

SENATE EDUCATION COMMITTEE

Harold G. Krieger, Chairman
425 First National Bank Bldg.
Rochester, Mn. 55901

Paul P. Overgaard, Vice Chmn.
Box 787, 101 N. Broadway
Albert Lea, Mn. 56007

Jerald C. Anderson
Box 503
North Branch, Mn. 55056

Norbert Arnold
R. 1, Box 93
Pengilly, Mn. 55775

Alf Bergerud
5100 Ridge Road
Edina, Mn. 55436

Jerome V. Blatz
7701 Harriet Avenue So.
Minneapolis, Mn. 55423

Winston W. Borden
6th & Laurel
Brainerd, Mn. 56401

Robert J. Brown
College of St. Thomas
2125 Summit Ave.
St. Paul, Mn. 55105

John C. Chenoweth
596 E. Hoyt Avenue
St. Paul, Mn. 55101

Ralph R. Doty
4107 Dodge Street
Duluth, Mn. 55804

Mel Hansen
4505 28th Avenue So.
Minneapolis, Mn. 55406

Stanley W. Holmquist
Grove City, Mn. 56243

Roy W. Holsten
Box 38, R.R. 3
Stillwater, Mn. 55082

Jerome M. Hughes
79 N. Western Ave.
Maplewood, Mn. 55102

Keith F. Hughes
808 St. Germain
St. Cloud, Mn. 56301

Gene Mammenga
2319 Birchmont Drive
Bemidji, Mn. 56601

John A. Metcalf
534 Holmes
Shakopee, Mn. 55379

John L. Olson
612 Lake Street
Worthington, Mn. 56187

Richard J. Parish
3826 W. Broadway
Robbinsdale, Mn. 55422

A. J. Perpich
4 Lakeside Dr. E., Ely Lake
Eveleth, Mn. 55734

George S. Pillsbury
930 Dain Tower
Minneapolis, Mn. 55402

Wayne G. Popham
900 F & M Bank Bldg.
Minneapolis, Mn. 55402

Donald Sinclair
Stephen, Mn. 56757

Robert J. Tannessen
304 Title Insurance Bldg.
Minneapolis, Mn. 55401

Stanley N. Thorup
319 - 104th Lane N. E.
Blaine, Mn. 55434

SENATE EDUCATION COMMITTEE

SUBCOMMITTEE ON TEACHER TENURE AND CERTIFICATION

George S. Pillsbury, Chairman
930 Dain Tower
Minneapolis, Mn. 55402

Ralph R. Doty
4107 Dodge Street
Duluth, Mn. 55804

Stanley W. Holmquist
Grove City, Mn. 56243

Harold G. Krieger
425 First National Bank Bldg.
Rochester, Mn. 55901

Robert J. Tennessen
304 Title Insurance Bldg.
Minneapolis, Mn. 55401

JOINT HOUSE AND SENATE
SUBCOMMITTEE MEETING ON TEACHER TENURE

April 7, 1972, 1:30 P.M.
Room 118, State Capitol

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JOINT HOUSE AND SENATE
SUBCOMMITTEE MEETING ON TEACHER TENURE

April 7, 1972, 1:30 p.m.
Room 1.3, State Capitol
Minutes

Co-chairman Representative Cal Larson called the meeting to order and introduced Senator Pillsbury as the Chairman of the Senate Subcommittee. They will rotate chairing the meetings.

Members present were:

Senators: Doty, Holmquist and Pillsbury

Representatives: Larson, Sathre, Judge, Kelley, Boland, Simmons, R. Johnson and Sabo.

MR. LARSON: This is a joint effort in behalf of the House and Senate. We thought it would be a good idea rather than have duplicate hearings.

Mr. Jim Abelson is our research staff on this issue and I would like to call on Mr. Abelson at this time to briefly go over some of the materials that we have in our folders and give us a little background on HF 1543.

MR. ABELSON: I would like to first of all briefly present what the situation is that this subcommittee is faced with and along with that explain some of the materials that have been placed in your folders for use during this and some future meetings that we are going to be having.

Quite simply this subcommittee finds itself in a position of considering the question what's right and what's wrong with teacher tenure and what do we do with it.

The answer to that question is, I am sure you are aware, depends entirely on who you ask. To some it is a legislatively granted licensor of mediocrity and an impregnable haven for the incompetent. To others it is a safeguard against the perfunctory action of a politically sensitive school board and a guarantee of the fundamental due process rights of the teachers. While I am sure that the proponents of either position can produce documented evidence to support their attitude, I am sure you would agree that it would serve no purpose to keep a running tally of allegations that can either retain or abolish tenure based on who can come up with the greatest number of incidents.

But no matter what you decide to do about tenure, whether you will abolish it, retain it, or modify it, any action you take should be based primarily upon a consideration of what is best for the student. If a teacher is in fact ineffective, incompetent,

or morally unfit there needs to be an orderly process for his removal. But a teacher who is an innovator, who may be controversial or politically unpopular, it can still make the classroom and the whole process of education a stimulating and rewarding experience. For the student should be protected from those who would have him removed for the sake of preserving the status quo. So for you as members of the legislature there is a dilemma. Tenure laws do create real problems by making it difficult for school board members to remove incompetent employees. On the other hand, tenure laws protect teachers from improper pressures and may well protect school boards from the very same pressures.

In Minnesota we have two teacher tenure laws each having its foundation in a law enacted during the late 1920s. The provisions of that 1927 law which dealt with school districts outside the cities of the first class said simply that teachers could be discharged for cause, but no specific procedural requisites were provided. In cities of the first class that first tenure law provided that a probationary period of three years and specified the causes for which a teacher could be dismissed. Since that time many amendments have been made, particularly in 1937 the enactment of the Continuing Contract Law which is the basis for the law we now have covering most school districts. Substantial changes were also made in 1957, 1959 and in 1967 when really the entire Continuing Contract Law was rewritten, but there still remain the two separate and distinct laws, one for school districts in cities of the first class and one for all other districts.

In your folders you will find a chart entitled, "A Comparison of M.S. 125.17 for tenure in cities of the first class and M.S. 125.12 pertaining to teacher tenure in all other districts." Without going over all the provisions of each law I might just point out some of the significant similarities and differences in these laws.

For instance, on the first page, in the first law you will notice that in Minneapolis, St. Paul and Duluth, superintendents are not included in the definition of a teacher, and they are not covered by the tenure law. You will also notice that the probationary period in the three first class cities is three years and in all other districts it is two years, with the additional provision that if a teacher goes to another school district the probationary period is one year.

You will also notice that on pages 2 and 3 of this chart on the section, Grounds For Discharge or Demotion, only M.S. 125.17 makes provision for demotion, while only M.S. 125.12 differentiates between discharges during and after the probationary periods and between immediate discharges and discharges at the end of the year.

As far as similarities of the laws are concerned, both laws do make provisions for hearings, both provide for removal of charges from the record if the decision is rendered in favor of the teacher and both contain an amendment made during the last session allowing a teacher to have access to his files.

There are a number of other provisions which I won't comment on now, but I am sure you will be referring to them in the comments. I am sure you will find most of these provisions fairly self-explanatory.

You will also find in your folder a copy of a letter which was sent to the organizations concerned with tenure signed by Senator Pillsbury and Representative Larson, asking for responses to a list of 25 questions which questions are also attached to the letter. Responses to these questions have been summarized by the Senate Counsel's office and they are also attached. As indicated in the letter that was sent out, it was hoped that these written questions and the responses, can serve as a basis upon which committee members may direct questions at committee hearings in the future. I have not included the full text of responses, but these are available in either our office or the office of the Senate Counsel.

The final item that you have in your folder is a copy of HF 1543, the statewide teacher tenure bill which was introduced during the last session by Representative Szarke who will be covering this in some detail. The provisions of this bill you will notice are also summarized and compared with the existing tenure laws on the comparison sheet.

MR. LARSON: Mr. Szarke was the principal author of HF 1543 last session and he will take about 20 minutes or less to go through that.

MR. SZARKE: To begin with I want to thank you for the opportunity to share some of my views on this. I guess any time you deal with a piece of legislation that is a bit controversial it is a little bit rough, all the way to different things that can be written in different publications once you introduce something to the final product. If I step on a few toes today it is probably justified and I will be happy to attempt to justify my own position in counter attack or however else you want to do it.

To begin with I want to make my position extremely clear, that I personally am opposed to repealing tenure, and the reason that I am opposed to this is because I think it is the teacher's due process of law, notwithstanding the fact that the federation of teachers again published something a couple of weeks ago saying Szarke is again responsible for attempting to repeal tenure last session, etc. etc. . . Subsequently I contacted the federation and they said, well very frankly, Steve, we are really afraid when anyone at the capitol deals with tenure because you open up the door for all kinds of things. As a result I said, well look, I was talking with Mr. Winkels at the time, after last session you told me that you were going to start cooperating with me. Very frankly, I said, Mr. Winkels, I want to know when you are going to start because to date I haven't had any cooperation from the federation.

I cannot however say the same things about the MEA. There are some things that I think some of you can help with in terms of

your individual precincts. You can find that in some of your precincts you found resolutions adopted such as the resolution I found in one county that said, "WHEREAS, a fair dismissal law was written to protect the innovative and progressive professional within the education community from undue pressure, and WHEREAS, the present law insures that the teacher is guaranteed the freedom of speech in methods which are necessary to his academic freedom, be it resolved that the fair dismissal law not be changed in form or content."

This particular resolution was debated at a particular county convention and it wasn't adopted, it failed by a vote of about 30 to 28. Subsequent to that I spoke on tenure but it was an issue that perhaps the people at this convention were interested in and I thought very frankly I was there to talk on whatever I wanted to, and I thought why not take the bull by the horns after I spoke on it, and incidentally there were about 15 teachers who were voting on it -- after I spoke on tenure, they came up to me almost apologetically that they had introduced such a resolution.

They do want changes in the tenure law, it is just that some people aren't disseminating information to them, and very frankly I respect this particular joint subcommittee that it is incumbent upon you fellows to get the message out to the teachers. Again, how the federation distorted my position in attempting to repeal something, this is something that you don't really like to be chastised about. I personally was chastised. I don't mind being chastised for something I have done or haven't done, but when you get chastised for something like that I think it is totally uncalled for.

To begin with, I made an honest attempt last session to merge the two tenure laws that Mr. Abelson brought to your attention. One of the reasons I attempted to do this was after serving on Governor LeVander's Advisory Commission on Education I was totally convinced that really it wasn't necessary to have two separate laws. Secondly, I thought, in light of our current teacher market in terms of surplus of teachers, I think as a taxpayer and as someone who is representing some of the public we should do everything that we can to get the best teachers into the education system. I thought the best approach as far as tenure was concerned was to strengthen the probationary period. As you well know, the tenure act of cities of the first class says that you will be on probation for three years before you are granted tenure. The law that governs most districts in the state of Minnesota provides that your first two years of teaching experience is a probationary period. Once you have fulfilled those two years or probationary period then you get tenure. The law also provides that once you have tenure in one system and transfer to another system you just have one year of probation.

Personally, I thought changes in the probationary period could be changes and you could make a better law. Number one, I felt that merge the two laws, come in with a two-year probationary period right across the board. The reason for this is because I have seen evidences in some communities where the superintendent or

or other administrator will say, for example, let's assume that I am teaching in Buffalo and they say, very frankly, we don't think you are filling the bill, but we'll write you a letter of recommendation and a good letter if you will agree to resign and go to another community. Well, what happens then is I go to Princeton and I move to Princeton in September and then I am given a contract. Remember, I have tenure in Buffalo so I have just got a one-year probationary period when I go to Princeton. I go to Princeton and I find that I am able to keep my nose clean in the Princeton community from September until March when contracts have to be issued, and as a result, the Princeton board really hasn't had an opportunity to totally examine Szarke. In the meantime they have inherited me into the Princeton system.

Very frankly, that one-year probationary period turns out to be something like six months, and in my judgment that wasn't sufficient. That's the first reason for having a two-year probationary period.

Now you will find another provision in HF 1543 which provides for a third year optional probationary year. Now the reason for this third year option probationary period is this. Let's again assume that I am teaching in Buffalo, and my bill calls for an annual evaluation each year, and those who are making the evaluation come up to me and say, well, Szarke, this is what you are doing right and this is what you are doing wrong. Very frankly we think that you can improve. Okay, so the next year rolls around and again I am being evaluated. Again, they come up to me and say, well, Szarke, you have made some improvement, but we are not totally convinced that you have made all of it. Very frankly, we think that you have all the potential of becoming a good teacher, but that in your discretion we will grant you a third year optional probationary period to work with you an additional year, otherwise we have to discharge you at this particular time, or at the end of the school year.

It is entirely within the hands of the teacher, me in this instance, whether or not I want that third year option. Personally I thought it was a good thing for the teacher.

I also provided in the bill for annual evaluation. And what I wanted was to have these records open to the teacher and we subsequently did pass a bill last session that is now law that a teacher has access to his files, which I personally think is a good law. After all if someone is working with Szarke in the Buffalo system, let's say, he should know what they are writing about him, and have an opportunity to find out just exactly if he is a good teacher or a bad teacher insofar as the evaluation reports are set forth in my record.

As I indicated, I had a lot of fun with this. There are some provisions in the bill now which I see -- let's assume you would pass this in total, there are some hangups in it.

Number one, with the passage of the Public Employees Bill, if you

have a teacher working as an evaluator, and this was one thing I provided, frankly for years the teacher groups have said, who should be doing the evaluation. They said, who can do better the evaluation than the teachers. After all, the teacher next door in the next room says, I know what Szarke is doing over there, and who can better evaluate him than I.

Very frankly, with that in mind I put in a provision that teachers should be appointed to this evaluating committee. It got out of subcommittee and out of the full committee in that fashion. It got to the floor of the House. Representative Bell came up to me and extended the courtesy to me that the Federation of Teachers had proposed to take this particular provision out of the bill. I guess I was extremely surprised because I thought, after them saying for years and years that they wanted a hand in the evaluation process and now they have the opportunity to get it, what's the reasoning. Well, I think Mr. Winkels might be here today and can defend himself for this.

Now I see it that that particular provision should be taken out of the bill for another reason. With the passage of the Public Employees Bill the teacher who would be involved in that evaluation process wouldn't have a position to be in terms of a bargaining unit. As a result he wouldn't fall under the scope of the collective bargaining act that we passed last session. This I think is a valid criticism now of my bill and in light of that I think MEA would like that particular provision out of it, and I think their position is well taken on it.

Another thing you will find that in the bill is provided for this evaluation team and I left it open-ended and very, very honestly I left it open-ended because I felt each individual board could best ascertain who can best do the evaluation of the teacher. In one instance you may want a board member, and a superintendent, or board member and principal to be doing this evaluation, and in another instance the board may wish not to have anything to do with the evaluation. Very frankly that was the purpose for leaving it as open-ended as I did.

You have a work sheet before you which I think will facilitate your own work on this joint subcommittee. There is another provision in the bill which I would like to call to your attention which I think should be included and it has to do with a tolling of the statute. Currently there is no provision in the bill which allows for the tolling of the probationary period.

Let's again take a hypothetical. Let's assume that Susie is teaching in the Buffalo school district and becomes pregnant and she is a probationary teacher, she wishes to go and have here maternity leave and deliver her child. Well, unfortunately there is no provision in our current law which would allow Susie to go and have her maternity leave and come back and teach unless the board says well, we really have had the opportunity to look at Susie and we are convinced she will be a good teacher. But very frankly that Buffalo board might not have had an opportunity to

look at Susie close enough. I think this subcommittee should be appraised of this and in your deliberations think in terms of such a provision for tolling the statutes for that maternity leave, and Susie then could come back and teach in the Buffalo system and continue with her probationary period and perhaps be hired as a tenure teacher.

One way of doing this I think is to perhaps put in the bill not just a two-year probationary period or one-year probationary period, put in one full year, or two full years, whatever this particular committee decides to do. Again, it is a pretty hot political potato that you fellows have in front of you right now.

Although I had a lot of fun in working hard on this last session, it wasn't going very far in the Senate and in all candidness I really didn't want you fellows to be voting on something that you didn't fully understand. You have received some information or at least the federation people received some information dated April 29, 1971, "Quickly contact your legislators that Szarke has got a bad bill up on tenure and please vote against it."

This was notwithstanding the fact that I had so little cooperation from the federation in terms of attempting to have them put some input into my bill.

Now I find that the MEA is soliciting IMPACE funds which I don't object to, but I find that in one ad which I found in the Circle Pines School District it points out, "Is your job worth \$10 to you. IMPACE can help us in the teaching profession. Teacher tenure is one of the rights we must protect", and then it goes on to tell about IMPACE. Well, very frankly I guess I am a little disturbed about this because I think that again I don't think that the heads of the teachers groups are attempting to inform their members as to what tenure is all about. A teacher looks at tenure as a job security. The public in general looks at terms of, you just can't get rid of a bad teacher and very frankly, I am not sure how many school board people understand the tenure act.

If you look at it in terms of it as due process of law, changes can be made in it to strengthen it, to make it a better law for the teachers, a better law for the school board, and a better law for the public in general.

Again, and I hope that the committee co-chairmen are successful with the teacher group, in terms of having them disseminate the proper information to their membership because, very frankly, it is a little bit depressing to get on the hot line and dial education and find that one group is going to oppose tenure today because Szarke from Buffalo is attempting to repeal it and that is just not the purpose of the law. It is also extremely alarming when I can pick up the Federation publication on more than one occasion and find out that I had attempted to repeal the law, which was a blatant lie.

MR. DOTY: I think Steve did a good presentation on the bill. As I remember I was an author on it in the Senate, but it never did get over to the Senate, or I would have tried to get it through. I also think that the Senate and House Staff have done an excellent job of getting the questions spelled out and preparing the three bills.

MR. LARSON: Mr. Wettergren, representing the MSBA is up next.

