)

from a public and one (1) from a non-public institution approved for teacher training in Tennessee by the state board of education; one (1) superintendent of schools, at large; two (2) distinguished lay persons, at large; and the commissioner of education.

(2) In making his initial appointments, the governor shall appoint one (1) career level III teacher and one (1) lay person to a term of one (1) year; one (1) lay person, and one (1) higher education representative for a term of two (2) years; and all other appointments for three (3) years.

(b) Except as provided in subsection (a) all terms shall be for three (3) years.

(c) Members shall be eligible for reappointment and shall serve until their successors are appointed and qualified. In making appointments to the commission, the governor shall strive to insure that at least one (1) person appointed to serve on the commission is sixty (60) years of age or older and that at least one (1) person appointed to serve on the commission is a member of a racial minority.

(d) Except for the commissioner of education, the appointed members shall be subject to confirmation by the senate and the house of representatives prior to taking office.

(e) If a vacancy occurs or if an appointment is required at such time the general assembly is recessed or adjourned, the governor may make an interim appointment which shall be subject to confirmation when the general assembly next convenes.

(f) The members shall annually elect one of their number to serve as chairman. [Acts 1984 (1st E.S.), ch. 7, § 15; 1986, ch. 933, §§ 3, 4; 1987, ch. 308, § 40; 1988, ch. 1013, § 18.]

Code Commission Notes. Acts 1987, ch. 308 deleted "career level III" from subdivision (a)(1), but did not amend the similar provision in (a)(2).

Amendments. The 1987 amendment deleted "career level III" preceding references to "teachers," "principals," and "supervisor" in (a)(1).

The 1988 amendment added the last sentence in (c).

Effective Dates. Acts 1987, ch. 308, § 62. July 1, 1987.

Acts 1988, ch. 1013, § 79. July 1, 1988.

Section to Section References. This section referred to in § 49-5-5150.

Attorney General Opinions. Appointment and functioning of commission members prior to certification, OAG 85-157 (5/13/85).

49-5-5103. Duties of commission — Local evaluation plans. — The state certification commission shall have the following duties:

(1) To receive recommendations for the certification of all career level I teachers, principals, assistant principals and supervisors and all provisional principals, assistant principals, and supervisors under the provisions of parts 50 through 55 of this chapter.

(2) To review and make recommendations to the state board of education concerning all applications for career level II and career level III teachers, and career level II and career level III principals, assistant principals and supervisors.

(3) To receive, from local boards of education, recommendations for certification of probationary teachers.

(4) To recommend, in consultation with the advisory commission on teacher education and certification, to the state board of education certification and evaluation standards, criteria and procedures, including education and competency requirements, for use by the state certification commission and any local education agency administering its own evaluation procedures, criteria and instruments which have been approved by the state board of education under the provisions of parts 50 through 57 of this chapter. Following the state board of education's approval of these standards, criteria and procedures, they, and any necessary rules shall be promulgated in accordance with the provisions of parts 50 through 57 of this chapter and the Uniform Administrative Procedures Act, title 4, chapter 5. Copies of these standards and criteria shall also be filed with the standing education committees of the senate and house of representatives. The policies, standards and rules regarding evaluation standards, procedures, criteria and instruments shall be the responsibility of the state board of education acting upon the recommendation of the state certification commission and shall not be subject to alteration or limitation by whatever means. The criteria for the evaluation of educators shall be validated and tested to eliminate racial or sexual bias prior to its use by the state certification commission and the regional commission. It is the intent of the general assembly and the requirement of the career ladder programs that the procedure of evaluation assure the educator a fair, unbiased and objective determination of professional competency and that no procedure of evaluation be adopted and no certification or other decision hereunder be made or withheld which may discriminate or exclude an educator on the basis of race or sex, and that such procedure, including but not limited to such criteria specifically mention and be directed toward prevention of such discrimination or exclusion on account of race or sex. The state certification commission shall report to the state board of education and the legislative oversight committee annually on the validation and testing of evaluation criteria, including names of consultants, procedures, instruments, and results used to assure that educators receive a fair, unbiased and objective determination of professional competency.

(5) To study the use of student progress or achievement, as measured by standardized testing or other appropriate measures, as an indicator of successful teaching and effective schools, and to review periodically the standards and criteria used for teacher and principal evaluation in view of the findings resulting from such study.

(6) To develop, approve, or acquire such tests and examinations as it deems necessary to further the certification process.

(7) To make recommendations to the state board of education regarding the certification of all educators under the provisions of parts 50 through 55 of this chapter, including the granting of certificates to probationary teachers and certificates to apprentice teachers.

(8) To appoint panels to assist it in the performance of its duties.

(9) To recommend to the state board of education which shall adopt guidelines and minimum standards for evaluation procedures, criteria and instruments used to evaluate career level II and career level III teachers and career level II and III principals, assistant principals and supervisors.

(10) To act upon recommendations for certification of probationary teachers submitted by local education agencies; to review and act upon evaluations of and recommendations for certification of apprentice and career level I teachers submitted by local education agencies administering an evaluation program approved by the state board of education.

(11)(A) To recommend to the state board of education which shall adopt a standard process for evaluating probationary, apprentice and career level I teachers and provisional principals, assistant principals and supervisors and career level I principals, assistant principals and supervisors for use by a local education agency with the state board of education's prior approval or by the state certification commission in school districts where the local education agency has chosen not to implement a qualifying local evaluation process or where the local education agency's evaluation process has been determined by the state board of education not to comply with the minimum standards and criteria provided for in parts 50 through 55 of this chapter. This standard evaluation process shall include any evaluation criteria, instruments and procedures that would be necessary to evaluate teachers, principals, assistant principals, and supervisors in the manner provided for in parts 50 through 55 of this chapter.

(B) All local education agencies shall have the authority to develop their own local evaluation procedures for the evaluation of:

(i) Career level I teachers, principals, assistant principals and supervisors;

(ii) Provisional principals, assistant principals and supervisors; and

(iii) Probationary and apprentice teachers;

based upon standards, guidelines and procedures approved by the state board of education upon the recommendation of the state certification commission. Before using local procedures, a local education agency must submit its evaluation procedures, criteria and instruments to the state board of education for validation and approval. If a local education agency has not adopted a local evaluation procedure by January 1, 1985, it shall use the standard evaluation process approved by the state board of education until such time as the state board of education has approved a local evaluation procedure for the local education agency.

(C) Each evaluation process, criterion, instrument, procedure or procedures, prescribed, utilized or approved by either local, regional or state agencies mentioned in subdivisions (A) and (B) of this subdivision (11) or in any other provision of parts 50 through 55 of this chapter, shall meet all requirements stated in subdivision (4) of this section. [Acts 1984 (1st E.S.), ch. 7, § 16; 1984, ch. 829, §§ 7-11; 1985, ch. 465, § 9; 1986, ch. 933, §§ 3, 4, 23, 26; 1987, ch. 308, §§ 36, 37.]

Code Commission Notes. Acts 1987, ch. 308 deleted "the regional certification commission" from (4), but did not delete "the regional commission" in (4), and that change has accordingly not been made. Acts 1987, ch. 308 has, elsewhere in this chapter, with regard to probationary or apprentice teachers, changed the reference from "certificates" or "certification" to "licenses" or "a license"; however this act did not instruct that those changes be made in subdivisions (7) and (10), and those changes have accordingly not been made.

Amendments. The 1987 amendment deleted "from each regional commission" following "to receive" at the beginning of (1) and deleted "the regional certification commissions" following "state certification commission" near the middle of the first sentence in (4).

Effective Dates. Acts 1987, ch. 308, § 62. July 1, 1987.

Attorney General Opinions. "Objective" defined, OAG 87-24 (2/12/87).

49-5-5104. Establishment of criteria and guidelines. — (a) The state certification commission, in accordance with policies approved by the state board of education, shall establish operating policies and procedures which ensure fairness, quality, professionalism and efficiency in the career ladder certification system.

(b) In accordance with policies approved by the state board of education, the state certification commission shall have the authority to establish guidelines with regard to the frequency and number of times a person may make application for the various professional level teacher certificates or the various teacher certificates or the various principal, assistant principal or supervisor certificates.

(c) Notwithstanding any provision of this title to the contrary, any standards, criteria, procedures or instruments used for the evaluation of educators for the purposes of the career ladder program must be in compliance with the provisions of parts 50 through 55 of this chapter and with the policies, procedures and rules approved by the state board of education. [Acts 1984 (1st E.S.), ch. 7, § 17; 1987, ch. 308, § 3.]

Amendments. The 1987 amendment deleted "including uniformity among the regional commissions created in § 49-5-5121" at the end of (a).

Effective Dates. Acts 1987, ch. 308, § 62. July 1, 1987.

49-5-5105. [Repealed.]

Compiler's Notes. This section (Acts 1984 (1st E.S.), ch. 7, § 18), concerning assignment of applications, was repealed by Acts 1987, ch. 308, § 4.

49-5-5106. Compensation. — The state certification commission shall serve without pay other than their usual compensation except that travel expenses will be reimbursed in accordance with the provisions of the comprehensive travel regulations as promulgated by the department of finance and administration and approved by the attorney general. [Acts 1984 (1st E.S.), ch. 7, § 19.]

49-5-5107 — 49-5-5120. [Reserved.]

49-5-5121, 49-5-5122. [Repealed.]

Compiler's Notes. Former §§ 49-5-5121 and 49-5-5122 (Acts 1984 (1st E.S.), ch. 7, §§ 20, 21; 1986, ch. 933, § 4), concerning composition of, appointments to, and terms of regional certification commissions, were repealed by Acts 1988, ch. 777, §§ 3, 4, respectively.

Section to Section References. This section is referred to in § 49-5-5150.

49-5-5123, 49-5-5124. [Repealed.]

Compiler's Notes. These sections (Acts 1984 (1st E.S.), ch. 7, §§ 22, 23; 1984, ch. 829, §§ 12-14; 1986, ch. 933, §§ 4, 27), concerning duties and compensation of regional commissions, were repealed by Acts 1987, ch. 308, §§ 5, 6.

49-5-5125 — 49-5-5149. [Reserved.]

49-5-5150. Interim certification commission — Creation — Composition — Appointment — Confirmation — Duties — Compensation. — (a) For the purpose of beginning the implementation of parts 50 through 57 of this chapter, and pending the appointment and confirmation of the state certification commission pursuant to § 49-5-5102 and the appointment of the regional certification commissions pursuant to § 49-5-5122 [repealed], an interim certification commission is hereby created.

(b) This commission shall consist of eighteen (18) persons, including the commissioner of education and seventeen (17) other persons appointed by the governor. The commission shall fairly represent the public, teachers, the Tennessee education association, the Tennessee organization of school superintendents, the Tennesseee school boards association, the chairman of the supervisors study council, the elementary principals association, the secondary principals association, the Tennessee congress of parents and teachers and the Tennessee association of colleges of teacher education. If the persons representative of the groups set forth above are presently serving on the ad hoc interim commission and are willing to serve on the interim commission provided for herein, the governor is urged to consider favorably the appointment of such persons in order to provide continuity and experienced members for the new interim commission. The appointments to the interim commission shall be made as soon as practicable after the enactment of the Comprehensive Education Reform Act of 1984. The governor shall designate the chairman of the interim commission.

(c) The members of the interim commission, except the commissioner of education, shall be subject to legislative confirmation in accordance with the provisions of § 49-5-5102 and shall be appointed and confirmed, to the extent practicable, prior to adjournment, sine die, of the ninety-third general assembly. The interim commission shall serve until the state certification commission and the regional certification commissions are appointed, confirmed and organized and shall be dissolved and cease to function at that time, but not later than February 1, 1986. Any member of the interim commission on June 30, 1985, shall continue in office until otherwise provided herein.

(d) The interim commission shall have the power to perform all the duties of the state certification commission and the regional certification commissions provided for herein.

(e) To assist in the selection of sufficient numbers of career level III teachers and career level III principals and supervisors to establish the first state certification commission and regional certification commissions, the interim commission shall have the power and authority, through the department of education, to hire a sufficient number of qualified professional evaluators at state expense chosen from public or private university faculty or staff knowledgeable in evaluation, the state department of education, educators employed by local education agencies or other persons having educator evaluation qualifications similar to those set forth herein. Before commencing their work, such educators shall receive training in educator evaluation in accordance with criteria adopted by the interim commission.

(f)(1) The members of the interim commission shall serve without pay except for the regular salaries to which they may be otherwise entitled but may be reimbursed for their expenses while performing their duties for the interim commission in accordance with the comprehensive travel regulations as promulgated by the department of finance and administration and approved by the attorney general.

(2) If the interim commission desires to employ an educator employed by a local education agency to assist in the performance of its duties, it shall, through the department of education, enter into an appropriate agreement with the educator and the local education agency in conformance with §§ 49-5-5208 and 49-5-5306.

(3) Professional qualified evaluators employed by the department of education shall be reimbursed for their travel expenses while performing their duties in accordance with the comprehensive travel regulations as promulgated by the department of finance and administration and approved by the attorney general. [Acts 1984 (1st E.S.), ch. 7, § 88; 1984, ch. 829, §§ 35-37; 1985, ch. 465, § 35; 1986, ch. 933, § 4.]

Compiler's Notes. Section 49-5-5122, referred to in this section, was repealed by Acts 1988, ch. 777, § 4.

Part 52—Career Ladder for Teachers

49-5-5201. Career levels of teaching licenses and certificates — Eligibility. — (a) The state board of education, on the recommendation of the state certification commission shall issue three (3) levels of teaching licenses: probationary, apprentice, and professional; and, three (3) levels of teaching certificates: career level I, career level II, and career level III. Teachers possessing a current, valid license on July 1, 1984, shall be eligible to apply for career level certificates based on experience as set out in § 49-5-5005. Teachers who are employed initially after July 1, 1984, shall be eligible to apply for career level certificates based on experience, as follows:

(1) Career Level I — Employment for three (3) years as an apprentice teacher;

(2) Career Level II — Employment for at least three (3) years as a career level I teacher; or

(3) Career Level III — Employment for at least four (4) years as a career level II teacher.

(b) Teachers shall be entitled to undergo evaluation during the year in which they gain eligibility for career level I or II or III status, based on experience set forth in subsection (a) of this section or in § 49-5-5005. [Acts 1984 (1st E.S.), ch. 7, § 26; 1985, ch. 465, § 8; 1987, ch. 308, §§ 44, 51, 52.]

Amendments. The 1987 amendment designated the existing provisions as (a) and added (b); in (a) rewrote the first sentence which read: "The state board of education, on the recommendation of the state certification commission, shall issue five levels of teaching certificates: probationary, apprentice, career level I, career level II and career level III" and substituted "license" and "licenses" for "certificate" and "certificates" in the second sentence; in (a)(2) substituted "three (3) years" for "five (5) years"; and in (a)(3) substituted "four (4) years" for "five (5) years."

Effective Dates. Acts 1987, ch. 308, § 62. July 1, 1987.

Section to Section References.

Parts 52-55 are referred to in § 49-5-5002.

This part is referred to in §§ 49-5-5001, 49-5-5002, 49-5-5003, 49-5-5004, 49-5-5006, 49-5-5007, 49-5-5008, 49-5-5009, 49-5-5010, 49-5-5011, 49-5-5021, 49-5-5022, 49-5-5101, 49-5-5103, 49-5-5104, 49-5-5304, 49-5-5305, 49-5-5308, 49-5-5404, 49-5-5405, 49-5-5408, 49-5-5504, 49-5-5505, 49-5-5508, 49-5-5702, 49-6-3004.

49-5-5202. Evaluation procedures for teachers. — (a) All teachers licensed after July 1, 1984, as probationary or apprentice or certified as career level I, and all current teachers who choose to participate in the new career ladder program as career level I teachers shall be evaluated in accordance with one (1) of the following procedures:

(1) An evaluation process, including procedures, criteria and instruments, used and developed by a local education agency, that has been validated and approved by the state board of education in accordance with the standards and criteria provided for in parts 50 through 55 of this chapter;

(2) The standard evaluation process developed by the state certification commission and approved by the state board of education for use by a local education agency with the approval of the state board of education; or

(3) Where a local education agency has chosen not to or has failed to implement any evaluation process meeting the approval of the state certification commission as provided for in parts 50 through 55 of this chapter, the standard evaluation process developed by the state certification commission and approved by the state board of education, being administered under the state certification commission.

(b) All persons certified as career level II or career level III teachers after July 1, 1984, including present teachers who choose to participate in the new career teacher program, shall be evaluated in accordance with the process approved by the state board of education upon recommendation of the state certification commission.

(c) Advancement from one (1) career level to another shall be awarded by the state board of education as provided for in parts 50 through 55 of this chapter.

(d) These evaluations shall be part of a teacher's permanent record. [Acts 1984 (1st E.S.), ch. 7, § 27; 1987, ch. 308, § 45.]

Amendments. The 1987 amendment, in the introductory language of (a), substituted "All teachers licensed after July 1, 1984, as probationary or apprentice or certified as career level I" for "All teachers certified after July 1, 1984, as probationary, apprentice or career level I teachers" and substituted "career ladder program" for "career teacher program."

Effective Dates. Acts 1987, ch. 308, § 62. July 1, 1987.

49-5-5203. Term and renewal of teaching licenses. — (a)(1) The initial certificate for career level I, career level II and career level III teachers shall be valid for ten (10) years and shall be renewable for additional periods of ten (10) years.

(2) The license for a probationary teacher shall be for one (1) year and shall not be renewable. The license for the apprentice teacher shall be valid for three (3) years and shall not be renewable. Notwithstanding the provisions of this subdivision or parts 52 or 56 of this chapter regarding the nonrenewability of probationary and apprentice teacher licenses, if a teacher is denied certification as a career level I teacher at the end of the fourth year of employment, or if a teacher is denied an apprentice certificate at the end of the probationary certificate year of employment, that teacher may begin as a probationary teacher in another school system, and upon request, shall receive a new probationary or apprentice teacher certificate as appropriate.

(b)(1) In addition to the other requirements provided for herein, a teacher with a bachelor's degree only shall complete one (1) academic course or one (1) professional education course that focuses on methodology or teaching skills as part of the certification renewal process each ten (10) years. Credit shall be granted only for upper division level courses in the respective areas of certification which are completed with an attained three point (3.0) grade point average (on a four (4) point grading system). A teacher may complete upper division courses in another subject if they are taken with the goal of broadening the areas of certification. A teacher may complete upper division courses in areas of need identified through the evaluation process; however, the teacher shall provide, with the application for renewal, written verification of the need signed by the teacher's immediate supervisor before such courses may be counted for certificate renewal.