MR. WETTERGREN: For the record I am W. A. Wettergren, Executive Secretary of the Minnesota School Boards Association. I want to express the appreciation of the Association's Board of Directors for the opportunity of appearing before the committee to discuss teacher tenure in Minnesota public school districts. I have previously responded to a series of questions submitted by Mr. Sands, Senate Counsel, and I note from Mr. Abelson's invitation that you wish the position of the Minnesota School Board Association on the subject of teacher tenure in Minnesota.

The position of the association covers three areas, and it is difficult to discuss one without discussing the others. The first position is one that was adopted by the association membership in 1970. The position states that the MSBA believes that the Minnesota legislature should repeal the Teacher Tenure Law in Minnesota. The second position is that the probationary features of the present law should be extended by at least one year in both instances. In other words, a three-year probationary period should apply before a teacher is granted tenure in that teacher's first teaching experience in a Minnesota public school district, and that when a teacher moves from one school district to another there should be a two-year probationary period before tenure is granted.

The association has a third position relating to contracting of teachers in Minnesota that borders on the question of tenure and probation. The association believes that there should be one teacher contracting law for the whole state, and not one for the three cities of the first class, and a different one for the other 435 school districts. I believe that you have and are addressing yourself to this question, and most of this is encompassed in Mr. Szarke's presentation in the bill that was introduced in the last session.

The abolition of teacher tenure may seem like a harsh action on the part of local school boards in Minnesota public school districts. I think, however, if you are reading the nation's periodicals talking about education, and if you are following actions in other state legislatures, the demand for the removal of teacher tenure across the nation is widespread, and this is plus the movement across the nation for the extension of the probationary period for teachers. There are a number of reasons for this movement which are not peculiar to Minnesota.

I would make the observation that the way teachers negotiate for salaries is a prime reason. Teachers are presently employed in

Minnesota Public School Districts under a lock step salary schedule beginning with step zero and continuing to an average of 11.5 steps on the schedule to reach the top or the maximum. Teacher organizations insist on this type of an arrangement regardless of the ability or productivity of the individual teacher, and I remind you that when we were created the good Lord did not intend that all shall have equal abilities or equal ability to achieve, in this case, instructional productivity in the classroom. You will hear all kinds of excuses and answers that no one can really tell whether this teacher is better than another teacher or not, and as long as this position holds, the system will not be broken. I would suggest it is strange that this is the only profession that I know of where the capability and ability of an individual is supposed to be beyond measure. The idea exists that when a college graduate is given a certificate by the State Department of Education after graduation from college that the individual is automatically qualified to teach on the same level of capability as one who has been in the classroom, or one that is in the same graduating class.

The membership of the association also insists that it is very difficult to discharge a teacher after the teacher has once gained tenure. The leaders of the teacher organizations will tell you that in this school district or that school district there is a case where the teacher would be unfairly treated unless the protection of the tenure and present dismissal proceedings were in the statute. Most of these, I suggest, are isolated cases blown out of proportion.

There is no question that some school boards are going to make mistakes, and there is no question that some superintendents or principals are going to make some mistakes, but should the laws be so written that a school board and its administration find the attempts to dismiss a teacher either due to incompetency or some other just cause, an exercise in futility. I do not think that the pupils, parents, and taxpayers are going to allow this condition to continue, and I suggest this is why you are finding this movement on tenure to be taking place across this land. If the taxpayers, the legislature, the school board, and the teachers are going to be more responsible in making the product of public education more responsible, there must be a better way for the school board to rid the classroom of the incompetent teacher.

This situation of teacher dismissal is also becoming a very costly item. School boards are trying to dismiss teachers this year for a number of reasons. Some school districts simply do not have money. Some 100 of them less than they were a year ago - some school districts are experiencing a reduction in pupils, and I think one of the good features of the aid and tax law that was passed in 1971 has forced school boards to really look at what they are doing in the school districts in the way of an educational program. If a program does not have an interest on the part of the pupils, school boards are discontinuing the program. If a course is dropped, a teacher must be dropped. At each turn of the

road we are meeting heavy resistance, either through the hearing procedures, in case of a tenure teacher, or in the courts. It takes legal assistance on the part of the school board to meet the legal assistance given the teacher, and the costs for both sides are not really in the nickel and dime area.

A year ago in Detroit Lakes, the Detroit Lakes school board decided to discontinue German and they took a resolution to discontinue the course in German and they notified the teacher that the teacher's contract would be terminated. According to the courts the school board did not proceed correctly and even though the school board dropped the course offered there would not be a job or a position there for the teacher, the courts held that the teacher was entitled to a hearing; consequently, the school board has to restore the course and continue the teacher on employment.

This year the school board attempted to do the same thing, drop the course in German. They granted the teacher a hearing, and as a result I am going to read a letter to you that was dated March 31 from the Chairman of the School Board, Dr. David Finn, who is a very prominent person in the Detroit Lakes community, a dentist in that community, and very prominent in the Minnesota Dental Society. It gives you an idea of the kinds of problems that we are facing as school boards and superintendents.

"Dear Bill,

This letter is to inform you of my resignation from the Detroit Lakes Board of Education. This will make it unnecessary for you to continue to send me the BROADCASTER and the other materials that you make available to board members in Minnesota.

It was with sincere and deep regret that I found it necessary to do as I finally did last Wednesday. I have served nearly five years, the last three years as Chairman. I have felt that I have tried always to work and act in the best interest of education and ironically, was probably the best teacher-board-community contact at this particular time. However, during the current contract termination attempt we have made, the pressures placed upon me and the threats of personal lawsuits and, worse, and finally last Tuesday, the threat that if I cared at all for my children, I would not vote for termination of the teacher, made it necessary for me to resign.

I could no longer attempt to vote on this or any other teacher matter without these things in the back of my mind since I no longer felt able to make an honest evaluation of this type of issue and they are constant.

I saw no other course but to resign. I can't begin to say how sorry I am and how difficult it was to make this decision. One of the tragic personal wounds is that my attitude toward teachers -- I cannot even say the profession now because of the organized activity they made will probably never be one of respect again, and I felt I had always worked hard to help them within the limits of the district. Sorry to burden you with my problems, but I felt you should know so that you could take me off the mailing list."

Rather a sad situation I think and may, as Mr. Szarke pointed up, something wrong with the law and the relationship of teachers and school boards and administrators to this particular kind of a situation.

We have upwards of 50,000 teachers in Minnesota. I can say to you gentlemen on this committee, that very few tenure teachers are dismissed under the laws as they are now constituted in Minnesota. Just the fact of numbers alone should indicate a greater activity in this area. There is another problem here that can be blamed to school boards and administrators which continues the below average teacher. Let me cite an example: A teacher is just not making it go, and often this is a tenure teacher. The teacher may be a good man or woman as a person. The teacher may be a family man, and the teacher may have morals above reproach. The teacher, however, is just simply not getting the job done in the classroom and must leave the system. Most school board members and superintendents are human and good hearted in spite of what you may hear or read in the papers. What happens? The school board will say to the school administrator, why don't you call the person in question into your office and say, "Look, we do not want to go through dismissal proceedings and you don't. I would suggest that you resign and nothing will be said." Quite often this works, and the teacher leaves to find another job in another school district. Now that teacher may work out well in that new and different district and its surroundings, but I suggest that the chances are too great that the teacher will not, and the pupils in the district inheriting the teacher are then the recipients of a poor or less than adequate job of teaching.

Let me discuss the question for teachers. I think the present probationary period for teachers is almost ridiculous. It is not good for the school district and its administration, and certainly is severe for the probationary teacher. The law states that a beginning teacher in Minnesota must have two years' probation before acquiring tenure. This is really a falsehood. The school board and the administration must make their decision on this probationary teacher about the first of March, no later, in the second year of that beginning teacher's first position. This is a far cry from two years. The same holds true for a teacher who moves from one school district to another. This time the teacher is on one year probation because they have taught in a Minnesota public school district before; consequently, the school board and the administration must make up their minds on this teacher not later than March 1, and this is far less than a period of one year. I suggest to you a great penalty for the prospective tenure teacher and a possible penalty for the pupils in the classroom in losing a teacher who may be developed into a good teacher.

Superintendents of schools and school boards simply cannot afford the chance of granting that teacher tenure if there is the slightest doubt in that teacher's ability to develop. The public, pupils, and most often other teachers will not allow this to happen. For the first time this year we have had this kind of a situation develop: A school board or superintendent will call the office and say, "I would like to give a probationary teacher another year."

I am not sure about this teacher. The teacher is not making it now, and I cannot recommend tenure, but if we had another year to work with the teacher, the teacher might develop." We must answer No under the present statutes. Some school boards have asked the teacher to resign effective the next year as the only way to give the teacher another year of opportunity. This is embarrassing for the teacher, the superintendent, and the school board. The resignation must be accepted and recorded in the minutes of the board meeting, and then the school board must answer as to why the teacher was allowed to teach the next year after resigning. At the very best it makes for a difficult situation.

We are bothered with various other kinds of activities in the probationary teacher area to try and circumvent the law and put the pupils and the school boards and administrators in somewhat of a bad light. I hold here, and I am going to quote from this, a letter from a Uniserve Office of the MEA written to a teacher who is a probationary teacher and the school board has notified the probationary teacher that the contract would be terminated and the teacher would not be re-employed.

"I suspect that you would be asked to resign, in good conscience I cannot advise anyone to resign. This only makes the administrator's job easier and tells everyone that you will accept their evaluation. The position we are in at this point is to let them write the letter of non-renewal of contract which must be done prior to April 1.

At this point I cannot see any difference between being asked to resign and them not renewing the contract. On application for another position, the superintendent will call your present superintendent to find out more about you. When you receive your letter of non-renewal please send it to me immediately so that we can check it for legality. It must contain certain statements.

Our game plan is to keep these things happening as near April 1 as possible. This gives the administration and the school board less time to react. I would also suggest that when the superintendent asks you if you have decided to resign, do not give him a definite answer, say you are thinking about it, perhaps we can beat him in his own game. Let the superintendent take the action and then we will see if he is really a nice guy. Please send me a copy of things that were in your file and remember, stay away from the principal, do not bug him."

At the very best it makes a difficult situation for school boards and administrators to apply the application of the law on a probationary period and for the benefit of the educational program obviously the teachers when this kind of thing takes place.

In conclusion Mr. Chairman and Members of the Committee: I have distributed a copy of material taken from the Pennsylvania School

Boards Association Legislative Service. It is well done and relates the different tenure and probation laws in most of the states in the nation - I think 43 here. In view of the many questions being raised on teacher tenure across the nation, I would ask you to note the number of states that have far more probation than we have in Minnesota. Of the 43 states that you will see reported there, 12 states of the 43 have no tenure. 31 have tenure or a continuing contract. The probationary period is one with one year, five with two year, 23 with 3, two with four, four with five and one with six years before the tenure or the provision of the continuing contract applies.

The only state really that has repeat probation, and that is the one in Minnesota, and that is for the one-year period. Just recently in the New York Legislature prior to January 1 where they increased the probationary period from a three year to a five year.

Recently, in cooperation with the Citizens League, we surveyed the school board members and superintendents in Minnesota with a number of questions relating to public education, some one hundred questions. We will put this in the hands of you legislators when they are compiled - after April 15. We asked two questions relating to teacher tenure. The questionnaire was sent out about two weeks ago, and the returns are far from complete. We asked school board members the question, "Should public school teachers have tenure?" Replies received so far state 204 No 93 Yes. We asked the question, "Should public school administrators have tenure?" Replies received so far state 236 No 60 Yes. We asked the same question of school superintendents. Replies to the first question so far are 34 No 84 Yes. To the second question relating to school administrators are 40 No 75 Yes. We also requested that the school boards list the three major problems to managing a public school district. The most prominent three answers were teacher tenure, finance, and negotiations.

Finally, Mr. Chairman and Members of the Committee, in 1971 you passed the Public Employees Labor Relations Act, which encompasses teachers in public school districts. The 1971 Legislature did not touch the Continuing Contract Law, the issuance of contracts on March 20, dismissal proceedings for public school teachers, the resignation date of April 1, or extended probation for teachers. I would suggest that, until these parts of the law relating to teachers are in correlation with the Public Employees Labor Relations Act, public schools are not going to function in the best interest of the pupils in our schools.

Mr. Chairman, if it is the intention of the committee to draft legislation for the 1973 Legislative Session, we would like to make specific recommendations for changes in present laws at a later date. I thank you for your time, and if you have questions, I will attempt to answer them.

MR. DOTY: I am a bit confused, I think, by the remarks you made.

First of all I served on the Education Committee in the Senate and I am looking forward to the first time that the School Board's Administration says something positive, other than that you say you want to abolish tenure, and then you come up with a number of suggestions relating to modifications in the bill. I guess I am confused. What is your position.

MR. WETTERGREN: The position, Senator Doty is threefold. First of all, may I respond, Mr. Chairman. I think my statement here should not be taken in the position of other than being positive for the protection of the teachers and the protection of the pupils in the school. Our position is actually threefold: 1) review the tenure law. 2) If that doesn't happen obviously we would like to see some changes made in the probationary period in the present statutes, and 3) We would like to see the two laws combined into one statute.

MR. DOTY: Why was it, that when you took the vote of the full membership of the MSBA relating to tenure, that your delegate assembly had not even suggested that. Is there any significance to the fact that your delegate assembly said nothing.

MR. WETTERGREN: The delegate assembly had previously recommended to the business section of the convention in 1970 the action was taken. We did decide to cooperate with the Citizens League in an extensive survey that gets into school financing, capital outlay, debt service, educational programs and this kind of a thing, some 100 questions, and it has been the action of the board of directors to occasionally take surveys of the membership, so this is not an unusual procedure.

MR. DOTY: Mr. Wettergren, I don't believe that the laws that we have now have to stay the same. I have stated this before the MEA and got myself in hot water and then out of it, I think. But, how do you explain the high quality of our education according to the quality of living survey for example, in light of this horrendous situation you have just described which is just deplorable. We ought to be just a notch below Alabama.

MR. WETTERGREN: I think that if I leave that impression it is erroneous. Obviously, Minnesota has one of the best educational programs in the nation because of the school boards, the superintendents and the teachers that we have in our schools, but this does not belie the fact that we do not think it could be better.

MR. DOTY: Did you work at all with Mr. Szarke on his bill.

MR. WETTERGREN: No, I have not.

MR. DOTY: I hope you will.

MR. WETTERGREN: I have read the bill, Senator, and reviewed it, but as working, no, I have not.

MR. DOTY: My opinion is the same as the St. Paul Pioneer Press

on January 17, 1971. By the way, their last paragraph said, for voting for termination of the state's tenure law the MSBA deserves a failing grade. But there are other things they say that I think are extremely important and they raise the issue that it sounds like taking the action that your delegate assembly is taking, or your representatives, that does not help the very great strained relationships between teachers and administrators and school boards. Their suggestion, I think, is a very good one, I hope you will work with Mr. Szarke.

It seems to me the position you are advocating with complete abolition is totally unreasonable and can do nothing but strain the situation. I hope Representative Szarke, that you will also work with the School Boards Association, and perhaps come up with some meaningful changes in the tenure law, but that this poll as a part-time basis I think is very dangerous.

MR. PILLSBURY: You mentioned in your talk the matter of the lock step salary schedule. That is something of your own doing, is it not. In other words, there is no legislation requiring the lock step.

MR. WETTERGREN: That's right. The lock step salary schedule I would suggest started about, oh 20 years ago, and obviously if the school boards hadn't accepted it at that time it would not -- it takes action by the school board to do it, and accepting it at that time and the way the thing is going has really caused some problems.

MR. PILLSBURY: Nobody is stopping you from trying to change that.

MR. WETTERGREN: Only the initiative of the local school board and the pressure from the other side of the bargaining table.

MR. PILLSBURY: I happen to agree with you. I think that is part of the issue that is causing a lot of the irritation. Now that teacher's salaries have reached a more reasonable level over the 20 year period, and I think that if you and the association and the federation could work to change that, that a lot of the pressure for the change in the tenure laws would be laxer or reduced.

MR. WETTERGREN: We would be willing.

MR. HOLMQUIST: Mr. Wettergren, the last two or three sessions, bills have been introduced and this was unheard of 20 years ago, so there must be some thinking along this line that the state of Minnesota should establish a salary schedule for all teachers. Is this wise or unwise.

MR. WETTERGREN: Well, we have not taken a particular position other than from the results that are coming back on the survey. If I am reading the survey, it is running about 75% no. For the benefit of your question and the committee, as a personal observation, I would be vitally opposed. I think that this takes the

virility away from your school systems and school districts are just like individuals sitting around a table or sitting in this room. Everyone has different needs, everyone has different characteristics and they have their own peculiarities.

MR. HOLMQUIST: Do you think this local autonomy that you are speaking of has been at all weakened by activities of the past session.

MR. WETTERGREN: Yes, I don't think there is any question about this. I think there are good features of the law, Senator, and I think there are some poor examples of law which should be examined by the tax committee and the committee appointed by the state board of education. Some school districts are in tough shape. There isn't any question about it. They are just not able to generate the money in order to foot the bill for the school district. Some school districts have benefited immeasurably. I think from a practical standpoint that, as I indicated in my presentation, it has caused administrators and school boards to take a closer look at what they are doing. I suppose school boards and administrators are human like everyone else and you get in the habit of adding programs and never really examining ongoing programs as to whether they are really needed in the school district or not. Now, one of the things that has disturbed me a little bit with the bill is that a survey was taken by the department to provide some background information for this 32 member committee that has been appointed, which Mr. Baker and I happen to be members of, and in the chronology of where school boards are cutting back, number one is the summer school program, and then it goes to the adult education program, and then it goes to the recreation program, and I forget what the fourth one is. The fifth one is the discontinuance of teacher positions and in order to stay within the spending limitations of the statute.