(2) When necessary, a local education agency shall adjust the work schedule of a career level II or career level III teacher employed under an eleven (11) or twelve (12) month contract to enable the teacher to complete the upper division courses required by this section.

(3) A person employed to teach a vocational or other course where a college degree is not required shall not be required to complete the upper level courses provided for herein, but the state certification commission, with the approval of the state board of education, shall devise comparable and appropriate advanced training requirements for the advancement of such teachers in the career ladder program.

(c)(1) Any apprentice or career level I teacher found not to meet minimum competency standards under the evaluation process set out in § 49-5-5205(j) shall either be dismissed, have dismissal action brought under the tenure law, be given a six (6) school month period in which to improve, or be given non-state funded local employment, as set out in § 49-5-5205(j)(4) and (5).

(2) If the teacher is provided with an improvement plan and under § 49-5-5205(j)(5) is still found not to meet minimum competency standards, the teacher shall be subject to the actions specified in § 49-5-5205(j)(5) and (6). However, an apprentice teacher who is required to be dismissed, or the local education agency employing such teacher, or both, may appeal to the state board of education under the provisions of § 49-5-5009, and a career

level I teacher who is not recertified or the local education agency employing the teacher, or both, may appeal to the state board of education the decision not to recertify under the provisions of § 49-5-5009.

(3) If a request for review is filed with the state board of education, any termination of the payment of the salary supplement the teacher is already receiving shall be deferred in accordance with § 49-5-5009 pending the state board of education's final determination of the request for review.

(4) If the state board of education determines that the person seeking review is qualified to receive the certificate being applied for, the board shall issue the proper certificate and, thereafter, the person shall receive the proper salary supplement in accordance with the provisions of parts 50-55 of this chapter.

(5) If the state board of education determines that the person seeking review is not qualified to receive the certificate being applied for, the board shall issue the person any other certificate to which the person may be entitled under the provisions of parts 50-55 of this chapter and, thereafter, such person shall receive the salary supplement to which he is entitled.

(d) Any teacher holding a career level II teacher certificate whose certificate is not renewed in due course because of the teacher's failure to meet the relevant certification standards shall, at the expiration of the career level II teacher's certificate and if minimum competency standards are met, be issued a career level I teacher certificate that shall be valid for ten (10) years and shall be subject to renewal in the same manner as other career level I teacher certificates.

(e) Any teacher holding a career level III teacher certificate whose certificate is not renewed in due course because of the teacher's failure to meet the relevant certification standards shall, at the expiration of such certificate and if minimum competency standards are met, be issued a career level II teacher certificate that shall be valid for ten (10) years and shall be subject to renewal in the same manner as other such certificates.

(f) Any career level certificate may be extended by the state board of education for a period of time not to exceed one (1) year if a person's illness, disability or family hardship prevents the completion of the evaluation for the purpose of recertification. [Acts 1984 (1st E.S.), ch. 7, § 28; 1985, ch. 465, § 34; 1987, ch. 26, § 1; 1987, ch. 308, §§ 46, 47, 53; 1988, ch. 777, §§ 1, 2.]

Code Commission Notes. References in the last sentence of subdivision (a)(2) to "apprentice certificate," "probationary certificate" and "probationary or apprentice teacher certificate," which words were added by Acts 1987, ch. 308, were not changed by Acts 1987, ch. 308 to references by apprentice or probationary licenses as other references to apprentice or probationary certificates in this chapter were.

Amendments. The 1987 amendment, by ch. 26, in (b)(1) added "or one (1) professional education course that focuses on methodology or teaching skills."

The 1987 amendment by ch. 308, in (a)(1), substituted "ten (10) years" for "five (5) years" in two places; in (a)(2) substituted "license" for "certificate" in the first and second sentences and, in the third sentence, substituted "licenses" for "certificates" preceding "if a teacher," and substituted the language which read "fourth year of employment ..." for former language which read "fourth year of employment, that teacher may begin as a probationary teacher in another school system, and upon request, shall receive new probationary and apprentice teacher certificates."

The 1988 amendment substituted "ten (10) years" for "five (5) years" in (b)(1), (d), and (e).

Effective Dates. Acts 1987, ch. 26, § 3. March 13, 1987.

Acts 1987, ch. 308, § 62. July 1, 1987.

Acts 1988, ch. 777, § 8. April 19, 1988.

Cross-References. Tuition reimbursement for certification renewal courses, § 49-5-204.

Attorney General Opinions. Effect of amendment changing length of time of validity of initial career ladder certificate, OAG 87-110 (7/7/87).

49-5-5204. Criteria for teachers' evaluations. — (a) The minimum criteria for the evaluation of probationary, apprentice, and career level I teachers by the local education agencies shall be established by the state certification commission and approved by the state board of education. The criteria shall include, but not be limited to:

(1) Classroom or position observation and assessment;

(2) Review of evaluations;

(3) Personal conference;

(4) Examination of professional development activities undertaken by the applicant; and

(5) Other appropriate criteria.

(6) [Deleted by 1986 amendment.]

(b) The criteria for the initial evaluation of career level II and III teachers which are to be used by the state certification commission shall include, but not be limited to, the following, and the criteria for the interim and recertification of career level II and III teachers may include the following:

(1) Classroom or position observation and assessment by a team of properly trained career level III teachers or career level III principals, assistant principals, or supervisors in grades kindergarten (K) through twelve (12) from outside the applicant's school system; or professionally qualified evaluators; or properly trained career level III teachers, principals, assistant principals, or supervisors in grades kindergarten (K) from outside the applicant's school system, except that the team may include one (1) local administrator who may be a non-career ladder employee, as agreed upon by both applicant and proposed evaluator, who shall conduct one (1) of the required evaluations and participate in the post-evaluation interview required by § 49-5-5205(b)(5);

(2) Review of evaluations by principals, supervisors and others in authority;

(3) Personal interview;

(4) Examination of professional development activities undertaken by the applicant, except that the state certification commission and the state board of education shall take care that the applicant's preparation and paperwork are kept to the minimum necessary for adequate evaluation; and

(5) Other appropriate criteria. [Acts 1984 (1st E.S.), ch. 7, § 29; 1985, ch. 465, §§ 10-12, 31; 1986, ch. 933, §§ 4, 6; 1987, ch. 308, §§ 38, 54; 1988, ch. 740, §§ 1, 2.]

Amendments. The 1987 amendment rewrote (b) which read: "The criteria for the evaluation of career level II and III teachers which are to be used by the regional commissions and state certification commission shall include, but not be limited to, the following."

The 1988 amendment, in (b), added "or properly trained career level III teachers . . . participate in the post-evaluation interview required by Section 49-5-5205(b)(5)" at the end of (1) and "except that the state certification commission . . . minimum necessary for adequate evaluation" at the end of (4).

Effective Dates. Acts 1987, ch. 308, § 62. July 1, 1987.

Acts 1988, ch. 740, § 11. July 1, 1988.

Section to Section References. This section is referred to in §§ 49-5-5004, 49-5-5005, 49-5-5205.

Attorney General Opinions. Professional employee, OAG 86-18 (1/29/86).

49-5-5205. Procedural rules for teachers' evaluations — Negative evaluations. — (a) The procedural rules for the evaluation of teachers which are to be used by the local education agencies and the state certification commission shall be designed to assure a fair and meaningful evaluation of a teacher's development, growth and performance in the teaching profession. These rules shall be developed in consultation with local school administrators, and teachers, and the education committees of the senate and house of representatives.

(b) The procedural rules for the evaluation of probationary, apprentice, career level I and the initial evaluation of career level II and III teachers shall include each of the items below listed. The procedural rules for the interim and recertification of career level II and III teachers shall include subdivisions (b)(1), (4), (5), and (6), as well as any other item deemed necessary by the evaluation team:

(1) A pre-evaluation interview which includes the identification of performance goals for the teacher, based on the actual subjects to be taught and specific performance criteria as defined in § 49-5-5204; such pre-evaluation interview shall be conducted prior to each evaluation required by this section;

(2) Multiple observations in a variety of teaching or supervisory situations;

(3) Review of indicators of student progress, where applicable;

(4) A formal written evaluation which includes the subjects taught and the performance criteria, and which includes opportunity for each evaluator to provide a timely report to the applicant of the evaluator's perceptions of the applicant's areas of strength and areas that need improvement;

(5) A timely post-evaluation interview in which the specific results of the evaluation are discussed with the teacher, and a written program of assistance for improvement, if needed, is established; and

(6) An opportunity for the teacher to respond, in writing, to the written evaluation with the response to be attached to the evaluation.

(c) The procedural rules shall include the opportunity for multiple evaluations of apprentice teachers. The performance of all apprentice teachers shall be evaluated at least once a year or at more frequent intervals in the discretion of the local education agency employing the apprentice teacher. These evaluations shall be conducted using procedures, criteria and instruments approved by the state board of education and shall specifically identify any deficiencies of such teacher and shall include a specific, individual plan of suggested improvements to correct any such deficiencies.

(d) The procedural rules shall include the opportunity for multiple evaluations of all teachers holding certificates other than an apprentice teacher's certificate. The performance of all teachers other than apprentice teachers shall be evaluated at least two (2) times between the time their certificate is issued or renewed and the certificate's expiration date and may be evaluated at more frequent intervals by the local education agency using procedures and evaluation criteria promulgated by the state board of education, on recommendation of the state certification commission. The scheduling of such evaluations shall be determined in accordance with the evaluation plan adopted by the local education agency and approved by the state board of education.

(e) Nothing in the evaluation procedure mandated by this section shall require a decision by a local education agency to grant tenure or continued employment from year to year during the one (1) year probationary teacher period or the three (3) year apprentice teacher period.

(f) Evaluations conducted pursuant to this section shall be open for inspection by the teacher, principal, or local education agency or their designated representatives.

(g) For purposes of career level II and III teacher evaluations pursuant to § 49-5-5204(b), at least one (1) career level III teacher or professionally trained evaluator shall be from the same grade area or subject area as the teacher being evaluated.

(h) Upon being informed of the composition of the evaluating team, the teacher being evaluated shall be entitled to request that one (1) member of the team be removed and that the commission name a new member.

(i) Applicants for an apprentice teacher certificate and applicants for a career level I teacher certificate or the renewal thereof shall be evaluated by the local education agencies in accordance with an approved locally developed evaluation plan or the standard evaluation plan or the standard evaluation process approved by the state board of education. The local education agency's evaluations and recommendations shall be forwarded to the state certification commission for review and approval. The applicants for the career level I certificate shall not receive the certificate until the state board of education determines that the applicant meets all qualifications and issues the certificate. The state board of education shall issue the apprentice teacher certificate based on the recommendation of the local education agency. Except however, the local education agency shall recommend the issuance of the apprentice teacher certificate if the teacher has received a positive evaluation in accordance with an approved local evaluation system.

(j)(1) In addition to the local evaluation of apprentice and career level I teachers, a state-conducted evaluation shall be completed in the last year of validity of the certificate held by an apprentice teacher who applies for a career level I certificate or a career level I teacher who applies for recertification. This evaluation shall consist of a meeting with the principal of the school to receive and discuss the local evaluation and recommendations and an interview with the teacher and may include classroom observations and evaluations and such other matters as the state certification commission may determine to be proper.

(2) In the event that the state-conducted evaluation determines that the local evaluation is accurate, a recommendation shall be made by the state certification commission in accordance with the procedures set out in this part to approve the apprentice or career level I certificate application.

(3) If there is a disagreement between the local evaluation and the state-conducted evaluation, the state certification commission shall promptly assign a full evaluation team to evaluate the teacher using the standard evaluation process adopted by the state board of education upon the recommendation of the state certification commission.

(4) If the evaluation team finds the teacher to be deficient in the requirements for certification or recertification, it shall inform the state certification

commission and the local education agency. The local education agency shall then develop an individualized plan to improve that teacher's skills to the minimum standard within six (6) school months.

(5) At the conclusion of six (6) school months, the state certification commission shall provide for the re-evaluation of the teacher using the standard evaluation process:

(A) In the case of an apprentice teacher applying to be a career level I teacher, if this evaluation is negative, the local education agency must dismiss the teacher and no further state or local funds shall be expended for the employment of that person.

(B) In the case of a career level I teacher applying for recertification, the local education agency may:

(i) Take action under the tenure law to dismiss the teacher; or

(ii) Grant local employment to the teacher. If the local education agency chooses to grant local employment to the teacher, no state funds shall be expended for the employment of that teacher in any local education agency. Further, the teacher's certificate shall not be re-issued by the state board of education, but rather the teacher shall be issued a permit authorizing the teacher to teach only in the local education agency by which the teacher is currently employed. For the purposes of § 49-5-602(11), a person possessing such a permit shall be considered a professional employee within that local education agency only.

Provided, however, teachers employed and certified prior to July 1, 1984, who became certified as a career level I teacher, may exercise their option pursuant to § 49-5-5006 to renew the certificate previously issued by the state board of education and no minimum foundation funds allocated to that teacher shall be withheld by the commissioner of education. Provided, however, nothing herein shall be construed to limit or prevent a local education agency from dismissing a teacher pursuant to part 5 of this chapter.

(6) If the local education agency continues to employ such a teacher, state funds may be restored only if the teacher improves performance to the level necessary for recertification as a career level I teacher. No funds withheld during the period of deficiency shall be restored.

(7) If a local education agency desires assistance from the state in evaluating apprentice teachers during the first or second year of the apprentice period, such request shall be made in writing to the state certification commission. Such evaluations shall be used for identification of specific deficiencies and shall include specific recommendations to the teacher for improvement to correct any such deficiency. If an apprentice teacher believes that the local evaluation process has been unfair, the apprentice teacher may request in writing a state-conducted evaluation. The results of such an evaluation shall be available to the local education agency and the apprentice teacher initiating the request. Provided, that nothing herein shall be construed to require the state certification commission or the regional commissions to conduct such evaluations, if in the judgment of the respective commissions such evaluations are unnecessary or would impose an undue burden on the commission. [Acts 1984 (1st E.S.), ch. 7, § 30; 1984, ch. 829, § 15; 1985, ch. 465, §§ 32, 33; 1986, ch. 933, § 7; 1987, ch. 308, §§ 39, 61; 1988, ch. 740, §§ 3, 4; 1988, ch. 777, § 6.]

Amendments. The 1987 amendment deleted "regional commissions" following "local education agencies" in the first sentence of (a) and substituted the present introductory language in (b) for former language which read "The procedural rules shall include."

The 1988 amendment by ch. 740, in (b), added "and which includes opportunity . . . areas that need improvement" at the end of (4) and inserted "timely" preceding "post-evaluation" in (5).

The 1988 amendment by ch. 777, in (j), substituted "the state certification commission" for "the regional commission having jurisdiction over the local education agency in which the teacher is employed" in (3) and substituted "state certification commission" for "regional commission" in the first sentence in (4).

Effective Dates. Acts 1987, ch. 308, § 62. July 1, 1987.

Acts 1988, ch. 740, § 11. July 1, 1988.

Acts 1988, ch. 777, § 8. April 19, 1988.

Section to Section References. This section is referred to in §§ 49-5-5005, 49-5-5123, 49-5-5203.

49-5-5206. Term of employment, duties, and supplement of career level I teachers. — (a) Any duly certified career level I teacher shall be employed for ten (10) months. A career level I teacher shall perform those duties prescribed by the local education agency and such additional duties as may be provided for in § 49-5-5209.

(b) A duly certified career level I teacher who has met the standards for certification established by the state board of education, on the recommendation of the state certification commission, and who is employed as such by a local education agency shall receive a one thousand dollar ($1,000) salary supplement in addition to any other compensation to which the teacher may be entitled.

(c) For school years beginning after the 1984-1985 school year, the state certification commission shall establish, with the approval of the state board of education, the deadline by which all requirements for certification shall be met. [Acts 1984 (1st E.S.), ch. 7, § 31.]

Section to Section References. This section is referred to in §§ 49-5-5004, 49-5-5005.

49-5-5207. Term of employment, duties, and supplement of career level II teachers. — (a) Any duly certified career level II teacher paid as such shall be employed for not less than ten (10) nor more than eleven (11) months and shall perform additional duties prescribed by the local education agency from a list of activities approved by the commissioner of education. A career level II teacher shall perform those duties prescribed by the local education agency and such other additional duties as may be provided for in § 49-5-5209. Upon receiving a career level II teacher certificate, a teacher shall choose either a ten-month or eleven-month contract. If the teacher chooses an eleven-month contract, that teacher may receive either the full amount of the eleven-month supplement, if that teacher's services are required during the eleventh month, or that part of the supplement paid for outstanding performance, if the services of that teacher are not required during the eleventh month. The amount received by the teacher shall be determined by the needs of the local education agency for teachers during the eleventh month.

(b)(1) Career level II teachers who are employed as such by a local education agency under a ten-month contract shall receive a two thousand dollar ($2,000) salary supplement in addition to any other compensation to which the teacher may be entitled.

(2) Duly certified career level II teachers who are employed as such by a local education agency under an eleven-month contract shall receive a four thousand dollar ($4,000) salary supplement in addition to any other compensation to which the teacher may be entitled. Provided, however, if the teacher is not required to work during the eleventh month, he or she shall receive only that part of the four thousand dollar ($4,000) supplement representing compensation for outstanding performance. [Acts 1984 (1st E.S.), ch. 7, § 32; 1984, ch. 829, § 16.]

49-5-5208. Term of employment, duties, and supplement of career level III teachers. — (a)(1) Any certified career level III teacher, paid as such, shall be employed for not less than ten (10) nor more than twelve (12) months and perform additional duties prescribed by the local education agency from a list of activities approved by the commissioner of education. A career level III teacher shall perform those duties prescribed by the local education agency and such other additional duties as may be provided for in § 49-5-5209.

(2) Upon receiving a career level III certificate, a teacher shall choose a ten (10), eleven (11), or twelve (12) month contract. If the teacher chooses either an eleven (11) or twelve (12) month contract, that teacher may receive either the full amount of either the eleven (11) or twelve (12) month supplement if that teacher's services are required during the eleventh or twelfth months or that portion of the eleven (11) or twelve (12) month supplement representing a supplement for outstanding performance. The amount received by the teacher shall be determined by the needs of the local education agency for teachers during the eleventh and twelfth months.