Now, the legislation did not, as the previous statute we had, allow for some of these levies. It all gets caught in your general maintenance operation so consequently it has been necessary for some school boards to do that. It varies. It will go from the southwestern part of the state to the northeastern, and the northwestern down to the southeastern part and it is surprising where these school districts are. Some of it has to do with whether it had some deficit finances and things of this type. I think one of the most prominent reasons was that all school boards are not budgeting alike. As Mr. Sabo and Mr. Sathre will know, we got into some real discussions of that in the session in the House Education Committee because some school districts were budgeting a year ahead of time and some were budgeting for the current year. There is just no way that these school districts are going to pick it up and get their head above water.

MR. DOTY: One of the things I hear and I know there are incompetent teachers out there, you can't possibly get that many professionals and not have some problems. One of the accusations I hear and I think it is a true one -- I wonder what your reaction

was, is that if the administrator, and I know there are some here, if the administrators would simply do their job and get into that classroom and evaluate before there is tenure that you could solve the vast majority of the problems we have.

Now I used to be a teacher in the public schools, I no longer am, but I have a number of friends who are in it who tell me. that they can go through their whole tenure sequence, two or three years, and never be visited by an administrator. I'd like to see a law, I don't know -- obviously I know we can't do it, but I would like to see a law that would make it a felony for an administrator not to visit a classroom because I think that is where the real problem is -- then you wouldn't have these problems. Now I saw a study recently and I wish I would have brought it with me, that shows that there is a very high correlation between the teacher who is good when they don't have tenure and one who is good after, says to me that if you can weed out the duds before tenure you would solve a lot of problems, what is your reaction to that.

MR. WETTERGREN: I don't think there is any question that some of this takes place. I suppose in being completely fair about it, I suppose there are some school boards that if I can use the term, aren't laying it on their administrators to get in there either. We can find a district here and there where you know that is happening but I'm not so sure it will cover the overall question.

That part of the problem would be a little bit more extension on those years of probation. That is a pretty difficult thing to do in that short a time, especially 18 months and six months if you relate to two years and one year.

MR. BOLAND: The Citizens League has done a substantial amount of work in the past that I am favorable to, but I was curious as to this particular survey. Do you know if they are surveying teachers as well as administrators and boards.

MR. WETTERGREN: I guess I can't answer the question. In fact, I will answer it this way. I do not know whether they are or not. What, for the benefit of the committee, and you do attend Citizens League meetings, and I have been asked to appear there a number of times and they came to the board of directors with about 100 questions which is broken down into categories, and as to decision-making, methods of teaching, capital outlay, debt service, financing, this kind of a thing. They used to relate their surveys primarily to the five-county metro area and asked the cooperation of the school boards association to survey all of the school board members and the superintendents in the state. We thought some of the questions really didn't mean much and we sat down with Cal Clark, re-edited them and they put an April 15 deadline on them. I suppose we would probably have 5-600, better than 25% of the school board members return them, better than 50% of the superintendents, and these will be compiled and presented to you with the question and the answers following the stated question.

MR. BOLAND: I guess what disturbs me the most is that the Citizens League has tremendous weight and has in the past and I assume in the future with the legislature. I guess I just hope that the questionnaire is balanced on the other side -- as Senator Doty said, this is a very emotional issue, and to pull statistics, to me it is the same thing as polling an employer and saying do you want your employees to have a raise, and obviously the answer is going to be no, that's the way I read that.

MR. WETTERGREN: I really can't answer and we were only concerned with what they were trying to survey the membership of administrators and after some re-editing we agreed to cooperate with them and mail it out.

MR. DOTY: As you know there is now a vast oversupply of teachers. I think it is very healthy, and there are those who are saying that now because of the oversupply, the superintendents can afford to be more selective. You know at one time the shortage -- if you had a grade average of C and a body temperature of 98.6 you were in. What do you think about the situation of an oversupply kind of rectifying some of the situations you are talking about, that is, teachers who are not competent.

MR. WETTERGREN: I think some of this will take care of itself, obviously. You just had an example, one of the school districts of about 10,000 people in a community had a social studies vacancy beginning January 1. They had 716 applications. If the superintendent and the principal or the director of personnel isn't being more selective then the school board ought to get on him real quick. I think that some of this is certainly going to take place, if it doesn't then it is the school administrators that should bear the blame for it. But I think that this would even enhance the situation if we could do something with that probationary period.

MR. LARSON: We aren't going to cut you off, we are going to invite you back next time, because I am sure that there are a lot of questions

MR. ROBERT ARNOLD, Minnesota Elementary School Principals Association: I am executive secretary and wish to express appreciation on behalf of our board of directors and our membership for the opportunity to present to this distinguished committee our viewpoints specifically as it relates to H.F. 1543, comments which will include our opinions relative to the tenure law. I hereby submit the position of the elementary school principals question by question as sent to our organization for answers. I notice that in Mr. Wettergren's presentation he did not mention the opinion in the survey of the elementary principals or the secondary principals and I will assure the group that the superintendents do not necessarily speak for the principal's position on tenure, and I guess that is primarily why I am sent here.

The first question, Is the continuation of statutory tenure

desirable, particularly in light of the Public Employees Labor Relations Act of 1971?

The purposes of the tenure laws and the current negotiations law are distinctly different. Tenure laws seek really to do two things, 1) to prevent chaotic conditions each year wherein neither board nor teachers know who will be returning or teaching where and even whether the boards have the necessary teaching positions filled. This purpose is fulfilled by the statutory deadline for resignation and renewal of employment. 2) To protect the student's need and right to learn. Teaching techniques, methods and content are not universally standardized by educator consensus. Offense is often taken by parents to particular techniques, methods and especially content, and this is reflected through complaints to and pressure upon boards to dispense with a teacher or teachers.

The tenure statutes buffer the write of attitudes of parents, board members, administrators, and teachers by specifically setting forth the grounds for discharge and contract termination. The grounds are enumerated of course in MS 125.12, Subd. 6 and 8, and MS 125.17, Subd. 4.

I should indicate that when I refer to teacher in my presentation I am specifically referring to all certificated personnel in public schools, primarily below the level of superintendent.

The Minnesota negotiations law, current law, does not contemplate nor does it even attempt to deal with the needs being met by the tenure law. In fact the law we call the negotiations law could cause the very chaotic conditions described above were it to replace the tenure law. The negotiation law provides for employment contracts for each individual school district. Such contracts will not standardize the time deadlines for teacher resignation or employment renewal. One has to contemplate a continuous flowing of teachers among and between districts and continuous board uncertainty of all needed teaching positions being secured. The negotiation law should not be the vehicle formulating teaching techniques, methods and content. These matters are of a professional concern and part collective bargaining should not be the method for establishing what or how a teacher shall teach. Students will be the losers in such procedures.

Question 2. If the continuation of statutory tenure is desirable is it desirable to have two tenure laws in Minnesota at this time?

There is no need for distinguishing between cities of the first class tenure and other school districts tenure. We have such distinction now apparently because of legislative attention being directed to the matter at different times over a period of years. Although statutory distinction by itself has not caused any problems we recommend just one tenure law applicable to all

school districts. Public education is of a statewide concern and is really a state matter as is stated in Article 8, Section 1 of the State Constitution. Our later recommendations in our presentation regarding a state tenure commission proposes first one tenure law applicable throughout the state.

Question 3. If a single tenure law is desirable, are the terms of amended H.F. 1543 desirable, specifically in the contents of H.F. 1543. There are several questions under that: Who should be covered by tenure, and what distinction should be made of tenure treatment of different kinds of personnel?

All employees of the school district who hold positions requiring state certification, probably except superintendents, unless we can clearly get the definition of the status of a superintendent, because it appears that he is an ex-officio member of the board, and by law of course the board would not have tenure. Then it would remove the right of the people to remove by election a board member.

So, we are questioning the status of the superintendent and his relation to the board. It should be assumed that requirements be certificated by the state is for the purpose of insuring our young people an adequate and professional educational program. People holding positions requiring certification must be able to perform their duty as indicated by academic and performance experience. All such persons must then be included in the tenure law and thus insure to the students adequate and professional educational performance.

Two other questions: Should grounds and procedure for promotion be made a part of the tenure law? What has been the experience in first class cities where demotion has statutory status as compared with elsewhere where demotion has no statutory status?

The existence of a provision for demotion under MS 125.17, Subd. 2 and the absence of such a subdivision under MS 125.12 has caused no problems or even attention in either instance. We are aware of only one demotion case coming to the attention of the state courts in the last 20 years according to our attorney -- the Anderson vs. City of St. Paul situation. Apart from that, demotion is not really an effective tool or procedure for correcting failures. The proficiency of a person engaged in professional education employment will not improve through merely reducing his salary. If the board determines an action is required because of the employee's failures, then removal from the system is indicated.

Question 4. How many years of probation do you recommend, should probation be extended at the option of the board?

The present two consecutive initial years in a Minnesota school system and thereafter one year in each district has proven reasonable and adequate. Principals are capable of making valid judgment as to the teacher proficiency during this test period

of time as do the principal's superiors. Principals acknowledge and they do accept their responsibility within the means of time that they have allowed to them and additional personnel to sufficiently observe and accord the teacher adequate observation and supervision. We feel that present probationary time periods are sufficient to accomplish this. An extension of that main question is: Should it be extended only with the consent of the teacher? Should alternative forms of pre-tenure status be considered such as internship? (And a series of other questions along that line.)

Present statutes in this regard have proven through experience to be proper. The probationary time should be inflexibly set by the statute. Giving either board or teacher options or discretion in this regard would necessarily and effectively repeal the statute. Boards could require extension of the probationary period as a condition to employment or continued employment. In effect then the maximum probationary time within the option of the board would in most, if not all cases, become the actual probationary period. Internship has no place in the statutory scheme of tenure. Internship belongs in a realm of pre-degree or pre-certification and is better governed by certification rules and regulations.

Next series of questions: Should the law require annual evaluation of probationary teachers, all teachers, by whom, and should they the evaluations be kept in the files?

An effective continuing evaluation program and procedure is absolutely essential to a good educational system. Evaluation to be valid and informative must include evaluations by teachers as well as by administrators. In most instances the person's fellow teachers know peculiarities regarding this person's proficiencies which are unknown by administrators and which knowledge would oftentimes be helpful, explanatory to the administrator's present quandry when deciding upon the evaluation. Evaluations are more beneficial to the person being evaluated than to anyone else. Candid criticism tends to be the best tool for self-improvement. Each person should have the right of access to his particular evaluation. It would be unwise to provide statutory descriptions and proscriptions to an evaluation program and procedure. There are far too many variables throughout the hundreds of school districts and as among the many kinds and types of people involved. Evaluation is essentially for a subjective nature or of a subjective nature and not at all communable to legalistic rules and doctrines which may well evolve on a legal plane to litigation arriving from such statutory provision. The evaluation should be kept in the teacher's files.

Question 5. Should teachers have access to files on them? On what terms?

Teachers like every other person in this country should be entitled to know the contents of dossier containing information personal to

the individual. No one should lose that right simply because he is a public employee. Government is perhaps already too guilty in this regard, to say nothing of private investigation agencies. Legislators and the citizens they represent surely expect this right as well as do people employed by governmental agencies. The legislature recognizes this in 1971 by enactment of Session Laws 667 and 743. The only proscription as to access should be that of reasonable hours for inspection and copying procedures.

The next question. Should tenure be qualified by the general requirement of good behavior, sufficient and competent service? If so, what kind of conduct is required by this phrase, the absence of which is not a grounds for discharge in HF 1543.

This ground was actually covered we believe under Section 1, Subd. 6 of HF 1543 and I think very specifically indicates the answer. The grounds are specified under the current tenure law, Subd. 6 and 8, and they are totally adequate as we see it. It seems unwise to alter them now after five years of experience which has offered everyone time to ascertain and learn the basic concepts of their meaning. We know of no situation where the present statutory grounds have proven insufficient to meet the demands of the discharges and terminations occurring at that particular time. Basic right to due process in any case of employment termination necessitates language, defining the grounds which is susceptible to understanding by the great majority of people involved. The only real assurance of this need is stability of legislative direction. That means a great reluctance by our group to alter, modify or amend the language under MS 125.12, Subd. 6 or 8, shall or and unless the need for it is inescapably conclusive. Such need has not been demonstrated to date.

Question 7. and a number of questions under those have been answered I guess as I just completed, so we will go on to the next one.

Question 8. Should the board have authority to require retirement at 65? This provision has proven workable. Perhaps its most desirable feature is the discretion is left to the board to continue employment beyond 65 years, in those cases that the board feels desirable. We feel obligated to suggest that such provision include board authority to grant retirement at an early age as an integral part of this state's teacher retirement program.

Question 9. In the event of discontinuance of position should any factor other than seniority be considered?

Seniority as a basis of determining which teacher first loses his position arose in a case Ging vs. Duluth School Board, 1942, wherein the judge suggested this procedure. It is the only basis that has received general acceptance even though there might be a better way that has not yet been discovered or disclosed to our group.

Question. Should a discontinued teacher be given preference for other positions for which he is qualified?

Our answer to that is that any teacher whose position has been discontinued should have first right to any other position for which he is certificated or qualified. That right should apply even though his qualifications only fit existing positions already filled. The present condition under MS 125.12, Subd. 6e that there must first be a vacancy in the area of his qualifications has created a considerable amount of disturbing the situation in the state of Minnesota. There have been instances where boards have adopted the recommendations of the superintendents to discontinue the position of a principal or a teacher that the superintendent wish to fire. The result would have been discontinuance of classes and programs very desirable and necessary to the students. Educational offerings to the young should not be premised upon the whimsical personal dislikes of some higher authority within the school district.

Question 10. Has the provision in the outstate continuing contract law with respect to suspension or leave of absence for health reasons proven necessary and workable?

In our assessment of that law it has proven absolutely necessary and there have been instances wherein the board has attempted to circumvent the provision by terminating the teacher contract for health reasons. We are all exposed to the possibility of health deficiencies and difficulties. None of us are guaranteed robust health. When fate disfavors us we surely should receive the compassion and the understanding of those better blessed. MS 125.12, Subd. 7 is one of the best examples of Minnesota's acceptance of social responsibility and should not be changed in any way.

Question 11. Should a greater degree of immoral conduct, insubordination or failure to teach without excuse be statutorially required for immediate discharge than is required in the present law or required at the end of the year?

MS 125.12 already recognizes this concern and adequately deals with it. Subd. 6 provides for year-end contract termination. Subd. 8 contemplates and anticipates the need for immediate removal of the teacher rather than waiting for the school year to end. Contract termination under Subd. 6 should remain undisturbed in the present law. Immediate discharge under Subd. 8 admits the need in such situations and should be left unaltered and undisturbed.

Question 12. Should a teacher have notice and a reasonable time to correct his deficiencies before discharge proceedings are begun?

This is a statutory requirement in California and that state court has many times given its acceptance to it. The basic

rudiments of fair play require warning and assistance before disaster. More importantly teachers with some deficiencies often develop into the best teachers through constructive criticism and an opportunity to correct those deficiencies. We would have few excellent teachers without a program of criticism or warning, an opportunity to correct and improve.

The next question deals with the hearing process under the existing law and it states: Should the statute state the order of presentation of testimony and so forth.

I will run through this very quickly. Present provisions of the law have proven adequate in the hearing area. Subd. 5 has proven to be totally inadequate in the hearing area. Subd. 5 has proven to be totally inadequate as a hearing procedure in 125.17; however, the right to a total hearing at the option of the teacher is necessary.

Certain matters which are the subject of the hearing may well be such as are better kept to the individuals whose attendance is required, otherwise the public is best served by being allowed to attend the hearing where the rumor, misunderstanding and unfair, unjustified accusations and judgments may be dispelled. The board should never have the option to public vs. private hearings. Such options would be an unconstitutional weapon, or an unconscionably weapon to be used to force the teacher's resignation rather than her enduring the hearing procedure. Due fairness, due process or practical considerations require alterations of the notice, hearing, right to counsel and review, and this is another question under HF 1543. It is this subject which suggests first, priority of legislation attention. Direct criticism of HF 1543 is not necessary to our response to this question other than to suggest that HF 1543 may fail to meet the minimal due process requirements and should in our case, require further scrutiny by our attorneys before we state a position.

- 2 The very real problem with our present statutory hearing procedures and both proposed by HF 1543 is that of installing the board with the roles of complainant, prosecutor and judge. It is at this point that we would consider, tentatively of course, recommending more or some structure at the state level, a tenure commission perhaps, to deal completely out of the local with tenure dismissal situations.

Question. Should any district be exempt from the tenure law?

An experimental school district might be specifically allowed by statutes so that we might all become better informed in this matter. We should not allow special interest to prevent honest and practical inquiry.

There are several other questions, and I think my time is about up. Question. What circumstances should the board have the authority to suspend a teacher pending charges?

Suspension should be authorized only in cases of immediate discharge.

If the results of charges and hearings can only result in future termination, end of the year, why would suspension be required? Should charges be expunged from the record if the teacher is exonerated?

Yes.

Question 19. Should parents, other teachers, pupils or anyone else have a part in the procedures other than the witnesses?

No, our opinion is that their participation other than as a witness is no more needed or desirable than in the conduct of a court trial.

Question 20. Should hearings be open, closed, or either at the option of the teacher?

Our decision is of course that the teacher or the principal under question should have the option.

Question 21. Should individual contracts of employment be required to be in writing?

The present statute 125.12 provides only that the teacher contracts specify wages per year and the general assignment of the teacher. It is our opinion that we are rapidly getting to the point where there is no longer need for the individual contract in view of the specifications in the current negotiations law that says that there must be a contract defining the terms and conditions, length of employment and so forth; however, in the case of school administrators who are definitely discriminated for it, under the new negotiations law we would definitely support the individual contract with his assignment, his term of work year and his salary specified. We do not in any way oppose continuing the statutory requirement of course written into those individual contracts when it is necessary.