(b) A career level III teacher shall not be required to spend more than ten (10) days during the regular academic year in performing services for the state certification commission or a regional commission. In order not to disrupt student instruction, if the state certification commission wishes to use the services of a career level III teacher to perform evaluations for more than a total of ten (10) days during a regular academic year, the state certification commission shall receive permission from the local education agency to do so and if denied, the teacher shall be placed on sabbatical at state expense. Provided, however, that this provision shall not apply to teachers who are serving on the state certification commission or a regional certification commission.

(c)(1) Duly certified career level III teachers who are employed as such by a local education agency under a ten (10) month contract shall receive a three thousand dollar ($3,000) salary supplement in addition to any other compensation to which the teacher may be entitled.

(2) Duly certified career level III teachers who are employed as such by a local education agency under an eleven (11) month contract shall receive a five thousand dollar ($5,000) salary supplement in addition to any other compensation to which the teacher may be entitled. Provided, however, if the teacher is not required for work during the eleventh month, he or she shall receive only that part of the five thousand dollar ($5,000) supplement representing compensation for outstanding performance.

(3) Duly certified career level III teachers who are employed as such by a local board of education under a twelve (12) month contract shall receive a seven thousand dollar ($7,000) salary supplement in addition to any other compensation to which the teacher may be entitled. Provided, however, if the teacher is not required for work during the twelfth month, he or she shall receive only that part of the seven thousand dollar ($7,000) supplement representing compensation for outstanding performance. [Acts 1984 (1st E.S.), ch. 7, § 33; 1984, ch. 829, §§ 17, 18.]

Section to Section References. This section is referred to in §§ 49-5-5150, 49-5-5306, 49-5-5406, 49-5-5506.

49-5-5209. Additional duties of career level teachers. — (a)(1) A career level I teacher would be eligible for assignment by the principal to supervise and assist student interns and probationary teachers as an additional responsibility.

(2) A career level II teacher shall be subject to assignment by the system superintendent to work with gifted or remedial students or in other student enrichment programs as an additional responsibility in accordance with the plan required in subsection (b). Such teacher may also at the discretion and direction of the principal, supervise and participate in the skills development of apprentice teachers. A career level II teacher who has appropriate training and experience shall be subject to assignment by the system superintendent to work with special needs students.

(3) A career level III teacher, at the direction of the principal, shall, as an additional responsibility, supervise and assist in the skills development of apprentice and career level I teachers. Teachers with eleven- or twelve-month contracts shall be assigned, as an additional responsibility, to work with remedial or gifted students according to the plan required in subsection (b), or in other student enrichment programs designed by the local board of education. A career level III teacher who has appropriate training and experience shall be subject to assignment by the system superintendent to work with special needs students.

(4) In addition to the foregoing, career level II and III teachers may perform other activities consistent with the plan called for in subsection (b), including, but not limited to, teaching in the adult education and literacy program and teaching in or administering day-care centers authorized by § 49-2-203 (b)(11).

(b)(1) Each local education agency shall conduct an annual needs assessment to determine the focus of the extended contract activities authorized by this section. Priority for such activities shall be student needs, with school and teacher needs of secondary importance. Subject to guidelines developed by the commissioner of education and approved by the state board of education, each

local education agency shall have an extended contract committee consisting of teachers, including one (1) career level II or III teacher where possible, and administrators, which, as determined by the local board of education, shall conduct or assist in the needs assessment and advise on or certify to the need for specific programs served through extended contracts. Each local superintendent shall devise a plan consistent with the needs and abilities of the district to utilize the additional months of service which may be required from teachers in accordance with the provisions of this section. Such plans shall include, but not be limited to:

(A) Enrichment programs for gifted and talented students;

(B) Programs to enhance adult literacy and education;

(C) Administering and conducting day-care activities provided through the board;

(D) Programs to deal with students who are at risk of dropping out of school;

(E) Parent involvement projects aimed at assisting and improving their children's performance at school;

(F) Extended programs for the full range of handicapped students;

(G) Developmental or remediation programs for students according to their needs; and

(H) Enrichment programs in academic projects for all students or activities that will best utilize the particular talents and qualifications of the career level II and III teachers and meet the needs of the local school population.

(2) The plan shall also include the time periods in which the programs and activities shall occur. If at all possible, each system shall include a summer program in order to fully employ those teachers on eleven- and twelve-month contracts. Only if a superintendent and local board of education certify that it would not be feasible to finance the costs of attendance by students in the summer months, may a plan be devised to utilize extra time each day, or during weekends or holidays to offer such programs, instead of summer sessions. A plan may, however, include enrichment or other programs at any time.

(3) The local superintendent shall submit the plan to the local board of education, and the local board, upon approval shall submit the plan to the department of education. The plan shall be reviewed by the department and accepted or rejected on its merits. The department shall provide technical assistance in all areas of local extended contract program development, monitor and evaluate all extended contract programs, and establish a system to disseminate information about such programs.

(c) If a local education agency finds that it cannot offer a summer program, and if its plan for additional activities during the regular school year is accepted, career level II and career level III teachers on eleven- and twelve-month contracts shall not be required to perform remedial or enrichment work during the summer months if the state commissioner of education is satisfied that the work performed by the teacher otherwise is sufficient to satisfy the additional responsibilities under parts 50 through 57 of this chapter.

(d)(1) Beginning June 1, 1989, extended contract opportunities authorized by this section shall be available to all educators.

(2) Appropriately licensed educators with career level II and III status shall be given priority of opportunity to participate in extended contract activities. When extended contract positions cannot be filled by career level II and III educators, other educators may be used. [Acts 1984 (1st E.S.), ch. 7, § 34; 1984, ch. 829, § 19; 1988, ch. 740, §§ 5-9.]

Amendments. The 1988 amendment added (a)(4), rewrote (b) which read: "(b)(1) Each local superintendent shall devise a plan consistent with the needs and abilities of the district to utilize the additional months of service which may be required from teachers in accordance with the provisions of this section. Such plans shall include, but not be limited to:

"(A) Enrichment programs for gifted students;

"(B) Extended programs for the full range of handicapped students;

"(C) Developmental or remediation programs for students according to their needs;

"(D) Parent education programs;

"(E) Enrichment programs in academic projects for all students or activities that will best utilize the particular talents and qualifications of the career level II and III teachers and meet the needs of the local school population.

"(2) The plan shall also include the time periods in which the programs and activities shall occur. If at all possible, each system shall include a summer program in order to fully employ those teachers on eleven (11) and twelve (12) month contracts. Only if a superintendent and local board of education certify that it would not be feasible to finance the costs of attendance by students in the summer months, may a plan be devised to utilize extra time each day, or during weekends or holidays to offer such programs, instead of summer sessions. A plan may, however, include enrichment or other programs at any time.

"(3) The local superintendent shall submit the plan to the local board of education, and the local board, upon approval shall submit the plan to the department of education. The plan shall be reviewed by the department and accepted or rejected on its merits," and added (d).

Effective Dates. Acts 1988, ch. 740, § 11. July 1, 1988.

Section to Section References. This section is referred to in §§ 49-5-5206, 49-5-5207, 49-5-5305, 49-5-5306, 49-5-5405, 49-5-5406, 49-5-5505, 49-5-5506.

49-5-5210. Employment of career level teachers. — (a) Any person who has been duly certified as a career level teacher shall be qualified to teach in any local education agency. Any local board of education, upon the superintendent's recommendation, shall have the authority to employ a teacher with a career level certificate. Such a teacher may be employed from within or without the local education agency, but may not be employed in place of a certified teacher currently employed by that local education agency, or a teacher on leave, or a teacher on a preferred reemployment list.

(b) A person certified as a career level II or career level III teacher may enter into an employment agreement with a local education agency to be employed as a career level II or career level III teacher for a term not to exceed the time within which such certificate is valid. [Acts 1984 (1st E.S.) ch. 7, § 35; 1984, ch. 829, § 20.]

49-5-5211. Payment of supplement contingent on performance of duties. — Any career level II or career level III teacher who declines the duties thereof shall not receive the state salary supplement authorized in parts 50 through 55 of this chapter. [Acts 1984 (1st E.S.), ch. 7, § 36.]

49-5-5212. Supplement payments to teachers and educators. — (a) All supplements due to teachers under the provisions of parts 50-55 of this

chapter shall be paid directly by the department of education to the local education agency and shall be in addition to its foundation entitlement program, and not a part thereof.

(b) Once determined, the state salary supplement for career level teachers shall remain constant notwithstanding any increased training and experience attained, except the salary supplements for career level II and career level III teachers may be increased, as applicable, if the teacher chooses an eleven- or twelve-month contract.

(c) All supplements shall be subject to the availability of funds as appropriated in each year's appropriation act.

(d) Any person receiving a salary supplement under parts 50-55 shall continue to receive the state base pay to which he would be entitled if he were not receiving a salary supplement provided for herein. In devising its local salary schedule, a local education agency may not reduce or freeze the pay of any person receiving a salary supplement under parts 50-55 of this chapter, but such person shall receive any local pay to which teachers with similar training and experience are otherwise entitled.

(e) If the usual term of a teacher's employment extends to eleven (11) or twelve (12) months, and the state and local base pay of such teacher is paid for each of these months, the teacher shall be eligible only for that portion of the supplement provided for in parts 50-55 of this chapter which represents a reward for outstanding performance, and not that portion which represents compensation for the eleventh or twelfth month of service which the teacher would not otherwise perform.