Question. In the light of negotiations and budget deadlines, fairness to the teacher, and other considerations, is April 1 an appropriate deadline for termination of a probationary teacher?

No other calendar date offers sufficient advantages to warrant a change at this time. Since the negotiations law contemplates retroactive pay in cases of delayed or late bargaining agreement we see no need to extend the April 1 deadline in this regard; however, the April 1 deadline as it relates to timely resignation continues to pose an unfair dilemma upon certificated personnel of a school. The teacher can't resign until April 1, and yet he isn't able to know his salary that he will be paid the next year following the second year of the bargaining contract until negotiations are concluded and this oftentimes will occur

far after April 1. We would suggest a 60-90 day rule for resignation which would allow teachers to resign anytime upon 60 or 90 day notice.

Mass resignations as a negotiations weapon is not realistic of course if this were provided, because of the surplus of teachers and even without a surplus of teachers mass resignation means no pay, and it would be very well be the best thing that could happen in some of our currently handicapped districts.

Question 23. How much notice should be required of a teacher who wishes to resign his position?

The answer we gave in the previous question.

Question 24. From your experience and your knowledge of the tenure laws and practice in other states, what suggestions or otherwise, or not otherwise raised have you for change in the tenure law?

We wish to reiterate our concern as to present law requiring charges, hearing and judgment to be initiated by the board. Besides the due process question, we wonder if it wouldn't be better to remove these emotionally charge procedures from the locale. These matters too often create divisiveness in the community which does not always readily decide because of the close proximity of the citizenry to the particular spectacle.

Our final comment is to reiterate the position of the MESPA as adopted February 11, 1972 at their annual meeting that encompasses 600 to 800 principals in the state of Minnesota. The MESPA believes that a uniform orderly procedure for both employing and dismissing teachers in all the public school districts in Minnesota is essential. One MESPA believes that this procedure is carefully spelled out in the laws presently enacted in the state of Minnesota beginning with Sec. 125.12. MESPA is opposed to any legislation which would alter or change Section 125.12 so as to deprive teacher or administrator of any of those terms or conditions as set down in this existing teacher tenure law. We do offer this committee our assistance and we do offer cooperation with Representative Szarke on HF 1543.

MR. GALLOP: My name is A. L. Gallop. I am Executive Secretary of the Minnesota Education Association. The MEA represents approximately 43,000 teachers in the public and private schools of Minnesota.

We appreciate this opportunity to appear before this joint committee to discuss the subject that admittedly has become a matter of very serious concern, not only with the teaching profession, but I suspect with certain segments of the public as well.

I would like to make some brief observations about the Minnesota

tenure law and then relate to you some observations by our legal counsel with respect to HF 1543. Due to a conflict in scheduling Mr. Rick Murray who represents us on tenure matters is not able to be here today but Mr. Craig Ganyon from that firm is here and will be happy to respond to technical questions you have from dealing with HF 1543. Mr. Murray would welcome an opportunity to discuss this matter in detail with the committee at a subsequent meeting.

The Minnesota teachers continuing contract law MS 125.12 was enacted in 1937. In 1951 the legislature amended the law to incorporate what had been referred to as "fair dismissal" provisions.

Prior to 1937 the sole basis for a teachers employment was his written contract with a school district for the period of the school year. The board was free to terminate the teachers employment at the end of the school year merely by failing to give him a new contract for the following school year. The board was not required to give the teacher notice that it did not intend to rehire him, nor reasons for its decision, not to provide a hearing.

In such circumstances, teachers frequently found themselves in uncertain situations and often at a disadvantage. A board, if it so desired, might well wait until the beginning of the next school year to fill teaching positions, thus leaving some teachers in the dark as to whether they would be re-employed. These conditions were aptly referred to by the Minnesota Supreme Court as "chaotic".

The continuing contract law was concerned only with termination of teachers contracts as of the end of a school year. By enacting it, the legislature did not intend to deprive boards of their authority to discharge a teacher at any time during the school year, when proper; nor did it intend to give teachers unusual protection from dismissal. The 1951 amendment merely established an orderly procedure for discharging incompetent teachers.

In 1967, further amendments were made to the law which provided in essence that a teacher be notified of reasons for contract non-renewal and that adequate supervision be provided. We often have called it the correctability feature. If a teacher was having trouble he should be notified of his problem and given a reasonable time in which to correct it before action was taken to terminate. Changes were also made in the length of the probationary period which would provide that a teacher is required to renew his tenure status each time he changes employment but that such renewal period need only be one year for those persons who have already established themselves as competent teachers in other teaching positions.

During the past few years, teacher tenure has come under increasing attack by certain segments of the taxpaying public as well as some members of the legislature; and countless school

boards and school superintendents find the law objectionable. MEA is fully aware of most of the objectives and objections that have been expressed with regard to the law and we want to make very clear our willingness to work with you as we have with Mr. Szarke and with anyone interested in improving the law so that it can be more effective in its effort to provide an orderly means for discharging incompetent teachers. We do oppose, however, any efforts to weaken the law because we feel that the problems that have precipitated discussions such as these are not due to any inadequacy in the law but are due rather to the inability of school administrators and others charged with the responsibility for enforcing the law to make it work as it was intended to work. I recall vividly the comment made by a legislator who last session has served many years in the House of Representatives and who prior to that time spent long years as a school board member. He indicated that in his opinion there is nothing wrong with the law so long as the school board had guts enough to enforce it and the district had a competent administrator. That happened to have been the experience that he enjoyed in his school system.

Minnesota's tenure law in our opinion is one of the best in the nation -- for kids, for competent teachers, and for the public. It is designed to provide the public with a procedure for dismissing incompetent teachers and I might remind you that the law was titled the "fair dismissal" law for many years until changed in the 1967 session of the legislature.

Much attention is now being given to accountability. The teaching profession is being asked to be accountable for its actions. We as a profession asked you in the 1971 session to give us the responsibility as well as the right to determine the competence of our practitioners so that we might do a better job in the preparation programs in colleges in order to minimize the incidents of incompetent people joining the teaching profession. I think this is a necessary first step. We suggest that the public require the same of school administrators with respect to their administrative functions as they relate to the application of this law so that they do not leave school boards "holding the bag" finding it impossible to fire a teacher and then to blame this all on the law. Much of the criticism we hear from administrators as well as school boards who are rationalizing their failure to discharge incompetent teachers generally is based on the difficulties allegedly posed by tenure laws.

I am tired of hearing promises by superintendents to write a good recommendation if a teacher will just quietly resign who should rather have been quickly and properly terminated from his teaching position. And yes, its true we do refer to an isolated situation, thank goodness it is a rare instance, but it happens all too often.

I am also tired of hearing of threats by superintendents to write a bad recommendation if a teacher does not conform to either a

person or political mold established in the community by the school board and/or the superintendent. Criticism by superintendents as well as school boards citing the tenure law as the reason for their inability to remove incompetent teachers are typically just rhetoric. If a teacher is incompetent, an able administrator will be able to document that fact in a way that the court will sustain. More important, few teachers would legally contest an adequately documented charge of incompetence. Nevertheless it has become easy to convince school boards and the public that the tenure laws are insuperable obstacles. Since few persons bother to read the laws it is easy to perpetuate the fiction that they constitute an impregnable defense against charges of incompetence. On the contrary, I believe that the tenure laws are far too lax in their provisions for terminating the contracts of teachers. I believe that such termination can be rather easily handled if a school administrator wishes to take the time and effort and has the time to "make a case" and document the charges. It seems to us that the teaching profession could ask for no less than to be given the same rights to due process that we see society insisting upon all about us.

Let me make some brief observations about HF 1543 and if you have questions regarding them our counsel will be happy to answer them.

A. FOR PROBATIONARY TEACHERS

1. Upon issuance of the notice of nonrenewal of a probationary contract the teacher has no right to obtain a statement of the reasons for the board's action.
2. There is no obligation under HF 1543, other than the rather undefined provisions for annual performance review, for the board or administration to provide any adequate supervision to a probationary teacher, and there is no condition of supervision as a right to nonrenewal of the probationary contract as such right exists under the present MS 125.12.
3. Upon discharge or demotion of a probationary teacher, and arguably upon nonrenewal as well, there is no right of appeal to the state courts from the board's action. Thus the statute attempts to cut off existing avenues by which constitutional protections may be safeguarded. There may be a substantial question as to whether this provision is itself constitutional.
4. The opportunity for the board to request a voluntary third year of probation will in effect create a three-year probationary cycle throughout the state. I cannot conceive of a school board failing to demand that the teacher agree to a third year probationary treatment as an alternative to nonrenewal. The disputes and dilemmas of the current year resulting from board's efforts to cut down on staff and to lower the costs of existing staff will be given elaborate

new opportunities under this statute.

B. FOR TENURE TEACHERS

1. The present draft incorporates, as the first paragraph of subdivision 4 of Section 1, language which declares that tenured teachers "shall continue in service and hold their respective position during good behavior and efficient and competent service, and shall not be discharged or demoted except for cause after a hearing pursuant to this section." This language, which precedes the specific grounds for discharge later in the current draft, will in all probability be read by the courts to constitute separate and independent grounds for termination or discharge of the teaching contract over and above those later specified.
2. The present draft omits the requirement, contained in MS 125.12 that for nearly all causes of termination of the teaching contract and for some causes of discharge, the administration must first provide written notice and a reasonable opportunity and time for the teacher to correct the problem. In the absence of such a provision our opportunities to protect teachers from capricious and arbitrary action, as well as over-reaction to correctable faults of a teacher, will be substantially impaired. In essence, the firing provisions with respect to tenure teachers take away existing protective provisions, leaving essentially unguarded and unlimited the list of things for which a teacher may be fired.

C. HEARING AND APPEAL PROCEDURES

1. The present draft omits the teacher's right to have witnesses in his behalf subpoenaed by the Board of Education, and it omits his right to a free transcript of the hearing record, both of which rights are present under each of the existing statutes. The author has thus specifically eliminated these privileges.
2. The present draft does not require that the school board's decision be based exclusively upon evidence produced at the time of the hearing, a valuable provision in the existing MS 125.12. (And I might add that during the hearings in the 1967 session that led us to the amendment was long and very thorough discussions of these kinds of things that were added to the law.)
3. The present draft incorporates one of the most offensive procedural provisions of MS 125.17, namely the board's right to recover salary payments made during a period of suspension in the event that they successfully terminate the teacher's contract.

4. Perhaps the most offensive provision in the entire draft is the declaration that the right of judicial review from any actions by the Board of Education with respect to teacher contracts is available only by writ of certiorari to the District Court. Translated, this means that the teacher has no direct right of appeal, but must ask the District Court if it is willing to review the board's action and hope that the court, in its unfettered discretion, chooses to do so. In many instances this could wholly negate the right of a teacher to judicial appeal and leave him victimized by a power structure, particularly in a small community, which affords him no effective means to protect his career. This denial of judicial review opportunities is completely new in the present draft since both of the existing statutes do at least provide appeal by right.

D. DRAFTING PROBLEMS.

Time does not permit a full review and recommendations regarding drafting changes even within the substantive provisions of the present proposal. I would like to point out however that the proposed act uses the terms "discharge", "removal", "renewal", "nonrenewal", "demotion" and "terminate" in a variety of ways and applications which cannot be adequately defined or explained. The definition section attempts to deal with some of these words, but the statute later on uses them interchangeably on occasion and for varying purposes on other occasions. The draft contains separate sections for "discharge" and "immediate discharge" with somewhat differing provisions for each. Yet the discharge paragraph from MS 125.17 and the immediate discharge provisions from MS 125.12 are designed to provide exactly the same function and cannot be tolerated in the same statute. MS 125.12 operates on a philosophy that a discharge in mid-year differs from a termination at year's end in both grounds and procedures. MS 125.17 contains no such distinction except with respect to a single ground for discharge. The present draft, however, has failed to recognize this difference and has mixed languages and tenses in a way that would almost defy rational application of the statute if adopted in its present form.

These technical observations by counsel were made at the time HF 1543 was before the House of Representatives and not all of them were brought to Mr. Szarke's attention at that time. We hope that our counsel will have an opportunity to discuss these observations in more detail with you. MEA has submitted a complete response to a series of questions requested by the committee and many of them enumerate the MEA's basic position with respect to teacher tenure.

Let me just react to an observation made a little earlier. Bill Wettergren was talking, and accurately, about the fact that many periodical and publications are now talking about teacher tenure. This is a very popular article to write about. Just the other

day the November issue of the "American School Board Journal" came to my attention. I am not referring to this suggesting that it is policy or it represents the belief of the American School Board Association, but it does represent the kind of advise being given by so-called consultants to school boards around the country with respect to this subject.

The title is "Teacher Tenure, You May Not Be Able To Wipe It Out But You Can Live Around It". Let me just give you a few of the suggestions that are being given to school boards around the country as ways to live around tenure.

First of all if you are stuck with a bad teacher, and that is the premise of all of these things, here are some of the things they are suggesting: Move him out of the classroom. This is the usual and most easy method. Take a classroom teacher and kick him upstairs to a central office position where his competency can be used if he has any, but where he can't hurt children. For a board that wants to remove a given teacher from the classroom this is a viable solution.

Second suggestion is, counsel the man out. I referred to this in my statement -- aside from the questionable ethics from recommending someone you know is worthless we have a practical problem. Cut off salary increases, suggest that if you have a teacher who is not performing that the best thing to do is stop paying him an increase in salary and if he decides to start producing again, he will start getting a raise, but if he quits producing he just stays there at the same salary level. An interesting observation, in districts that have taken this action the results have been 50-50. About half the teachers wake up and start teaching again, the other half quit.

And, listen to this as a final observation, so far as the children's benefit is concerned either result is fine, if the teacher is so bad he doesn't deserve a salary raise and you are willing to keep him on in front of those kids forever and ever and ever, I submit there is a difference and the result is different.

Try merit pay. The rule of yardstick must be how youngsters learn, not how teachers teach, and the realization of this truth is probably behind a good deal of enthusiasm school boards are demonstrating for the concept of performance contracting, where payment is for "results."

Now you take a second grade teacher with a classroom full of second graders. This suggests that every one of them can read up to the second grade level. It doesn't suggest that some of them may be borderline mental cases, may be disruptive, may be from broken homes, may be from homes where there is no interest in education -- but the simple fact is the teacher is then told if you can teach those kids to pass a test you are going to pass your test and be recommended for tenure.

Finally, internal voucher systems, a very interesting suggestion. Fortunately, this hasn't happened in our state. The parent would be able to choose the child's teacher and the child's school. Of course if you are the favorite teacher you will have a classroom of kids. Of course there may be a teacher who gets no students at all. He may have tenure, but even he is likely to see that his services are no longer demanded. Maybe it will change, if not, likely he will decide to go away. So, you see it is a popularity contest. If you happen to be a tough teacher and the word is around you probably won't have a lot of kids in your class.

And finally, they talk about changing tenure laws in the article. They suggest maybe the thing to do is renew tenure every five years and then you don't have to bother with renewal any more often than once every five years. You see the teacher can stay in the classroom and create all kinds of harm, but it is the easy way out so you just review their performance every five years.

And again I say that Mr. Chairman and members of the committee that this is no reflection on the organization that prints this material, not at all, but it is the kind of material that reference has been made to and unfortunately there are all kinds of boards around the country who will take every bit of that advice or as much of it that they will get by with and that will be the standard of excellence that we are looking at.

Let me close with some general observations and a summary of our basic position. Incidentally right now we are holding our annual meeting in Rochester so I am going to try and offer the original basic position taken on tenure, although there may be other thoughts coming out of their meeting.

Teachers must be guaranteed the benefit of due process. The support by administrators and school boards of an extension of the probationary period is in our opinion simply a disguised attempt to avoid making a decision and to continue teachers in an employment situation that is demoralizing and unfair.

I hear all kinds of statements being made on how well we want to treat teachers. The thing to do is if there is any question at all about their competence just give them another temporary contract for another year because we are interested in nothing but good for the teacher.

Well, I submit and I believe that most teachers would prefer to have clearcut provisions for supervision and know that they are either going to be reviewed or terminated and if they are terminated it would have to be according to the kinds of processes that we are asking the public to provide to everybody else. I just can't buy the idea that we are doing anyone a favor by offering them a third or fourth or fifth year of probation.

Although we may be accused of "passing the buck" we believe that there should be a renewed demand for administrative accountability. As administrative officer of a board of education, the superintendent of schools has the primary responsibility along with his administrative staff for determining whether or not teachers should be recommended for termination or for renewal. He should be required as such to follow the provisions of this law which are easily understood and so general that it requires only that he "do his homework" if he wishes to bring charges against a teacher.

We remind this committee of MEA's position of the last session of the legislature which will be renewed in the 1973 session asking that the teaching profession be given the responsibility for improving the quality of the service of its practitioners as well as the quality of the preparation programs that precede entry into the teaching profession. We recognize that there are some among our ranks who do not meet the professions standards for competent service. We have seen school boards and superintendents oppose these efforts for a professional standards act while they bemoan their inability to do anything about the incompetence that may exist within our ranks at the present time.

Finally, it is our hope that you will examine the practical aspects of the current statutes as they relate to termination under MS 125.12. It is difficult to say the least in a typical Minnesota community for a teacher to be fairly judged by the same body that brings the charges. It may well be that the process could be more efficiently handled for all parties if the hearing were in another location and conceivably before another body.

In conclusion, let me reiterate our earlier statement that MEA welcomes an opportunity to work with this committee and we commend you for your interest in making a study of this problem, to make improvements in a law that in our opinion is vitally necessary if Minnesota's public schools are to be properly managed and efficiently operated. We have no particular quarrel with consolidating the two laws except that in doing so the author has created a large number of problems that need careful study. We would, however, call to your attention the fact that employment in a small school system in out-state Minnesota is significantly different from employment in a large metropolitan area, and it is conceivable that changes might continue to be necessary to provide differing provisions in the statute to accommodate the peculiar kinds of problems that exist between the cities and rural Minnesota.

We appreciate this opportunity to appear before your committee.

MR. LARSON: Mr. Gallop, I am somewhat familiar with the Detroit Lakes case, the chairman happens to be a friend of mine. Would you care to comment on that because I can see that as being a real problem in years to come, particularly as we get into the

vocational area, because we have got a number of students in my school district that are taking vocational courses and I can see that they are not going to be interested in some of the courses that are presently being taught. What are we going to do as far as these teachers are concerned if there is no interest in a particular subject. How can we handle that problem.

MR. GALLOP: I am not familiar with the Detroit Lakes case specifically, but our attorney who is here with me is, and I am sure he will be glad to give you some details which you might not now have.

MR. CRAIG GANYON: Mr. Chairman, I did not personally handle that case. I do want to say that I don't think that board chairman's letter of resignation fairly reflects all that went on in Detroit Lakes. The background in that particular case was unique to the community and there was division in the community with respect to both the teacher and the position that was proposed to be discontinued. I really can't tell you a lot more than that about the case.

I do think that there were two sides to that issue and the teacher had a fair hearing before the board and before his community and was judged by his peers. The decision of the board as I understand, was not to discontinue the position. The position that was sought to be discontinued was the German position and because of the unique situation which the board was confronted with last year when they attempted to discontinue -- they had voluntarily cut back their own German program at the commencement of this year. They didn't have a German program available. That's not to say that there was a demand in the system for foreign languages because it is my understanding that they had increased some of their language requirements in the other departments, specifically French.

MR. PILLSBURY: You've got me completely confused by your "clarifying this issue." First of all, the board up there decided not to include German. Correct . . . what is a quick sequence of the mess.

MR. GANYON: Well, as I understand it, last year the position was attempted to be discontinued . . .

MR. PILLSBURY: The subject was . . .

MR. GANYON: Well, I don't know if the subject was, sir, but at least this particular position. Whether German was going to be continued to be offered, I don't know. But that particular position was proposed to be discontinued. It was not discontinued when he was reinstated into the system this year, it was only after the school year had begun and the administrators had already made a decision. At that point they didn't know whether the German program was going to stand, so they made a decision not to offer it. They didn't have a teacher. They

didn't know they would have a teacher to teach it.

MR. LARSON: Well, I guess I understood it this way that they wanted to discontinue the position but they hadn't made the proper sequence or events legally to do it, so they had to reinstate it. Then it came up again this year and I don't know what the final disposition was but I know that he got an awful lot of pressure and an awful lot of phone calls. You know we got accused of calling administrators about certain teachers, particularly of the coaching field -- you know, putting pressure on them to relieve certain coaches. But I think in this case the pressure went the other way where I think they were very unduly harrassing this poor fellow the way they did.

MR. GANYON: Are you speaking of community members now, Sir, because I don't know. I have been personally involved in discontinuance hearings this year and this is becoming something that is unique to the teaching profession and the school boards. There are a lot more discontinuances that are being proposed, but as this committee, I am sure is aware, all of what a school board proposes to do is not always accepted by the community.

I particularly am aware of a situation where the special education programs in the southern school district was proposed to be discontinued in a community, reversed the whole process at the hearing, and I think that the board adequately reflected that back in their decision. They not only reinstated the tenure teacher they proposed to terminate, but they were considering reinstating some probationary teachers they had effectively non-renewed.

MR. BOB JOHNSON: I wonder, Bud, if you can tell me how many teachers in Minnesota were dismissed under MS 125.12 last year.

MR. GALLOP: I couldn't begin to give you that information for a number of reasons. We handle a certain number of them and I suppose there are many teachers terminated for each one that we know about.

MR. BOB JOHNSON: Well then my next question comes about. I hear Senator Doty and I hear everybody here saying they are going to cooperate to increase the quality of education, and yet how many times did you actually evaluate the case and then come out and say, we are going to back the board and not fight the case with the teacher.

MR. GALLOP: When a teacher calls us to help, it is because he is a member of our association and has purchased through his membership the right to legal advice. In each of these instances we counsel the teacher as to his legal rights. We indicate to him whether the board has followed the procedure properly or whether it has not followed it properly, what he must do to defend himself. Now we haven't been asked yet by

boards to come over and help them fire the teacher and until we do, I can't answer your question except to say that they generally call some other attorney than our own.

MR. BOB JOHNSON: Well, I guess that's my question. Doesn't your association basically defend if a teacher asks, and I don't know enough about it, but my saying is that if they purchase it or whatever the situation is, isn't it a little inconsistent that you can say in your statement, Bud, that you are interested in quality education, some of these teachers have got to go, but you actually spend money and go counsel that teacher and say you're better to go some place else.

MR. GALLOP: Its true that we believe that there are improvements that can be made in the quality of the performance of the teaching profession. We think the best solution to it is along the lines of our professional standards concept where we think teachers should be given the responsibility to improve the quality of their own service.

Secondly, there are cases where a teacher is being terminated or proposed to terminate a teacher, and I recall instances where we found ourselves defending a teacher -- defending a process I should correct myself -- to say where we may say to the teacher, there are little doubts about the case that is being made except the way that it is being made. So, we have fought for teachers who probably in your judgment and mine don't deserve to be retained but we are still fighting for a process. Unfortunately, we find ourselves defending a law that applies to all teachers, in one specific case where the teacher might be good and the next case where the teacher might be bad.

MR. BOB JOHNSON: Mr. Chairman, I guess that's my point, and that's what bothers me. You say you are going to cooperate with somebody and some group and you indiscriminately take the case and the position of the teacher. Now I am concerned that you have due process, this is fine, but the concern that came to me as far as some of these cases were concerned is a complete mismatch from a professional point of view. You've got the experts, you've got the legal staff, you have had people that you retain and pay money and you have that person come in to defend a teacher with a tremendous amount of expertise, and you have got a school board who has some local attorney -- it is a complete professional mismatch.

MR. GALLOP: I can't agree with you on this mismatch. Unfortunately, the board's attorney is also the attorney for the judge and the jury. True we do come in and true, we do have the best attorneys we can get to help teachers. But, the minute we stand up and defend and not defend a teacher who is right or wrong and instead say to the board, you go ahead and you can use any kind of termination procedures you want, we will shut our eyes to it -- from that day on we are in trouble all over the state.

All we are saying is that we think boards of education can very

easily make their case, make it stick, without any attorneys from anywhere other than their own local school attorney. We are just not going to sit back while boards do a shoddy job of firing a teacher without the benefit of due process and decent evidence, that's all. Unfortunately, you only see those few cases that get a little bit more spectacular than the large numbers that are handled routinely and properly.

MR. PILLSBURY: Following up on my questioning, if you aren't making a judgment on whether to take a teacher's case or not, what competence can the legislature have that you will be able to make judgments in the professional standards area that you suggest when you are forced to take away a teacher's certification through your professional standards approach, yet you aren't able to make a judgment on whether a teacher's case is good or not. You are going to help every teacher that asks you, so that's, you see, the concern that I as a legislator will have in your proposal to set up a certification board.

MR. GALLOP: Well, Mr. Chairman, Senator Pillsbury, a teacher is given a notice of the board's intention not to renew the contract, and the notice might say, we think you just don't fit into the community. The teacher calls us and says, now I am a member, I want some help -- is this legal for the board to do this.

We don't know the teacher, we have 43,000 members, we have probably never heard of this person. But, we do know that the law requires a little more than a statement that says, you know we just don't think you fit into the community and the teacher will be told by the superintendent, if you will resign that will be the nicest way to handle all this and we don't have to have a big fuss.

Now we are not in a position to make a judgment as to whether or not that teacher is competent or not. There might be no question of competence at all. It may be a political disagreement. We have a case today where a teacher is being terminated. Why? Because he did a rather effective job last year as the spokesman for the faculty in that community and in doing so, didn't make a friend out of every board member. He said some things that had to be said. Today he is being fired. The reasons? I had them written down last night - three reasons, and I am going to get them and send them to you for your information because this is the kind of problems that we are facing.

This community, Mr. Sathre, of Emmons -- the entire junior and senior class walked out yesterday we were told. They were disturbed about it. They are not ready to accept it as students and I guess they have their rights not to accept this kind of treatment. They are not ready to see this teacher railroaded out of town for the kinds of reasons that were given.

So we are not in a position to go out, nor should we, the proper

judge is the school board and the judgment has to be based on the charges that are specifically made and documented, and it is that simple. I think everybody is looking for somebody else to blame.

MR. LARSON: Maybe you can come back to our May meeting because I am sure there are a lot of questions.

MR. SATHRE: I have a statement, it relates to what has been said several times today and that is supervision of the teacher by the administration. I think it was best portrayed, the problem of supervision, by a former teacher at another meeting I was at relating to tenure. He had been a mathematics teacher, the principal was an English teacher, and he says that the principal can come in and see that I have behavior in my class or what have you, but he has no idea of whether I'm teaching good math or not, so the problem of supervision is greater than what we would like to see.

MARY E. MCGOUGH: I'm sorry because I haven't lobbied in some years, but I do not recognize any of you except Senator Stanley Holmquist, whom I knew very well at one time when I was a frequent visitor here at the capitol, and who we considered a friend of education.

I want to say that the difficulty with the remarks made here is that we are speaking about evaluation of teachers but not about supervising them. The little bit of practice teaching -- I believe it is two quarters, something like that, that teachers do in public schools before they get their diplomas from the University isn't really enough to determine whether or not they will be competent teachers.

For one thing, it is worse nowadays because the one thing everybody now is striving to get numbers -- the University wants more people in, the private colleges all want enrollments up, and so they really are willing to take, may I say, people who are really not gifted. Because teaching is a gift, I should know. I have taught so many years. Teaching is a gift with which all people are not endowed. You cannot evaluate a teacher just by visiting the classroom and looking on. You have to supervise and that is a very different thing and supervision doesn't mean criticism.

When you supervise you begin with strength. There isn't one of us here, I don't care, any of you gentlemen, who cares to have somebody come in and just give us a lot of criticism, telling us what we are doing wrong, etc. -- it crushes us, it is bound to do so, no matter what the profession is.

But, you try to find some strength in what that teacher has done. As a principal, and I was a St. Paul Elementary Principal for many years -- I would, if I couldn't find in a teacher's work, one single thing that would be strength and with which I could start so as to have that teacher understand that I was

going to work with him, I asked myself what's the matter with me? If I couldn't find it in his work, I would perhaps find it in his appearance and speak about how well he was groomed, or find an example, but I would find something.

MR. LARSON: Would you care to come back on May 25 for our next meeting?

MARY MCGOUGH: As a matter of fact, Mr. Chairman, I was going to ask you if I might speak about the Tenure Law because I am one of the committee of three people who lobbied the first Tenure Law in Minnesota in the session in 1921.

MR. LARSON: We'd like to hear from you on May 25.

MARY MCGOUGH: Well, the Lord knows, I will be willing.

MR. LARSON: Well, the Lord willing, you will be on the schedule. Will you leave your address with the secretary so you will be notified.

MR. HENRY WINKELS, MFT: If you are here to protect the tenure of teachers then you will find me cooperative.

The bill to which you are referring as your platform for discussions here has been brought to the draft that it is now after many, many revisions in the last session of the legislature. It has progressed far from the first draft introduced by Representative Szarke. And, I will take a little credit for that because he got my objections to his first draft one way or another, from time to time, he was determined to get it, so in that sense I really did cooperate.

There were a variety of bills introduced in the last session of the legislature on the subject of tenure, all the way from outright repeal to this amalgamation of both laws, and though they may not be designed directly, I do think that they are the vehicle for change in our tenure law and this information we do give to our members.

We give the names of men at the legislature who introduce bills. We even provide copies of the bill to members of our locals so they can see what is going on. But in observing the kind of bills that are introduced, they know something is going to be done to our tenure laws, so their first reaction is one of apprehension to the possible loss of some of the protection they now have. I don't care how wonderful we may look at an ideal law, how much time we give to it, when Senator Pillsbury sent me the series of questions I went to our Executive Secretary, Ed Bolstad, and it was our agreement to answer these questions. And we can look upon these answers that I gave you and I notice that you have a comparison sheet here showing our answers in comparison to other organizations. You can look upon this effort of mine as cooperative, to the extent that we are willing to consider an ideal tenure law.

Now I just came back from Washington D.C. where we were in conference with representatives of schools from California to Maine and Florida to Washington, and it was my assignment in this three-day education conference of teachers among other things, to help lead a discussion on tenure. I noticed that somewhat the same thing is going on in other states as is occurring here at this legislature with a variety of bills being introduced, some to repeal tenure, some to lengthen probation, some to increase the causes for dismissal, some to remove tenure from principals, etc.

Some states have already been successful in chipping away at tenure. Our basic position in the MFT is to preserve the present tenure protection of teachers. Will the combination bill that is before you result in that preservation, this is the question that people are asking me as I go about the state to discuss this matter. If you look at the arithmetic of the combination, yah, it better. But there is no real concern among teachers to combine the two laws, so that the burden of truth that this is necessary still remains to be offered.

Now in the answers to the questions that I sent to your secretary, he failed to print the first question answered as I wrote it, and briefly it has to do with the basic purpose of the tenure law, or the overall purpose, or the most important purpose of a tenure law, and that has to do with the purpose of education itself. We look upon the need for tenure as having a direct connection with what has to take place in the classroom.

A reasonable amount of security in employment gives the teacher productive confidence in his ability. Ability of a worker to perform in his assignment can be enjoyed by him only insofar as he relates this ability to desire to teach, especially in the arts and crafts, where results depend so largely upon the imagination and the resourcefulness of the worker himself and not by guidelines or administrative fiat, etc. The talent of a worker produces results in direct relationship to the freedom of using them. This freedom therefore becomes the prime ingredient of working conditions. In more common usage in the teaching profession an extension of this freedom is academic freedom.

With this in mind we stand firm in our belief that statutory protection of employment security be preserved for teachers. It is now assumed by many under the acquisition of collective bargaining that teachers no longer need a state law to protect their tenure and that rather such tenure by bargaining efforts of teachers be transferred from the statutes to collective contract provisions. There are too many intangibles under this question for us to agree to this premise. We admit that negotiations between employees and management can result in some due process, but where job security has such a common denominator for such a large group as teachers throughout the state, we hold fast to the principle of uniform basic treatment of all of them by state law.

Negotiations between teachers and boards may result in some extension of due processes to improve the implementation of the present laws unchanged. We do not believe that negotiations in all school districts will result in well defined provisions for equitable job protection. In light of such basic things as freedom of speech in general and specifically academic freedom, a well constructed tenure law therefore is essential for sound educational process in our state, and I think to protect tenure we have it in this state to protect the freedom of a learning process in the classroom.

MR. L. E. WERMAGER, Association of School Administrators: Mr. Chairman and members of the committee, I am very happy for this opportunity for our association to be represented by some of the remarks that have been made here today. I think it is well we are represented once in a while, and we hope that in your wisdom you recognize what I am going to say as being something we all need to think about.

I do not have the official position of our association. As I mentioned to Jim, your secretary, we have our spring meeting now April 13 and 14, and this is one of the items that will be discussed on the agenda. I am happy to say that we have the Honorable Stanley Holmquist who is going to address the group, and I suppose he will set us straight if we are off the narrow path some way or other.

It is so easy to blame somebody else these days and you know I have been sitting listening now for two or three years, listening to classroom teachers blame administrators for everything that happens, and I sometimes wonder if they shouldn't be thinking more about their own responsibilities and how they can help to do the job for children. On the one hand we are failing because we do not make every teacher a success, and on the other hand we are ineffective because we are not doing a good job and so on. I think that you have heard it all here today.

We certainly agree that we have failures in many areas, but I think most of our group, principals, superintendents, I am not here to speak for the principals, but I believe we discuss our problems with them, we are trying the best we know how to provide a program for children, and when actions of employees or whoever it might be are detrimental to that progressive action then we think it is our job to step in and we are willing to cooperate with anybody who is willing to work for children.

I know we are not large in numbers and I know too that today authoratariative positions are not very welcome and not very highly respected and still they are so necessary because we hear every day that if administrators were better, we would have no teacher failing, but on the other hand we are incompetent and unnecessary. This is just a little side issue.

I'm not going to go into the bill itself. We had our opportunity to deal with Mr. Szarke in the last session and we had

some input into the bill. We will be in a position to mention many of the points that we feel are important in the bill. The bill itself, we feel we cannot be without some form of tenure and we are most happy that both the chairman and Mr. Szarke, the author of the bill, are not here to destroy tenure.

I worked in the days when we had no tenure, and believe me, that was no joy and that didn't solve problems, it may have created a great deal more.

We will not go into the individual items, you have my personal comments and you will have our comments in writing after our position is taken. We do feel that one thing we would like to spend a little time on today and that is the difficulty of dismissal. I think we recognize that too often the difficulty of dismissal of a teacher today, or any employee, is not based upon the educational qualifications or based upon the effectiveness with children, but too many times the dismissal cases we have had the last few years have been wrapped up in the confused social attitudes that we have today, and we know this is one of the things the schools are assuming in this responsibility. I think if we spent some time on interpretation of these reasons for dismissal and what they really mean, then maybe we can alleviate some of the problems that come up in these cases. This has been most confusing as you know, litigation starts and the minute litigation starts the effectiveness or service of children is completely forgotten and all the social issues begin to be fought in these cases, and I think this is unfair.

We want to work with you. We have talked a great deal about the tenure bill. We know the superintendents of the association I represent are targets for changes in tenure. We have thought about it, we are talking about it, you mentioned some of the ideas here and I am sure many more will be presented, so we offer our cooperation. We are concerned in this picture because we do occupy a position of central responsibility and for that reason we need to work on solid ground.

Thank you for allowing me to appear and we will hope to appear at your May meeting when our position will be stated.