(f) In order to ensure that no federal funds used to pay a teacher are withheld due to payments made under parts 50-55 of this chapter, any payment made under parts 50-55 of this chapter to a teacher whose base compensation is paid from federal funds shall be limited, to the extent necessary, to those funds which constitute the supplement for outstanding performance and not those funds which in the case of a teacher on an eleven (11) or twelve (12) month contract constitute compensation for work performed during that month.

(g) Any principal, assistant principal, or supervisor who has applied for career level II or III by November 30, 1984, and any teacher who has applied for career level II or III by November 30, 1984, shall receive the full supplement to which he is entitled for the 1985-1986 school year if he completes all requirements for such certification not later than the end of the 1985-1986 school year.

(h) Any educator who applies for career level I, II, or III after November 30, 1984, shall receive his career ladder supplement beginning the year after he completes all requirements for such certification.

(i) Notwithstanding subsections (g) and (h) to the contrary, for the 1986-87 school year, any educator who successfully completes evaluation during the 1986-87 school year and becomes eligible for career level certification shall receive the pay supplement associated therewith for the 1986-87 school year.

(j) Notwithstanding subsections (g) and (h) to the contrary, for the 1985-86 school year, any educator who successfully completes evaluation during the

1985-86 school year and becomes eligible for career level certification shall receive the pay supplement associated therewith for the 1985-86 school year.

(k) Notwithstanding subsections (g) and (h) to the contrary, for the 1987-88 school year, any teacher who successfully completes evaluation during the 1987-88 school year, who is currently in the ninth or thirteenth year of acceptable experience, and who becomes eligible for career ladder certification, shall receive the pay supplement associated therewith for the 1987-88 school year.

(*l*)(A) Persons eligible for evaluation pursuant to the criteria set out herein, who are chosen as evaluators in the first year of a new evaluation system implemented by the state certification commission, and who return to the assignment previously held before evaluator service shall receive pay supplements retroactive to the beginning of the academic year in which such persons are evaluated; provided, however, that such persons must make timely application for evaluation and such evaluation must be completed during the first year of their return to the previous assignment following service as an evaluator.

(B) This subsection shall be effective for evaluators employed for the 1986-1987 academic year. [Acts 1984 (1st E.S.), ch. 7, § 37; 1985, ch. 465, § 13; 1986, ch. 933, §§ 3-5; 1987, ch. 308, § 60; 1988, ch. 777, § 7.]

Amendments. The 1987 amendment added (k).

The 1988 amendment added (*l*).

Effective Dates. Acts 1987, ch. 308, § 62. July 1, 1987.

Acts 1988, ch. 777, § 8. April 19, 1988.

Section to Section References. This section is referred to in § 49-5-5010.

49-5-5213 — 49-5-5230. [Reserved.]

49-5-5231. Probationary teacher licensing. — (a) Any person who meets the minimum qualifications to be a probationary teacher as established by the state certification commission shall receive a license which shall be valid for one (1) year and which cannot be renewed in the same school system.

(b) Any person obtaining a license as a probationary teacher is eligible for employment by any local education agency. Any local board of education, upon the superintendent's recommendation, shall have the authority to employ a teacher with a probationary license. [Acts 1984 (1st E.S.), ch. 7, § 38; 1987, ch. 308, § 48.]

Amendments. The 1987 amendment substituted "license" for "certificate" throughout the section.

Effective Dates. Acts 1987, ch. 308, § 62. July 1, 1987.

49-5-5232 — 49-5-5240. [Reserved.]

49-5-5241. Apprentice teacher licensing. — (a) Any person who meets the minimum qualifications to be an apprentice teacher as established by the state certification commission shall receive a license which shall be valid for three (3) years and which cannot be renewed in the same school system.

(b) Any person obtaining a license as an apprentice teacher is eligible for employment by any local education agency. Any local board of education,

upon the superintendent's recommendation, shall have the authority to employ a teacher with an apprentice license. [Acts 1984 (1st E.S.), ch. 7, § 39; 1987, ch. 308, § 49.]

Amendments. The 1987 amendment substituted "license" for "certificate" throughout the section.

Effective Dates. Acts 1987, ch. 308, § 62. July 1, 1987.

PART 53—CAREER LADDER FOR PRINCIPALS

49-5-5301. Career ladder certificates for principals. — (a) The state board of education, on the recommendation of the state certification commission shall issue four (4) levels of principal certificates: provisional, career level I, career level II, and career level III.

(b)(1) Principals employed on July 1, 1984, shall be eligible to apply for career level certificates based on experience set out in § 49-5-5005.

(2) Principals employed after July 1, 1984, shall be eligible to apply for career level certificates based on the following:

(A) Provisional — Completion of requirements defined by the state board of education;

(B) Career level I — Employment for at least one year as a provisional principal;

(C) Career level II — Employment for at least three (3) years as a principal, assistant principal or supervisor, of which at least one (1) year must be as a provisional principal; or

(D) Career level III — Employment for at least five (5) years as a principal, assistant principal, or supervisor of which at least one (1) year must be as a provisional principal.

(c) Applicants shall meet the competencies prescribed by the state board of education for the position for which they are seeking certification.

(d) Principals shall be entitled to undergo evaluation during the year in which they gain eligibility for career level I or II or III status based on experience as indicated in §§ 49-5-5005 or as indicated above. [Acts 1984 (1st E.S.), ch. 7, § 40; 1985, ch. 465, §§ 14, 15; 1986, ch. 933, §§ 3, 4, 28; 1987, ch. 308, § 55.]

Amendments. The 1987 amendment added (d).

Effective Dates. Acts 1987, ch. 308, § 62. July 1, 1987.

Section to Section References. This part is referred to in §§ 49-5-5001, 49-5-5002, 49-5-5003, 49-5-5004, 49-5-5006, 49-5-5007, 49-5-5008, 49-5-5009, 49-5-5010, 49-5-5011, 49-5-5021, 49-5-5022, 49-5-5101, 49-5-5103, 49-5-5104, 49-5-5202, 49-5-5203, 49-5-5211, 49-5-5212, 49-5-5304, 49-5-5404, 49-5-5405, 49-5-5408, 49-5-5504, 49-5-5505, 49-5-5508, 49-5-5702, 49-6-3004.

49-5-5302. Evaluation procedures for principals. — (a) All principals certified after July 1, 1984, and all current principals who choose to participate in the career principal program, shall be evaluated according to the process adopted by the state certification commission with the approval of the state board of education.

Appendix D

UTAH CODE ANNOTATED

1988 Interim Supplement

REPLACEMENT VOLUME 5B

1981 EDITION

Including legislation from the 1988 General Session
and annotations through 748 P.2d 742.
See Preface in Volume 1A.

Edited by
The Publisher's Editorial Staff

THE MICHIE COMPANY
Law Publishers
Charlottesville, Virginia

Place this Interim Supplement with the corresponding volume of the set and use this supplement in conjunction with the 1987 Cumulative Supplement to this volume

DO NOT DISCARD YOUR 1987 CUMULATIVE SUPPLEMENT.

TITLE 53

PUBLIC SCHOOLS

Compiler's Notes. — Title 53 was repealed in its entirety by Laws 1988, Chapter 2, effective February 2, 1988. No attempt to account for the repeal of each section in the former title has been made in this interim supplement. A more detailed account will be provided in Replacement Volume 5B, scheduled for publication later in 1988.

TITLE 53A

STATE SYSTEM OF PUBLIC EDUCATION

CHAPTER 1

ADMINISTRATION OF PUBLIC EDUCATION AT THE STATE LEVEL

(2) The district shall inform the employee, at least one month prior to issuing notice of intent not to renew his contract, that continued employment is in question and the reasons for anticipated nonrenewal. The board shall give the employee an opportunity to correct the problem. The board may grant the employee assistance to correct the deficiencies, including informal conferences and the services of school personnel within the district.

(3) If the district intends not to renew the contract of employment of an individual entitled to employment in succeeding years according to the district's personnel program, it shall give notice of that intention to the individual. The district shall issue the notice at least two months before the end of the contract term of the individual. The written notice shall be served by personal delivery or by certified mail addressed to the individual's last-known address. The notice must show a date and contain a clear and concise statement that the individual's contract will not be renewed for the next term and the reasons for the termination.

(4) In the absence of a notice, an employee is considered employed for the next contract term with a salary based upon the salary schedule applicable to the class of employee into which the individual falls. This provision does not preclude the dismissal of an employee during the contract term for cause.

(5) If the district intends to terminate an employee's contract during the contract term, the district shall give written notice of the intent to the employee. The notice is given in writing, and served by personal delivery or by certified mail addressed to the individual's last-known address. The district shall give notice at least 15 days prior to the proposed date of termination. It shall state the date of termination and the detailed reasons for termination.

(6) A notice of intention not to renew the contract or of an intention to terminate the contract during its term must advise the individual that he may request an informal conference before the board or such personnel as the district may designate.

(7) The procedure under which a contract is terminated during its term may include a provision under which the active service of the employee is suspended pending a hearing if it appears that the continued employment of the individual may be harmful to students or to the district.

(8) The orderly dismissal procedure adopted by a school district must provide for the right to a fair hearing.