LEISE MEYER - A Taxpayer:

- 1) Why is the teaching profession as no other protected by tenure and therefore encouraging incompetency?
- 2) Why all the emphasis on competency during the probationary period, what about 25 or 30 years later, should there be probationary periods or tenure renewal every five years or more?
- 3) Why do we show consternation and disapproval of feather-bedding in railroad and industry when we seem so indifferent to the same thing in education?

- 4) Why are we taxpayers as consumers being protected so diligently for the things we buy and not being protected in the same way on services? A lousy French teacher in a one high school town can make French non-existent to generations of children in that town. As taxpayers why aren't we more demanding. If the cashier in the local dime store is inadequate we complain and she is neither paid by us, nor does she influence our children.

MR. LARSON: Would you like us to submit those questions to the members of the executive directors of the teacher's organization or anyone else in particular.

MS. MILLER: I would like to think they are springboards for wholesome thought.

MR. PILLSBURY: I think those questions are the reasons we have this committee here studying the issue. Those questions you have raised are in the minds of members of the committee, that is why we are here to hear this testimony, to get the answers to those questions.

MR. BOB JOHNSON: Mr. Chairman, I MOVE that those questions be submitted and we get some answers from some of these executive secretaries. I think they are finally getting down to the concern of the average taxpayer and that is why I say, we sit here and talk about professionalism, and all the rest of the things, but I think she really put her finger on what the problem is as far as the tenure law is concerned. I think the first thing you ought to set up is what is the tenure law to do, and that's what I would like to have these people tell us. What do they want from a tenure law.

I guess most of the people out there know that I put in a bill to do away with tenure in teachers with the idea that tenure would be used to protect the teacher from any type of political dismissal or from any arbitrary action with the right of hearing. But I think I am concerned with the very thing she is saying. The reason that bill was put in during the last session is that tenure should not be used as a crutch for incompetency or a gouging of the taxpayer.

I think your professional groups, until they answer that and convince the legislature, the public and the taxpayer, they are going to be in a precarious position. I think that this committee can do more in helping these various groups. They all say they want to cooperate. If they sincerely want to, they are going to better their position and maybe we can get out and get the tenure law.

I haven't talked to Miss McGough, but I bet she can tell me that this law of tenure was never originated in 1921 to protect incompetency, where the theory was one of systematic operation of hiring and taking care of teachers, but they are not going to be put over a barrel anyway and I don't think anybody wants this to happen.

I think this ought to be answered, and I think those four questions by this young lady who is a taxpayer should be submitted and with a clear statement on the part of each of these organizations what they want the tenure law to do.

MR. LARSON: As I understand it then, Representative Johnson, you would like those questions submitted to be answered at the May meeting.

MR. BOB JOHNSON: What do they want the tenure law in so many words to do. If it is going to be worked out to get rid of the incompetency and featherbedding.

MR. LARSON: That's the motion. MOTION IS SECONDED.

MR. SABO: I'll vote for the motion. I think it poses some very basic questions, and I think Mr. Winkels started answering those and some of his philosophy of education goes to the heart of it. I suppose all of us have pre-judgments. Now it is my judgment that the tenure is there to protect the good teacher and to make the educational system operate. I think it would be good for the various organizations to respond, and in their response they need to indicate something about what they think education is all about.

The Chairman declared the MOTION CARRIED, and the meeting adjourned. The next meeting is scheduled for May 25 at 1:00 P.M.

Recording Secretary,
Marilyn Frellsen

Minutes transcribed by
Norma Schumacher

Interim
1971-72

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HOUSE EDUCATION COMMITTEE
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SENATE EDUCATION COMMITTEE
SUBCOMMITTEE ON TEACHER TENURE AND CERTIFICATION

HOUSE EDUCATION COMMITTEE
SUBCOMMITTEE ON OVERALL STATE POLICY FOR EDUCATION

Friday, September 22, 1972
9:30 a.m., Room 15, State Capitol

MEMBERS PRESENT:

Senate
Pillsbury, Chairman
Doty
Krieger

House
Searle, Chairman
Connors
Graba
Heinitz
Kelly
Szarka

SENATE COUNSEL:

Richard J. Sands

OTHERS PRESENT:

Robert Arnold, Executive Secretary, Minnesota
Elementary School Principals
Willard Baker, Minnesota School Boards Association
H. R. Barnes, Wayzata
F. O. Bright, Deputy Commissioner, Minnesota
Department of Education
Howard B. Christenson, Classroom teacher, Edina
Ruth M. Dittes, Chairman, Teacher Education and
Professional Standards, Minnesota
Education Association
Caroline Dock, Research Assistant, St. Paul Schools
Dr. George B. Droubie, Director, Teacher Certifica-
tion, Minnesota Dept of Education
Roger A. Erskine, Administrative Assistant for
Government Relations, Minnesota
Education Association
A. L. Galloy, Executive Secretary, Minnesota
Education Association
Dr. Lowell R. Gillett, President, Minnesota
Teacher Education Council
Dr. Patricia Goralski, Director, Professions
Development, Minnesota Department of
Education

Robert Hilleman, Executive Director, Minnetonka
Teachers Association and Edina Education
Association
Gale G. Lennon, Superintendent, Cook County Schools
Jo Malmsten, Legislation Chairman, Parent Teacher
Association
Leesee Myer, Wayzata
Irwin Mickelson, Superintendent, Austin Public Schools
Dan Moriarty, Assistant Executive Secretary for
Instruction and Professional Development,
Minnesota Education Association
K. D. Pedersen, Assistant Executive Secretary,
Minnesota Association of Secondary School
Principals
E. Raymond Peterson, Assistant Commissioner,
Minnesota Department of Education
William Phillips, Phillips Legislative Service
Robert S. Reed, Director of Instructional Programs,
Minnesota Education Association
Jim Rosasco, State President, Minnesota Education
Association
Richard Schlattman, Administrative Assistant to
Senate Majority Leader
Ulric Scott, Chairman, State Board of Education
Advisory Committee on Professional Programs
in Teacher Education
Barbara E. Schlistrom, Secretary, Minnesota Department
of Education
L. E. Wernager, Executive Secretary, Minnesota
Association of School Administrators
Keith Wiger, Legislative Commission of Minnesota
Teacher Education Council
Henry Winkels, Minnesota Federation of Teachers
S. Ruth Zindars, Minneapolis

* * * * *

Chairman Pillsbury called the meeting to order.

CHAIRMAN PILLSBURY: This meeting is a joint meeting
between the Senate Subcommittee on Teacher Tenure and
Certification and the House Overall Subcommittee on State
Policy for Education. They didn't assign any special
committee to deal with the issue of certification, and
that's what our subject is today.

(Pillsbury)

Then just briefly Rick Sands wants to refresh our memories as to what the law is that was passed in 1969 -- that's what we're operating under now.

RICHARD J. SANDS

Assistant Senate Counsel

Mr. Chairman, I believe everyone has a copy of pages from the law book setting out the '69 law.

In 1969 life certificates were abolished, although of those holding them at that time, some were not impaired. Pursuant to that change in the law, the Department of Education has promulgated some regulations for renewal of certificates, and the discussion of the implementation of these rules which are to go into effect July 1, 1973, and the problems connected with that are the subject of today's meeting.

CHAIRMAN PILLSBURY: Thank you, Rick. We have, to start our meeting, to bring us up to date, Dr. Patricia - Pat - Coralski.

DR. PATRICIA CORALSKI, Director
Professions Development Section
Department of Education

Thank you, Senator Pillsbury and members of the subcommittees for the opportunity to talk with

you today about the things that we've been doing in the Professions Development Section and the Teacher Certification Section. I direct the Professions Development Section; Dr. Droubie directs the Teacher Certification Section. It's sometimes very difficult for people to understand what each of us does. Dr. Droubie is here in case you want to talk somewhat about what he does.

Perhaps the materials that Miss Sohlstrom, my secretary, is passing out, which are arranged sort of in the order I plan to speak with you today, will help to explain the kinds of things that we do in the Professions Development Section. We're responsible for developmental activities with respect to programs that train people who work in education. Task forces and advisory committees are organized from the Professions Development Section. It is they who are broadly representative of the education profession and the geographic districts in the state of Minnesota who develop regulations that are then proposed to the Board of Education.

EPDA programs also are within our section that deal with teacher education, and it is from this EPDA money that we sometimes have a chance to do some innovative kind of

(Goralski)
work, and Dr. Doty, I know, was involved with us on one of these. An attempt is made also to exercise the regulatory function of the section in a way that does provide constructive and developmental kinds of leadership. However, we are responsible for the approval of all programs that lead to certification in education, so the generation of the regulations, the approval of the programs that meet these regulations, are within the Professions Development Section.

CHAIRMAN PILLSBURY: Would you explain to some of us what EPDA stands for?

DR. GORALSKI: Oh, I'm sorry. The Education Professions Development Act was passed by the federal Congress to help people across the nation to develop new and innovative approaches to teacher education. We have had several grants in the state of Minnesota. The classification called B-2 is one that's directly granted to state departments of education. There are others, and most of them are granted to either colleges or local school districts, and they're not granted to us for our personal use; they're granted to us to be used in a developmental way, and usually we then fund local school districts with the money we get to engage in various kinds of teacher education programs. There are very specific guidelines on these.

The recent Higher Education Act -- if we get funds after this act is implemented -- will enable us for the first time to retrain teachers who are already in the field. The initial act was targeted toward recruiting new people at a time when no one seemed to realize that we had a surplus of education personnel.

Then to go back to this whole idea of what our functions are with respect to teacher education -- the approval of programs then that lead to certification is part of the function of our office. We also are in a position where we are to conduct team visits to colleges which prepare teachers and make a recommendation based on those team visits to the Board of Education concerning the initial approval of these colleges and their maintenance of approval status.

We also participate in visits of national accreditation associations, such as NCTE, which is the National Council for Teacher Education. We then are very active in all the kinds of things that are necessary in order to try

(Goralski)

to assure that there are quality programs to train education personnel from Minnesota. I think that that brown colored sheet that you have in your folder explicates what we do in the Professions Development Section a little bit more (see Exhibit A).

The Teacher Certification Section administers the issuance of certificates. We have also in your packet a handbook that is put out by the Teacher Certification Section that shows those regulations which are now in force. Also you have a list of the approved programs and the approved colleges in Minnesota, so you have some idea of the magnitude of our task for the state of Minnesota. There are many programs; each one of them has been approved through my office.

Task forces or committees work in special areas, and when they have a proposal ready, before it goes to the Board of Education, it goes to an advisory committee for professional programs in education, which is an umbrella committee that interacts with the people in the subject field. For instance, we'll look at a social studies regulation a little later perhaps that's been proposed. When those people feel -- and they're mostly social studies people who develop that -- when they feel they have something that's about ready for the board, they come to the advisory committee, and this is a more broadly based group that looks at it from the standpoint of, is this a realistic thing for Minnesota elementary and secondary schools? is this realistic from the standpoint of colleges implementing it by the effective date that's being suggested by the task force? etc. So there is an interactive sort of umbrella group before a proposal reaches the board.

The section is also responsible for the administration of the continuing education program, which is going to be one of the major focuses that we'll talk about today. It also administers work in program development now for human relations. When recommendation is made for certifications, though, from these programs, it does not come back into my office. That's the point at which the recommendations go to Dr. Droubie's office.

It's been very difficult from the many activities that we've been engaged in to select those that would be of greatest interest to you today, and the kinds of things now moving forward with respect to program development, with special

(Goralski)

emphasis on the continuing education program which resulted from your act in 1969, will be one of the areas of focus. However, I think one of the very important things we might also spend some time talking about is the effort we're making to evolve a sound management system for decision making in teacher education, because many of the pressures that all of us feel result from the fact that people are objecting to the management system perhaps even more than to what the things are that are being suggested that we do.

We have a very strong commitment in our section at this time. Of course, we also are subject to changing our minds as people tell us, you know, that something else would be better, and one of the things we want to do is keep open communication, so when things aren't moving along well, we get feedback so that we may change. But we would like to evolve a decision making process that is really effectively representative of all sectors of the education professions as they function in their professional organizations and as they function in their school districts, but one which also includes the public in Minnesota, citizens and their organizations, their elected representatives, those hired to work for the citizens -- that's the way we see ourselves in the department -- and also as citizens function with respect to school districts as parents and pupils.

I think one factor has to be recognized. If we place a high priority on the idea of a lot of involvement in the decision making process, we're going to have something that won't be administratively very neat. I am pointing that out now, because this has been one of the major kinds of criticisms of the continuing education regulation. We really sacrifice a certain amount of administrative neatness in order to try to develop a system that would be capable of getting input all across the state from the various sectors that we feel have a real interest in our programs.

I think there is one other basic kind of thing that we might look at before we move to continuing education. Whenever we hear discussions of certification, it seems to me that one of two basic kinds of orientation toward what certification means are being explicated or underlie these positions. Both of them have validity, so our goal has to be to accommodate these two sort of basic views somehow. So I'm not saying one is the one to pertain; I think we have to seek accommodation.

(Goralski)

One view is that the certificate belongs to the person who has earned it by satisfying specified requirements. It represents his right to practice his profession. There is another way, however, of looking at certification, and that is that it signifies to the public that a person is qualified according to specified requirements, and the certificate then assures the public that the person holding the certificate has met certain requirements. This is a public which must, according to law, send its children to schools staffed by these certificated professionals. I think there's a lot of overlap between what evolves from these two ways of looking at certification, but they could lead to different conclusions.

The second view really tends to undergird the idea of a system where a public supports the certification structure which is part of state government, a setting where the public may, along with educators and anyone, upon demand gain access to the decision making process to influence the kinds of qualifications for these professionals. All organizations then in this general approach would have access to the system which is part then of a participatory governmental situation. I think the demand for self governance by an increasingly highly trained group of people with increasingly high levels of expertise tends to reflect the first view of certification, and it has validity also -- both views do.

So one of our major goals is then if we are to get a good management system, how do we accommodate these two views in a way that's satisfactory to all parties and so that all people continue to have access to whatever decision making system evolves. It's in this general area where we feel that some difficulties certainly became very apparent with the continuing education regulation.

So let's have a look at what we tried to do about continuing education, knowing that these kinds of things underlay some of the kinds of difficulties that we have had. There have been absolute disagreements that we have tried to iron out on issues, but there has been this underlying kind of thing too that we must all work together to try to solve.

When I began working for the department in September of '68, that was shortly before the legislature passed its act that changed the mandate for life certificates. We had

(Goralski)

that year gone around the state on many visits informally surveying the opinion of people, and there seemed to be, and there seems to continue to be, solid approval of the whole concept of continuing education. Now how this is to be carried out there is some disagreement about -- probably a great deal -- but I don't think there is any disagreement to the idea that professionals during their career, as other people in other professions, professionals in education do need to engage and do indeed engage in ongoing education throughout their career.

One of the things as we called the task force which met for the first time on October 30 of 1969 was that we considered what had been done during the past 15 years. There had been countless moves to try to develop and gain approval of a fifth year system in education. None of them had ever gone through to fruition in Minnesota, so early on the group decided that maybe they should explore some other kinds of possibilities and base their investigations on the concept that seemed to be generally acceptable, that of continuing education.

It's interesting to note the wide national recognition that we've had for this regulation. It is different from what other states have done, so we have to know we're doing a kind of a pioneering job with this regulation. It has lots of things that still need to be ironed out about it.

During the past year we have had two sets of regional meetings throughout the state where state department personnel have met with people to work out areas for beginning administration, to listen to what people in the field have said, and to try to develop amendments, because if you will notice the regulation that you have, it was adopted with certain kinds of reservations. It was the best thing that we could get, something needed to be done in order to meet the statutory change, and besides, we felt it was very good if you look at it as a process regulation, one where its basic purpose is to involve people across the state to work together as colleagues with input from the public to talk about the kinds of things for which renewal unit credit is to be given.

That is a process, and the process can be changed, and that's one of the differences really that's been very hard for all of us to adjust our thinking to. A process regulation doesn't mean you were all wrong in the first

(Goralski)

place if you have to make some amendments. It means you do the very best job you can, and then you get the field in motion, and then you work closely together, and from it you evolve the thing that you really want, and this is the kind of undergirding philosophy of this regulation.

It consists of several major features. People are asked to earn 120 renewal units. That you find in Edu 544 on page 2 of this document (see Exhibit B). There is no attempt to say what those shall be, but there is an attempt here to list some kinds of things that it might be and other things may also be included. So the intent is then to really delegate the decision making power as to what renewal units shall be granted for to the local committee, which is made up of people who have been elected -- it's made up of four teachers, two administrators and one representative of the public. In the case of the representative of the public, the person is chosen by the school board which has been elected, but it need not be a member of the school board.

These committees then in each school district throughout the state will interact together as colleagues, and that's another kind of assumption underlying the regulation, that once one passes into the five year certification cycle, he is a fully qualified professional, he now engages in a collegial relationship with others, including the public, in talking about the kinds of things that he's doing in order to maintain the kind of skills to meet the needs of the kids in that school district.

So for this regulation we sacrificed once again administrative neatness. There is no one requirement that's laid on everybody across the state. We are trying to answer the demand throughout the state that there be chances to make decisions locally that are appropriate in the local situation and for the individual person. We do not feel that any state organization, including the state Department of Education, can do this effectively. So we then have delegated to local committees the power to recommend for certification those kinds of renewal unit values that they assign.

They do not make judgments of competency on teachers -- not at all. All they do is decide how much are the experiences worth in terms of renewal units, and I think this is one of the areas that there has been kind of a lot of

(Goralski) discussion about, a lot of misunderstanding about. This would be the wrong thing for us to do, and the whole term competency has lead us into many, many difficulties, because right away we get into the competence/incompetence legal kind of thing. I guess we're going to have to find another word for it, but we've been trying for several years, and this is the word that's being used in all national programs and it's so hard to get rid of, but in Minnesota, it's really tripping us up and so it's very difficult.

We mean added skills -- we don't mean whether you're incompetent or not, you know.