(9) The procedure shall provide for a written notice of suspension or final termination including findings of fact made by the board if the suspension or termination is for cause.

History: C. 1953, 53A-8-104, enacted by L. 1988, ch. 2, § 126. **Effective Dates.** — Laws 1988, ch. 2, § 347 makes the act effective on February 2, 1988.

53A-8-105. Hearings before district board or examiners — Rights of teacher.

(1) Hearings are held under this chapter before the board or before hearing officers selected under Section 53A-8-106.

(2) At the hearings, an educator has the right to counsel, to produce witnesses, to hear testimony against him, to cross-examine witnesses, and to examine documentary evidence.

History: C. 1953, 53A-8-105, enacted by L. 1988, ch. 2, § 127. **Effective Dates.** — Laws 1988, ch. 2, § 347 makes the act effective on February 2, 1988.

53A-8-106. Hearing examiners appointed by local board — Appeal rights.

(1) A local school board may appoint hearing examiners to conduct hearings on the termination of educators.

(2) The board shall establish procedures to appoint hearing examiners.

(3) The board may delegate its authority to a hearing officer to make decisions relating to the employment of the educator which are binding upon both the educator and the board.

(4) This section does not limit the right of the board or the educator to appeal to an appropriate court of law.

History: C. 1953, 53A-8-106, enacted by L. 1988, ch. 2, § 128. **Effective Dates.** — Laws 1988, ch. 2, § 347 makes the act effective on February 2, 1988.

53A-8-107. Necessary staff reduction not precluded.

Nothing in this chapter prevents staff reduction if necessary to reduce the number of teachers because of the following:

(1) declining student enrollments in the district;

(2) the discontinuance of a particular service;

(3) the shortage of anticipated revenue after the budget has been adopted; or

(4) school consolidation.

History: C. 1953, 53A-8-107, enacted by L. 1988, ch. 2, § 129. **Effective Dates.** — Laws 1988, ch. 2, § 347 makes the act effective on February 2, 1988.

CHAPTER 9
TEACHER CAREER LADDERS

53A-9-101. Purpose.

(1) The Legislature recognizes the importance of rewarding educators who strive to improve the quality of education, of providing incentives for educators employed by the public schools to continue to pursue excellence in education, of rewarding educators who demonstrate the achievement of excellence, and of properly compensating educators who assume additional educational responsibilities.

(2) In order to achieve these goals and to provide educators with increased opportunities for professional growth, school districts are authorized and encouraged to develop career ladder programs.

History: C. 1953, 53A-9-101, enacted by L. 1988, ch. 2, § 130. **Effective Dates.** — Laws 1988, ch. 2, § 347 makes the act effective on February 2, 1988.

53A-9-102. Definitions.

As used in this chapter:

(1) "Career ladder" means a compensation system developed by a school district, with advice and counsel from parents, teachers, and school administrators who represent the various schools throughout the district, which is in accordance with provisions of this chapter and applicable policies and guidelines adopted by the State Board of Education, and approved by the State Board of Education.

(2) "Educator" or "teacher" means certified personnel who are paid on the teacher's salary schedule and whose primary function is to provide instructional or a combination of instructional and counseling services to students in the public schools.

(3) "Evaluation system" means the educator evaluation program developed under Chapter 10, Title 53A.

History: C. 1953, 53A-9-102, enacted by L. 1988, ch. 2, § 131; 1988, ch. 233, § 1.

Compiler's Notes. — The 1988 amendment, effective July 1, 1988, redesignated former Subsection (3) as Subsection (2) and redesignated former Subsection (2) as Subsection (3) and rewrote the provision which read "'Evaluation system' means a procedure developed by a school district, with advice and counsel from parents, teachers, and school administrators who represent the various schools throughout the district, which provides for periodic, fair, objective and consistent evaluation of educator performance."

Effective Dates. — Laws 1988, ch. 2, § 347 makes the act effective on February 2, 1988.

53A-9-103. Component programs authorized.

Career ladders may include the following components:

(1) A career ladder may have an extended contract year for teachers, providing for additional paid nonteaching days beyond the regular school year for curriculum development, inservice training, preparation, and related activities. School boards may approve individual exceptions to the extended year contract.

(2) It may have, at the option of the local school board, an extended contract year for teachers, providing for additional paid workdays beyond the regular school year for teaching assignments in summer school, remedial, handicapped, specialized, vocational, gifted and talented, and adult education programs.

(3) It may have a fair and consistent procedure for selecting teachers who will be given additional responsibilities. The selection procedure shall incorporate clearly stated job descriptions and qualifications for each level on the career ladder.

(4) It may have a program of differentiated staffing that provides additional compensation and, as appropriate, additional extensions of the contract year, for those who assume additional instruction-related responsibilities such as:

(a) assisting students and beginning teachers;

(b) curriculum and lesson plan development;

(c) helping established teachers improve their teaching skills;

(d) volunteer training;

(e) planning, facilities and productivity improvements; and

(f) educational assignments directed at establishing positive relationships with the community, businesses, and parents.

Administrative and extracurricular activities are not considered additional instruction-related activities under this subsection.

(5) It may have a well defined program of evaluation and guidance for beginning teachers, designed to assist those teachers during provisional years of teaching to acquire and demonstrate the skills required of capable, successful teachers. Continuation in teaching from year to year shall be contingent upon satisfactory teaching performance.

(6) It may have a clear and concise explanation of the evaluation system components, including the respective roles of parents, teachers, administrators, and the school board in the development of the evaluation system. The system shall provide for frequent, comprehensive evaluations of teachers with less than three years' teaching experience, and periodic evaluations of other teachers.

(7) Advancement on the career ladder program is contingent upon effective teaching performance, evidence of which may include formal evaluation and assessment of student progress. Student progress shall play a significant role in teacher evaluation. Other criteria may include formal preparation and successful teaching experience.

(8) It may include an assessment of implementation costs.

(9) It may have a plan for periodic review of the career ladder including the makeup of the reviewing entity, procedures to be followed during review, and the time schedule for the review.

History: C. 1953, 53A-9-103, enacted by L. 1988, ch. 2, § 132. **Effective Dates.** — Laws 1988, ch. 2, § 347 makes the act effective on February 2, 1988.

53A-9-104. Evaluation program for placement and advancement on career ladders.

(1) Each school district shall develop a program to evaluate its teachers for placement and advancement on the career ladder consistent with Chapter 10, Title 53A. The evaluation procedure shall:

(a) be fair, consistent, and valid according to generally accepted principles of personnel administration;

(b) incorporate clearly stated job descriptions;

(c) be in writing;

(d) involve teachers in the development of the evaluation instrument; and

(e) prior to any evaluation inform the teacher in writing about time frames in the evaluation procedure, the evaluation process, the types of criteria to be used in the evaluation and the factors to be evaluated and the procedure for requesting a review of the evaluation.

(2) Nothing in this section precludes informal classroom observations.

History: C. 1953, 53A-9-104, enacted by L. 1988, ch. 2, § 133; 1988, ch. 233, § 2.

Compiler's Notes. — The 1988 amendment, effective July 1, 1988, rewrote the first sentence of Subsection (1) which read "Each school district shall develop a procedure to evaluate its teachers for placement and advancement on the career ladder."

Effective Dates. — Laws 1988, ch. 2, § 347 makes the act effective on February 2, 1988.

53A-9-105. Administration of state appropriation for career ladders — Approval and funding of proposals — Portion directed to advancement based on teaching performance.

(1) The State Board of Education shall administer the state appropriation for career ladders. If the State Board of Education determines that a career ladder proposal submitted by a school district as provided in this chapter meets all applicable requirements and that sufficient funding is available in the designated state appropriation, it shall grant approval and provide funding from that appropriation for implementation of the proposal.

(2) At least 50% of the funds appropriated for career ladders shall be directed to advancement on career ladders under Subsection 53A-9-103(7), based upon effective teaching performance.

History: C. 1953, 53A-9-105, enacted by L. 1988, ch. 2, § 134.

Effective Dates. — Laws 1988, ch. 2, § 347 makes the act effective on February 2, 1988.

CHAPTER 10
EDUCATOR EVALUATION

53A-10-101. Legislative findings.

The Legislature recognizes that the quality of public education can be improved and enhanced by providing for systematic, fair, and competent evaluation of public educators and remediation of those whose performance is inadequate. The desired purposes of evaluation are to allow the educator and the school district to promote the professional growth of the teacher, to identify and encourage teacher behaviors which contribute to student progress, to identify teachers according to their abilities, and to improve the education system.

History: C. 1953, 53A-10-101, enacted by L. 1988, ch. 2, § 135.

Effective Dates. — Laws 1988, ch. 2, § 347 makes the act effective on February 2, 1988.

53A-10-102. Definitions.

As used in this chapter:

(1) "Career educator" means a certified employee entitled to rely upon continued employment under the policies of a local school board.

(2) "Educator" means any individual, except the superintendent, employed by a school district who is required to hold a professional certificate issued by the State Board of Education. Educator does not include individuals who work less than three hours per day or who are hired for less than half of a school year.

(3) "Probationary educator" means any educator employed by a school district who, under local school board policy, has been advised by the district that his performance as an educator is inadequate.

(4) "Provisional educator" means any educator employed by a school district who has not achieved status as a career educator within the school district.

History: C. 1953, 53A-10-102, enacted by L. 1988, ch. 2, § 136; 1988, ch. 233, § 3.