CHAIRMAN PILLSBURY: Do you have a question?

REPRESENTATIVE SEARLE: Yes. In regard to this, Dr. Goralski, I have had some criticism locally that at first when these were presented to the local school district, they were urged to have local input -- in fact, they could write their own programs. I understand now that really no local programs are being accepted, they're just being rejected, and they're either sending manufactured ones from the university or the state college system where you come in and the teachers are forced to buy. Now this is under the human relations one, which is a part of this.

DR. GORALSKI: No, it's not, but that's okay.

REPRESENTATIVE SEARLE: Well, in this document right here (see Exhibit C) -- the number is x -- this may be a bit off the theme, but I am just wondering what is being done to safeguard the local professionals in putting together their own programs and whether there are any being accepted and allowed to happen by your certification section.

DR. GORALSKI: This again is part of the role of the Professions Development Section, and so let's shift just for a minute to the human relations regulation and then we'll back up and tie the two together, if that's okay.

The human relations regulation was developed at the same time as this one, and you'll see in the next thing that you have in your folders a copy of this regulation. It is our intent that wherever possible local groups be encouraged to develop their own program, and I am kind of disturbed about the perception coming around the state that this is

(Goralski)
not a good idea. We thought we had done everything we possibly could to encourage them to do that. Many of them have been approved -- I don't have the numbers with me today.

REPRESENTATIVE SEARLE: Could you send to me a list of the local school districts whose programs have been accepted?

DR. GORALSKI: Yes, I will.

REPRESENTATIVE SEARLE: And the time when they were accepted?

DR. GORALSKI: All right. I will be glad to do that. I know the list is there, we may just have to add the dates.

These two regulations in two very difficult areas were in the process of development at the same time, and I am going to talk now both about the human relations regulation and the continuing education regulation.

Some of the same kinds of commitments are found in the human relations regulation that are found in the continuing ed, and that's probably not too surprising, because these things tend to kind of snowball, and so on the human relations reg. I've sort of keyed this for you. There are certain characteristics in our newer regulations that tend to reappear. This was one of the earlier ones.

There is required participation in program development, and we have done our very best to enforce the idea that local people must be involved, also that as we look at the total community of Minnesota, if there are groups that are not represented in any local community, that somehow they also become involved. It doesn't mean that they must be brought to the community, perhaps some of the planners of the program can go and talk with them wherever they may be available, such as the TTT meetings -- and TTT is the Trainer of Teacher Trainers program that the university has been funded for for five years. There's a lot of money going into it, and they have given quite a bit of support to human relations programs because they had some money, you know, and they've gone out and helped with some of the training.

Another characteristic of newer regulations is that they specify areas of competence which are to be developed as far as program components go. In other words, we're

(Goralski)
getting out of the business of listing courses and saying, "Okay, everybody's got to have those courses now." That gives us a sense of things being all in their places, but we know that two people teaching side by side in the same course don't do the same thing anyway. We feel that we're closing the inductive leap between what we intend to have happen and what probably will happen if we say that what we really want to have happen from these programs in human relations, for instance, is a respect for human diversity and personal rights.

And so every single program that comes in, we ask them what they're doing about those four things, and we look at what's in the program, we talk with them about the likelihood that program will develop, and what are you going to do about evaluating it. And the next thing that appears in our programs today is an evaluation component. This approach leaves the program developers with a very free hand as to how they do their job, but it starts tightening up on whether the job gets done or not.

Now I would want to be very open about the fact that we don't really have a good handle on evaluation, and I don't feel at all bad about saying that because nobody in the United States does either. It is the major problem today that we are all trying to address ourselves to. We feel that this way of talking about things is going to give us a handle on things, because if we can say very clearly what it is that we're up to, then we've got some chance of evaluating it, and I'd like to propose the idea. Everybody says evaluation is tough, and I'd sort of like to flip that coin and suggest that if we would really precisely say what we were up to, how to evaluate it is logically implied in the statement.

For instance, if I say, "I think Johnny has a poor attitude," how is anybody going to evaluate it? If I say, "I'd like to have Johnny be more positive in class," that's a little better, but I'm not going to evaluate that either. But if I agree that if I can get Johnny to smile twice and make one positive contribution during arithmetic that I'll take that as evidence he's having a better attitude -- I can evaluate that. So what we're trying to do is get to the point where we will say, "All right, this is what we want to achieve." We have gone that far in our regulation. When programs come in, we ask people, "What evidence are you going to accept that people have achieved that?" and that gets down to the last kind of statement that I made.

(Goralski)

I have a goal in my own operation that's pretty explicit. It goes something like, I would like to have a management system functioning so effectively that any time a proposal in the area of professions development comes to the board, that 90% of the oral comment and mail received by the board, the commissioner and the department is positive. Now when we can achieve that, then you see, we will have some indicator that our management system is working for us.

So in our regulations we are trying very hard to the degree that we're able to start down that road. Rather than doing as some states did and mandating a total change, we have tried to go as far as we were able to go at that time. You'll notice now, this was done two years ago, and we opened it up more than we really could. So you'll see a little bit of a pullback in the social studies and the science regulations. They're making a quantitative statement in there. We found that the first question people ask us is, "All right, these are the competencies, but how much is enough?" And we weren't ready yet to really address the competency all alone. Our evaluation system isn't that good. As a matter of fact, we really haven't begun on a good evaluation system.

As we move on to regulations that have been developed since then, we find that we have a statement that this program should be -- and this is putting a floor under it, it's probably not even adequate or maximum -- but this program should comprise one-third of the total baccalaureate program. In other words, we're giving them a floor on top of which they should prepare their program.

Here again now in the social studies regulation, we have on the first page (Exhibit C) the thing about setting forth the competencies, and this group has developed something that I think you'll be interested in, and we'll send some of them up when we get them printed. They have done the whole job of examples of how you really do check competencies. They started with how they wanted kids to achieve, and they worked back to teacher competencies, etc., so we have some patterns for that.

I think the thing that is very interesting from the standpoint of participation is what you'll see on the second page where it says that "Evidence shall be provided to show that programs submitted for approval have been

(Goralski)

developed with appropriate participation from elementary school teachers, secondary school teachers, and administrators in schools which work with training institutions, as well as from students and interested citizens." So we're getting away from the idea that a college all by itself decides on its program. The same kinds of things will be found in the science proposed regulation. These two will come to public hearing this fall. They all require evaluation, and we are working with colleges and with ourselves to do the best job that we can about that. So this is a trend.

Now we can back up perhaps to the continuing education regulation. These that we were talking about just now in science and social studies are for pre-service. Human relations applies to people who are in service who do not hold life certificates. One of our big hopes about having programs developed at the local level was that teachers who are on life certificates would have the opportunity to participate and would indeed do so. So, you know, I'm kind of dismayed if there's any trend away from that because that was one of the big reasons for opening it up. It's the first time that we have approved programs that have anything to do with certification to local school districts, and we have and we really have encouraged this. So we hope that if there's been any misunderstanding, we'll move to correct that immediately.

The continuing education regulation has local committees. They are the ones who make the judgment about whether or not a person has 120 renewal units. The tie between continuing education and human relations -- in addition to the fact that it is for everyone, even experienced people -- is that you can earn renewal units for your human relations program, and that's really about the only essential tie-up between the two. So a local committee would decide how many renewal units people would get for having completed a certain program, and that is their function.

Of course, we know that that is a fairly powerful function, but at the same time I would just like to reiterate -- they are not making judgments about teacher competence, and we must be very, very careful that that misunderstanding does not arise, because this could lead us into real difficulties.

Are there any questions about the regulations?

(Goralski)

The state committee is the appeals committee in the continuing education regulation. It is they too who have worked very diligently this past year with the department in developing a set of recommended amendments. These amendments have been reacted to by many people, including the department and the advisory committee for professional programs in education. And right this week we are in the process of ironing out now and trying to arrive at one set of recommendations for the board -- they have asked us to do this. Of course, there are differences of perception about this, but we think that before another week is out we can have one set of recommended amendments that people will pretty much agree to.

The state committee also will be the one if there are to be, for instance, suggestions about really great kinds of approaches that various local committees have used or things that seem to be working well in various districts. It is this group who would get out guidelines, but they do not supersede the local committees. The basic power of this regulation lies with the local committee, and the state committee's basic power is in the whole appeal structure.

Are there any questions on that one?

REPRESENTATIVE SZARKE: Doctor, in your opening statement, you indicated that these rules and regulations have the force and effect of law. Is there any concern on the part of the department that perhaps they're so vague that they won't have the force and effect of law?

DR. CORALSKI: No, I don't think so. I think that they can be enforced. The question is whether they can be administered well. You see, that sounds kind of silly, but I would say the same thing about the human relations regulation -- they're both process oriented. If people refuse to engage in the process, then we can't administer it, and that will shoot it down. But it is a process oriented regulation that is intended to leave many things to be worked out. It's one of those things if you're going into something that's entirely new, you don't want to just open one door and shut yourself in. What you want to do is be able to make the moves, I guess -- at least that's the way the people who developed it perceived it -- to leave open the possibility of making moves later. As we gain experience, as we accumulate more knowledge about this new kind of thing we're doing, then make additional moves, change some of the things that we have.

(Goralski)

Then I don't have the same feeling I would about something where I thought I had done the absolute best thing in the first place, you know, for a considerable period of time. Most regulations run about ten years before they have to be recycled -- eight to ten years. This one is process oriented, and it's our intent that it evolve. It's so new that that's all we knew, you know, and we weren't sure about some of those things, so we stopped there as a group and didn't go on any farther.

REPRESENTATIVE SZARKE: I can appreciate that, but don't you think perhaps it has more of a complexion of being guidelines as opposed to a regulation, again supposed to have the force and effect of law?

DR. GORALSKI: The process part is regulation, but what one does is guidelines. You're quite right. There was a lot of debate about whether to put much of this in guidelines, and at the time -- as a matter of fact, we had a regulation once drafted that just put the structure into the regulation and the remainder into guidelines, and it was the opinion of our Assistant Attorney General at that time that if we were going to have guidelines that we really expected people to abide by, we ought to put them into the regulation even though it was kind of a different approach. So that was our advice at that time, but I think your perception is accurate.

SENATOR KRIEGER: I have some concern with regard to the brown sheet with which you opened discussion (Exhibit A). We have in Minnesota, as I understand it, 25 degree granting institutions that are involved in teacher certification programs. Do you feel that the eight to ten year renewal period is adequate?

DR. GORALSKI: No.

SENATOR KRIEGER: How are you going to correct that?

DR. GORALSKI: I'm glad you asked, because we are in our section losing one position and turning right around and asking you for another one in our budget, and that's all within my section. I have managed to reassign work and do some streamlining and some things like that in our management, so that we can take one position and transfer it to another position. We have never been staffed to make the college visits that we ought to make. It has been very difficult. One of the things that saves us is that in

(Goralski)

Minnesota we have pretty strong institutions on the whole, but that is no way...either we have this responsibility, in my view, and we discharge it, or we should get it off the books, one or the other.

So what we are asking for is a person who will plan college visits and a very minimal budget of \$5,000 a year in addition to the salary, so that we can carry on these visits on a five year cycle to our institutions, which is what's mandated by reciprocity kinds of things. You see, we can't do the necessary work right now to meet the requirements of the various reciprocity systems, and you have passed enabling legislation on the New York reciprocity system, the interstate one. So this will enable us then to carry out these visits. It will enable us -- and I talked with some institutions and I even have a volunteer for the first one -- to work out a way that not only do we do the evaluation job, but we can also do a developmental job.

For instance, if a college -- the one that talked to me -- said, "The thing that I would like to do is have someone on our team from Minnesota and someone maybe from another state, where they really have a terrific program as far as how they develop their offcampus student teaching and internship programs, and if we could have them on our team, not only could they evaluate us, but they could help us." So this is the kind of an approach that we hope that we're going to use, and we will involve here again representatives of the profession, etc.

When we went out to Southwest State College -- we had to visit them when they were new before they could have their students approved for certification -- we had college people, we had a member of the state Board of Education on the team, we had several people who were teachers and several who were administrators, etc., so we do take a pretty broadly based group out with us, but if we do get some budget for this -- you see right now the college had to pay for that -- if we get some budget for this, we can really do a developmental job, and it isn't a very big amount of money, so we're kind of hoping that you'll help us to be able to do this thing. It's a turn-around on a job as far as my section is concerned. We're hopeful.

SENATOR KRIEGER: One further question. If there is a degree granting institution at which a new program is -- let's say it hasn't had one in, for example, speech correction or library science or whatever else it might be --

(Krieger)

does that institution have a waiting period now before it can proceed to get your certification on teaching of that particular certified program?

DR. GORALSKI: No. We move very quickly. I have to back up -- I didn't make something clear, I'm sorry. When we visit a college to look at all its programs and the total college, that gives college approval. We also look at each program separately. We would do this at the time of a visit, but we would also then in between visits correspond. Maybe one person from my section would go down it if it's a new program that's brand new for the college, for instance, at a new degree level as are several of our administrator's programs now. We take maybe four people and we go down and talk to the college and see what they're doing and find out how they're staffed, this kind of thing. So this happens very quickly between visitations.

CHAIRMAN PILLSBURY: Just so I understand what you're saying, you're saying you want to reassign your staff so that you can cut this 8 to 10 year renewal down to 5 years.

DR. GORALSKI: Right, and I would be very honest -- we are not effectively doing the 8 to 10 years, but I have only been here 4 years, and during the first 2 years we did a total review. Our section visited every college, more than once, and we reviewed with them, but it's not a team review and it's not the same thing, you know.

CHAIRMAN PILLSBURY: But you also, in answer to Senator Krieger's question, even though you're not really even following the 8 to 10 years, you aren't keeping anybody waiting if they have an opportunity...

DR. GORALSKI: No.

CHAIRMAN PILLSBURY: Thank you.

REPRESENTATIVE CONNORS: What's the problem now you're trying to solve?

DR. GORALSKI: Maybe I have such a frame of reference within which I'm operating that I don't understand the question, so I'm going to start to try to answer it and see if I'm dealing with what you'd like me to.

This kind of a structure pertains in all states of the United States. We are trying very much to look at that

(Goralski)
structure, and I'd like to talk -- maybe if you'll give me a minute after this -- about this management thing we're involved in. But right now our people would not be certificated in other states if we did not do this, because this is part of a big nationwide system; all states do this kind of thing. Most of them are staffed much more heavily than we are to do the job. Because it is the state Department of Education of the state legislature, whoever delegates this power, that is responsible to the people of the state and to the people of other states for the kinds of programs that it has in its state, and it's one of the bases for reciprocity.

REPRESENTATIVE CONNORS: But what is the problem? Are you having problems?

DR. GORALSKI: I think...

REPRESENTATIVE CONNORS: (Inaudible) one, the improvement of the schools or two, the improvement of the programs, or with reciprocity? Are people saying, "We don't have what's good enough or we're denying reciprocity, etc." In other words, what is the problem? Is there a problem?

DR. GORALSKI: One of the problems that we address almost weekly is new programs that aren't adequately staffed, and if there's any single reason for delaying approval of a program, it's until a college has appropriate staff to run the program, and that happens frequently.

REPRESENTATIVE CONNORS: Do you have a specific problem that you're trying to solve -- is it one, the certification programs aren't working, schools are being certified that shouldn't be certified?

DR. GORALSKI: I think that the kind of thing we're addressing to is the assurance of quality programs to train education personnel to the people of the state of Minnesota.

REPRESENTATIVE CONNORS: But is there a problem, right now?

DR. GORALSKI: Yes.

REPRESENTATIVE CONNORS: What? Lack of quality?

DR. GORALSKI: Staffing, for one, appropriate staffing for programs, which then, of course, would lead to lack of quality if these programs were approved.

REPRESENTATIVE CONNORS: In your section?

DR. GORALSKI: I'm confused...I don't know...

CHAIRMAN PILLSBURY: Let me see if I can answer it, and then I'll call on you, Representative Szarke. I think that the whole purpose of our committee and the law and so forth is what you're asking for, and I think the problem is a two-fold problem -- a concern that every teacher who has a certificate and who is out teaching in our public school system may not really be appropriately teaching. They have a lifetime certificate, they may have gotten it from an institution that wasn't properly qualified to give it. So I think that what we're reviewing here and what we're trying to establish is, on the one hand, the institutions that issue certificates are qualified, and secondly, that the teachers who have the certificates are continuing to be qualified. I think we all have experienced in our lifetime very successful people who, for one reason or another over time, either the change in technology or the change in the person, become unqualified to carry out that responsibility. Isn't that what we're...

REPRESENTATIVE CONNORS: Then if that's the case, Mr. Chairman, I think we have the regulations currently which cover that situation, so I think if that's the problem, we have a problem of administration. I don't think it's a lack of regulations to solve that problem; I think the machinery is there, if that's the problem.

REPRESENTATIVE SZARKE: So that we don't lose the forest for the trees, unfortunately, Mr. Connors, we're a little bit late, but in our speaker's presentation, she indicated the purpose for today's meeting, in effect, why she's testifying now is during the '69 session we passed a bill wherein lifetime certificates were abolished, except those that were grandfathered in. As a result, the state department was given authority to promulgate rules and regulations to continue issuing certificates, and this is what we're reviewing now. So fine, she's pointing out that we do have the machinery, and she's also highlighting some of the difficulties in implementing.

CHAIRMAN PILLSBURY: In the Senate during the '71 session, there was pressure on two bills at least that I'm familiar with to change what had been done in '69, and we finally took no action in the Senate, because we thought that what had been done in '69 was adequate and the state

(Pillsbury)

department was charged with implementing that '69 legislation, so really our purpose now is to hear how they've implemented it and have they answered the problems that we apparently saw in '69 -- I wasn't here then. Isn't that right?

DR. GORALSKI: Yes. I hadn't realized that you hadn't heard the prefatory remarks, Mr. Connors.