Compiler's Notes. — The 1988 amendment, effective July 1, 1988, substituted "certified employee" for "classroom teacher who is" in Subsection (1); substituted "any individual, except the superintendent," for "a classroom teacher" in Subsection (2); added the second sentence of Subsection (2); and substituted "any educator" for "a classroom teacher" in Subsections (3) and (4).

Effective Dates. — Laws 1988, ch. 2, § 347 makes the act effective on February 2, 1988.

53A-10-103. Establishment of educator evaluation program — Joint committee.

(1) Each local school board shall develop an evaluation program in consultation with its educators through appointment of a joint committee.

(2) The joint committee shall be comprised of an equal number of educator representatives and board appointees.

(3) The classroom teachers within the district shall vote on a list of nominees from which the board selects the educator representatives.

(4) The evaluation program developed by the joint committee must comply with the requirements of Section 53A-10-106.

History: C. 1953, 53A-10-103, enacted by L. 1988, ch. 2, § 137.

Effective Dates. — Laws 1988, ch. 2, § 347 makes the act effective on February 2, 1988.

53A-10-104. Frequency of evaluations.

A local school board shall provide for the evaluation of its provisional and probationary educators at least twice each school year.

History: C. 1953, 53A-10-104, enacted by L. 1988, ch. 2, § 138.

Effective Dates. — Laws 1988, ch. 2, § 347 makes the act effective on February 2, 1988.

53A-10-105. Evaluation orientation.

(1) The principal of each school shall orient all educators assigned to the school concerning the school board's educator evaluation program, including the purpose of the evaluations and the method used to evaluate.

(2) Evaluations may not occur prior to the orientation by the principal.

History: C. 1953, 53A-10-105, enacted by L. 1988, ch. 2, § 139.

Effective Dates. — Laws 1988, ch. 2, § 347 makes the act effective on February 2, 1988.

53A-10-106. Components of educator evaluation program — Evaluator — Notice — Criteria — Response.

Any educator evaluation program developed by the joint committee and adopted by a local school board shall provide the following:

(1) unless otherwise agreed by the committee established under Section 53A-10-103, the principal, the principal's designee, or the educator's immediate supervisor shall perform the educator evaluation;

(2) personal notice to the educator of the evaluation process at least 15 days prior to the first evaluation and receipt of a copy of the evaluation instrument if an instrument is to be used;

(3) a reasonable number of observation periods for any evaluation to insure adequate opportunity for evaluation;

(4) the use of several types of evaluation and evidence, such as self-evaluation, student evaluation, peer evaluation, or systematic observations;

(5) advising the educator that he may make a written response to all or any part of the evaluation and that the response will be attached to the evaluation;

(6) a reliable and valid evaluation consistent with generally accepted professional standards for personnel evaluation systems; and

(7) within 15 days after the completed evaluation process, the evaluation, in writing, shall be discussed with the educator. Following any revisions made after the discussion, a copy of the evaluation shall be filed in the educator's personnel file together with any related reports or documents. A copy of the evaluation shall be given to the educator.

History: C. 1953, 53A-10-106, enacted by L. 1988, ch. 2, § 140; 1988, ch. 233, § 4.

Compiler's Notes. — The 1988 amendment, effective July 1, 1988, deleted "which may include preservice testing for teaching competency or before assignment to a new area in which the teacher is not certified" at the end of Subsection (4) and rewrote Subsection (6) which read "an objective, reliable, and valid evaluation according to principles of effective instructional practices."

Effective Dates. — Laws 1988, ch. 2, § 347 makes the act effective on February 2, 1988.

53A-10-107. Deficiencies — Remediation.

(1) An educator whose performance is inadequate or in need of improvement shall be provided with a written document that clearly identifies his deficiencies, the available resources for improvement, and a recommended course of action that will improve the educator's performance.

(2) The district shall provide the educator with reasonable assistance to improve his performance.

(3) An educator is responsible for improving his performance by using the resources identified by the school district and demonstrating acceptable levels of improvement in the designated areas of deficiencies.

History: C. 1953, 53A-10-107, enacted by L. 1988, ch. 2, § 141.

Effective Dates. — Laws 1988, ch. 2, § 347 makes the act effective on February 2, 1988.

53A-10-108. Consulting educator for provisional educator.

(1) A principal or immediate supervisor of a provisional educator shall assign a consulting educator to the provisional educator.

(2) If possible, the consulting educator shall be a career educator who performs substantially the same duties as the provisional educator and has at least three years' educational experience.

(3) The consulting educator shall assist the provisional educator to become informed about the teaching profession and school system, but may not serve as an evaluator of the provisional teacher.

History: C. 1953, 53A-10-108, enacted by L. 1988, ch. 2, § 142.

Effective Dates. — Laws 1988, ch. 2, § 347 makes the act effective on February 2, 1988.

53A-10-109. Final evaluation.

(1) At least 60 days prior to the end of the contract school year, the principal, immediate supervisor, or appointed evaluator of an educator whose performance has been determined to be inadequate or in need of improvement, shall complete all written evaluations and recommendations regarding the educator evaluated during the contract school year.

(2) The final evaluation shall contain only data previously considered and discussed with the individual educator as required in Section 53A-10-106.

(3) Nothing in this section prevents a school district from performing supplementary evaluation for good cause after the issuance of the final evaluation.

History: C. 1953, 53A-10-109, enacted by L. 1988, ch. 2, § 143.

Effective Dates. — Laws 1988, ch. 2, § 347 makes the act effective on February 2, 1988.

53A-10-110. Review of evaluation — Time limit on request.

(1) An educator who is not satisfied with an evaluation has 30 days after receiving the written evaluation to request a review of the evaluation.

(2) If a review is requested, the district superintendent or his designee shall appoint a person, not an employee of the district, who has expertise in teacher or personnel evaluation to review and make recommendations to the superintendent regarding the teacher's evaluation.

(3) Nothing in this section prevents the teacher and district superintendent or his designee from agreeing to another method of review.

History: C. 1953, 53A-10-110, enacted by L. 1988, ch. 2, § 144.

Effective Dates. — Laws 1988, ch. 2, § 347 makes the act effective on February 2, 1988.

53A-10-111. Additional compensation for services.

The district may compensate a person employed as a consulting educator or participant in the evaluation for those services, in addition to his regular salary, if additional time is required in the evaluation process.

History: C. 1953, 53A-10-111, enacted by L. 1988, ch. 2, § 145. **Effective Dates.** — Laws 1988, ch. 2, § 347 makes the act effective on February 2, 1988.

CHAPTER 11
STUDENTS IN PUBLIC SCHOOLS

PART 1
COMPULSORY EDUCATION REQUIREMENTS

53A-11-101. Responsibility for minor required to attend school — Penalty for violation.

(1) A person having control of a minor between six and 18 years of age shall send the minor to a public or regularly established private school during the school year of the district in which the minor resides.

(2) It is a misdemeanor for a person having control of a minor under Subsection (1) to willfully fail to comply with the requirements of this chapter.

(3) A district board of education shall report cases of willful noncompliance to the appropriate juvenile court.

(4) Officers of the juvenile court shall immediately take appropriate action.

History: C. 1953, 53A-11-101, enacted by L. 1988, ch. 2, § 146. **Effective Dates.** — Laws 1988, ch. 2, § 347 makes the act effective on February 2, 1988.

53A-11-102. Minors exempt from school attendance.

(1) A person having control of a minor between six and 18 years of age is exempt from Section 53A-11-101 if the minor is excused from attendance by the district board of education for one of the following reasons:

(a) A minor over age 16 may receive a partial release from school to enter employment if the minor has completed the eighth grade or the minor's services are required for the support of a parent. Minors excused under this subsection are required to attend part-time schooling as prescribed by the board; or

(b) On an annual basis, a minor may receive a full release from attending a public, regularly established private, or part-time school or class if:

(i) The minor has already completed the work required for graduation from high school;

(ii) The minor is taught at home in the subjects prescribed by the State Board of Education in accordance with the law for the same length of time as minors are required by law to be taught in the district schools, and a minor excused to enter employment under Subsection (1)(a) may be excused from attending required part-time schooling if the minor is taught the required number of hours at home;

(iii) The minor is in a physical or mental condition, certified by a competent physician if required by the district board, which renders attendance inexpedient and impracticable;

(iv) There is no school or class taught for the required length of time within 2.5 miles of the minor's residence or place of employment and free transportation is not provided to a school or class located beyond 2.5 miles;

(v) Proper influences and adequate opportunities for education are provided in connection with the minor's employment; or

(vi) The district superintendent has determined that a minor over the age of 16 is unable to profit from attendance at school because of inability or a continuing negative attitude toward school regulations and discipline.

(2) In each case, evidence of reasons for granting an exemption must be sufficient to satisfy the district board.

(3) Boards excusing minors from attendance shall issue a certificate stating that the minor is excused from attendance during the time specified on the certificate.

History: C. 1953, 53A-11-102, enacted by L. 1988, ch. 2, § 147. **Effective Dates.** — Laws 1988, ch. 2, § 347 makes the act effective on February 2, 1988.

53A-11-103. Duties of boards of education in resolving child's attendance problems — Parental involvement — Issuance of truancy citations — Procedure for contesting citations — Liability not imposed.

Each local school board shall make earnest and persistent efforts to resolve a student's attendance problems.