REPRESENTATIVE CONNORS: I guess I'll rephrase the question then. Have you solved the problem? The reason I state the problem that the Senator is talking about, are they being resolved? Is this a step forward, and if so, how?

DR. GORALSKI: Yes. I spent quite a bit of time on the continuing education regulation, how it evolved, why it is that we think it's a step forward, how it fits into commitment to participatory decision making and teacher education, how in teacher education as in other fields, the name of the game today is not whether you have a good decision, but who made the decision. So I had to divide that into two parts, and I'd like for a few minutes to address myself to the second part.

We think we have an excellent regulation. We think that it provides adequate input, adequate opportunity for amendment, so that it can become the thing that's best for all of us. We think that we didn't go too far beyond our knowledge base -- a little bit, you know, you have to stretch a little -- but we felt we stopped then and said some more things have to evolve. We view that document as incomplete, but we view it as excellent.

I have spent a great deal of time with people from other states, and there is general agreement that if this will work in Minnesota, it's one of the best things in the country today. There is that kind of feeling about the human relations regulation. And they turn to us and say, "How do you think that can possibly go?" I think despite all the flak we've received that the real reason if it goes is that people are well trained in Minnesota today, the practicing profession is well trained, people in the colleges are well trained, and people in the state Department of Education are well trained. Because we have people who are not too easily threatened, they will, if they choose to do so, support this and make it go.

(Goralski)

If we were in a state where people were only marginally trained, with below median kinds of levels of expertise, we never could have any kind of an approach like this. So it is really a faith in the level of expertise in Minnesota throughout the profession that makes me feel that this can be a successful thing to do, and I still think it's a fruitful way to do.

We do have these management problems though, because it doesn't really make us feel too good if an idea's good and if you get shot down all the time about the decision making process that achieved that idea. We're trying very hard to address ourselves to it. I just returned from a meeting in Phoenix, Arizona. These two sheets deal with some of our early attempts during these last years to keep modifying our advisory committee, our task force system, to get more kinds of participation that people want, etc. -- that's evolving, but that's a patch job and we know it.

Other states are doing the same kinds of things, states that are really trying to get an effective input system. So nine states that really feel this acutely, who are also trying to move in this competency area that I was sort of outlining in those regulations, so that we can try to do some things...this mandates a new kind of a management system with a lot more focus on evaluation than we've had before. States who are interested in that and are also interested in the program management problems that arise with any kind of fundamental change, whether it turns out to be a performance or competency based teacher education or what, have been funded by Title V for a nine state consortium, and these papers are the two first publications of this group.

One of our responsibilities is if we learn anything, to disseminate it to other states. If we'd go for three years, to gradually accumulate more states to work with us, we are the initial group. As we met in Phoenix, one of the major kinds of things after the day's business was over -- we had a management consultant working with us on management kinds of problems -- then we'd all sit around and talk about our systems for advisement, input, this kind of thing. No state really -- and these are states that are doing the most possible that they can think of -- is satisfied.

So one of the things that this consortium will do for us, in addition to the directives from the states' meeting together and having management consultants working with us,

(Coralski)

we will be entitled to the services of a management consultant of our choice from any place in the nation to come into Minnesota and work with us for three days. In addition to that, we get another \$2,000 for more management help or to run conferences or to do whatever we decide is the next step in trying to solve this problem of how we get effective input and effective feedback, effective participation.

Yesterday at the meeting of the advisory committee, we began a discussion of how we should use these resources that come out of participation in the consortium, because one of the things that I'm obligated to do as the Minnesota representative is to come up with a management system that's on paper. Now I don't have to put it into effect -- none of us would have gone into a consortium under those circumstances -- but we're very eager that it not be an intellectual activity for my office, that it really be something that people are involved in and think they might at least like to try a part of on an experimental basis. So we're at the stage now of trying to figure out how we're going to effectively use this resource, and I think we will be funded for more years by Title V. Title V is looking at this as a very hopeful kind of thing, so we're involved in that too.

CHAIRMAN PILLSBURY: I think we have some other witnesses, and we'll ask Dr. Coralski, you'll be available to answer questions later on if we hear from other witnesses? So why don't we move on, if that's the consensus of the committee, to hear some of the comments on what the state department has done and how they differ or how they support the activities so far. Mr. Gallop has asked to comment next -- he has another commitment.

A. L. GALLOP
Executive Secretary
Minnesota Education Assoc.

Mr. Chairman, members of the committee. With your permission, I'd like to introduce Miss Ruth Dittes, a Richfield High School business education teacher who is Chairman of our Teacher Education and Professional Standards Commission and was recently elected Chairman of the State Committee for Continuing Education, to give our position and our reactions.

RUTH DITTES
Minnesota Education Assoc.

Thank you, Senator Pillsbury, for the opportunity to tell you of my concerns of the teacher in Minnesota in viewing the continuing education regulation.

(Dittes)

From Dr. Goralski's report, I am sure you are impressed with the process that the continuing education regulation is going to necessitate. The entire regulation, as she indicated, is aimed at process. I'd like to see a management system that is aimed at process which would, however, produce maximum efficiency with a minimum of effort, and I'd like to suggest that what you have before you is a process requiring maximum effort and minimum efficiency.

Though I have to concur with Dr. Goralski that the ripples seem to indicate that from all outward appearances the continuing education regulation is working, there are lots of local committees that are being organized -- though many of them indicate great difficulty in working with their administrators -- there are also many reasons to believe that the process that the state committee has gone through in recommending amendments is going to be profitable in cleaning up the regulation.

However, I'd like to have you take a closer look at what we believe is happening to the teacher in Minnesota. We think some of these things are rather alarming. Teachers are well aware of the public's demand for great accountability. Teachers believe that they have been accountable in the past, and they certainly do want to be accountable in the future. We believe that the public's demand for accountability is entirely reasonable.

Our question though is, is it right for teachers to be held accountable when they do not have the same right to say who may enter the profession and who may continue in the profession. You see, teachers view themselves as being caught in a squeeze between the decisions of a state Board of Education, the Minnesota State Legislature, local school boards, and the state Department of Education, along with things imposed on us through the teacher preparation program. While other professions, such as dentists, lawyers, doctors, beauticians, and the like, can control entrance into the profession and continuance in the profession, teachers have not been accorded that right. Though the Minnesota Legislature has established 19 licensing and examining boards in Minnesota, teachers are not among them though teachers comprise the largest professional group in Minnesota.

Teachers in Minnesota are very concerned about their professional status when they see a regulation, such as the continuing education regulation, being imposed upon them by

(Dittes)

a state Board of Education while at its public hearing the teachers in the state were saying, "We have grave concerns about a weak regulation." A close examination of the regulation does show many problems. We realize that it's a process, but this year we start to operate under a regulation that really has no enforceability, it has no teeth. In fact, all a teacher really has to do is to get the superintendent in the district to attest to one year of successful experience during the five years for which he was certified. Although the local committee can busy itself counting renewal units, all you really need is the superintendent's signature.

I'm sure you're probably saying, "Well, she must be wrong." Dr. Goralski has said that it is an evolving process, and you just heard that the state committee is proposing some amendments, which will in truth hopefully clean this up. I guess at this point the statement is true that there is a process going on, but we have no assurance of what the process will bring about.

As the state committee began its work last January, we were told that part of the things that we could do would be to develop some guidelines which would be helpful to local committees in administering the program, and we were also told that we could suggest some amendments to the regulation. So the state committee has done exactly that.

This summer, in anticipation of presenting amendments to the state Board of Education, we went to the state board with a progress report. At that point we were told that the advisory committee for professional programs was appalled that we had gone directly to the state board, because everyone in Minnesota knows that you go through the advisory committee for professional programs. So we did just that. In August we met with the advisory committee and discussed with them some of our amendments. We were told that if the advisory committee and our state committee could agree pretty much on the concept in the amendment, that we would then have a clean document to present to the state Board of Education. At the conclusion of our meeting with the advisory committee, we did just that -- that is, we tried to adapt our report so that we were not talking about two different things.

At the September meeting of the state Board of Education when the state committee felt that we followed the proper channels, what greeted us at the meeting but a new report.

(Dittes)

Not only was the combined report from the state committee and the advisory committee, but a new document which we had not even seen was presented by the state department. That is the reason why the state board now has asked us all to get together.

Then I guess I'm concerned too that the state Committee for Continuing Education was really not asked to speak to you this morning. We believe that we are the one body in the state of Minnesota that has really worked with this regulation and has had the most experience in talking about some of the implications for teachers. Though you have heard the report of the state department staff, the group most closely involved was really not scheduled on your program. For those of you who maybe don't realize it, our committee is composed of a representative group. We are a seven member committee, with two NEA teachers, two NTE teachers, one representative from the School Administrators in Minnesota, one MTZC representative, and one representative from the Minnesota School Board. Three members of the state committee are here in the audience this morning.

I think I pointed out to you give grave concerns the teachers have. We hear the public demanding accountability when teachers have nothing to say about who enters the profession. We know that Minnesota has 19 certification boards, and teachers do not have one. Regulations imposed by teachers are being imposed by a state Board of Education when teachers themselves really want to assure the public that they are guaranteed a well prepared teacher. A state committee exists that's advisory to the advisory committee, which is advisory to the state department, which serves as advisors to the state board. Finally, when teachers are serving in an identifiable capacity, like this state committee, the teachers' report does not come from that group. It's my contention that the continuing education regulation has worked in its early stages because teachers have made it work. It's a well known fact that the NEA has been opposed to the continuing education regulation for a number of reasons.

Number one, it mixes recertification with continuing education.

Two, we see task forces and local committees and teacher preparation institutions all setting their own standards which in turn will result in fragmentation and piecemeal regulations.

(Dittes)

Thirdly, the regulation was developed by a task force made up largely of college people and administrators rather than practitioners, whom the regulation affects.

Fourth, the present requirement for renewal units for certification will cause school boards to cease paying for additional education, thereby stimulating teachers to really do less to upgrade and improve skills than they are presently doing.

Fifth, the continuing education regulation does not provide for communication between the teacher preparation institutions and those who are in the classroom daily. We see student teachers and beginning teachers who are less than adequately prepared, and there is nothing that we can do about it.

The sixth reason is that competency is not even a factor. When you renew your certificate, it has nothing to do with whether you are competent to teach.

The MEA would like to suggest that we see an opportunity to set a new direction for education in Minnesota. We think that this new direction would be aimed at greater accountability for educational performance, greater commitment to professional excellence, and greater service to our educational consumers, the students. As teachers, we're very much concerned in Minnesota that each student has the opportunity to work with a highly qualified teacher who is well prepared and who is continually upgrading his skill and competencies. Minnesota, as has already been pointed out, has always been justifiably proud of the fine learning climate in our schools, but teachers believe that they can be still more accountable and can better serve students if the practitioner in the classroom is allowed to establish standards for teacher preparation for entry into the profession and for continuing.

The MEA and the NFT both indicate in their legislative goals that they will seek a professional standards board made up of all facets of the teaching profession, teacher educators, administrators, school board representatives, and classroom teachers, to establish broad and comprehensive standards for the profession. With a standards board, teachers and other members of the profession can work together with the authority to make changes and to determine standards. Teachers believe that self governance will mean a better education for students and better preparation

(Dittes)

for teachers. Delegation of authority by the public will liberate teachers from their traditional role, so that they can assume their share of responsibility for what happens to the children.

Teachers do not want to control education. What teachers are asking is for the ability to control the profession. Control of education belongs to local school boards and to the state Board of Education.

In conclusion, may I state that any success that comes from the continuing education regulation will come because teachers show their ability to act responsibly on behalf of the profession. Experience gained from local committees will surely be beneficial to a more comprehensive proposal for upgrading standards through a professional standards board. It's my contention that Minnesota teachers are willing to accept the responsibility for self governance if the legislature should see fit to give us that responsibility. Remember that should you grant us the authority to establish a board and to set standards, it does not follow that the legislature which delegated its responsibility could not remove that authority at such time when they feel that the profession is not fulfilling its obligations.

As the new session gets underway in January, I implore you, as representatives of the state of Minnesota and for its citizens, to give teachers in Minnesota a chance to establish a professional standards board and to draft the necessary legislation and mechanisms for upgrading professional competencies and quality education in Minnesota. We need a management system with maximum efficiency and minimum effort. Minnesota teachers have faith in you, their elected representatives, and we'd like to have you put a little faith in us. Thank you.

CHAIRMAN PILLSBURY: Are there any questions? Thank you.

SENATOR KRIEGER: Do you feel that this professional standards board to which you refer could be established and be self sufficient without legislative appropriation?

MISS DITTES: I am sure that legislative appropriation would be very helpful in getting the thing off to a good start and might insure that it was easier to get the thing started but actually teachers now pay for the renewal of their certificates, and funding could be derived from the cost of the certificate.

SENATOR KRIEGER: You talked about the element of local control. In the professional standards board that you are referring to -- maybe these questions are too far down the pike -- but would you anticipate that you would have one set of professional conduct standards for the state teachers, or would there be different standards set by each school board or school boards could choose or elect different levels of standards for the profession?

MISS DITTES: I guess what we're suggesting is a comprehensive set of standards for the entire state. There might be some different ways that you could achieve these things, but I think we're talking about overall kinds of standards.

SENATOR KRIEGER: You anticipate then direct contact with the school boards in local areas?

MISS DITTES: I'm not sure that this school board contact, other than working with their representatives to adjust our standards, would really be the route to go. I think school boards would have to determine the hiring kinds of things, and they would certainly have to be assured that what they had is a teacher who is certified because he has met the standards.

SENATOR KRIEGER: What I'm getting to then is, would they also be determining the hiring of teachers? This would not be done by the...

MISS DITTES: Standards board? No, the hiring and firing, whether a teacher should be retained in the school system, would be determined by that local administration.

SENATOR KRIEGER: So that your professional standards board would be recommendatory as to employment or not employment or reemployment?

MISS DITTES: We would be recommending certification or not certification. The school board can determine who they want to hire.

CHAIRMAN PILLSBURY: Thank you.

REPRESENTATIVE SZARKE: Miss Dittes, are you in any kind of a position to tell us today what a difference there would be in your regulations as compared with the state regulations, if we had a professional standards board?

MISS DITTES: Well, I guess I'm not prepared to go into great detail, and I don't know if it would, you know, really be beneficial at this point, but the basic difference that I see now is that a local committee can set up whatever kinds of requirements they want for a social studies teacher in Roseville, or wherever this person is employed. If the teacher were employed elsewhere, it might be different. With a standards board, there would be requirements which we believe all teachers in the state would be meeting.

CHAIRMAN PILLSBURY: Maybe we'd better proceed with the other witnesses -- we have a number more -- and then maybe we can ask any questions when we're through.

MISS DITTES: Thank you.

CHAIRMAN PILLSBURY: Actually we thought we invited everybody here who could participate. You made a comment that the right people weren't invited to testify. The staff and myself thought we had included everybody, and I think we have in the room almost everybody who can comment on the subject.

Next on the agenda -- and I'm not sure he wants to testify, but we're inviting him to testify -- is either Bill Wettergren or Bill Baker? Do you have any statement to make?

WILLARD BAKER
Minnesota School
Boards Association

Mr. Chairman and members of the committee. Willard Baker, Minnesota School Boards Association. Actually I had not planned to testify, but just some brief comments after Dr. Goralski's backgrounding information, particularly with respect to continuing education and after Miss Dittes' comment.

I think really what's evolving in the discussion is the question of in terms of public employment, the public school district, as to who controls certification. While examples can be made in terms of other kinds of professional standards boards, whether it be for attorneys or for medical people, etc., I think that we can make a distinction in terms of school districts being publicly supported with tax money as opposed to private enterprise. I don't necessarily want to get into the discussion with respect to tenure, continuing contract law, etc., I realize that's not the purpose this morning.

(Baker)

But our position -- the School Board Association position -- with respect to the continuing education regulation as it has evolved from the legislation in 1969 is that at this stage it's a good regulation and that all parties involved -- teachers, school boards, administrators, etc. -- ought to attempt to implement this regulation.

Many substantive changes from various sources which have been mentioned this morning have been proposed in terms of amending in one way or another. Our basic position is that the real initial starting date is 1973, and we ought to implement this regulation and modify it as we go along in terms of improvement. One of the points and one of the purposes of this regulation is to get local teacher input from local school districts. I think this is one of the strengths of the regulation. Rather than suggesting or perhaps mandating down from the state level as to the kinds of needs that might be apparent for improving instructional quality through various regions of the state, I personally think there ought to be some differences in terms of preparation as compared, for example, teachers in the metropolitan area as opposed to the northwest sector of our state and other parts of our state.

I think there is opportunity in a number of ways through the advisory committees of the state Department of Education for input from teachers. The advisory committees -- there are a number of them, some of which were mentioned this morning, particularly social studies, etc. -- do have quite a number of classroom teachers on these committees. Keep in mind that these regulations are eventually the regulations that are used by the state Department of Education for approval of teacher training programs in higher education. So there is input in that area.

You can argue about the degree of input, and I come back to my original point, whether the state Department of Education, as delegated by the legislation, ought to have control of the certification process or whether it ought to be in the hands of the teaching profession. Frankly I think -- at least at this point -- that the state Department of Education ought to control the certification process.

Speaking specifically to the continuing education regulation, keep in mind again that the local committee, which is composed of four teachers, two administrators locally, and one lay person, does have considerable power in

(Baker)

approving renewal units for certification, and I think Miss Dittes mentioned something -- I don't recall the exact statement -- that there are no teeth in the regulation if teachers do not agree to participate. But keep in mind that the certification of teachers who will need to be recertificated is pretty important in terms of this five year period. Obviously, if there is no local committee and teachers are unable to get recertificated, to those who are not grandfathered in or who do not have life certificates, this is a pretty important feature in terms of necessity of getting recertificated in order to be qualified to teach in local districts.

So what we're saying is that it is true that we're in the process of a significant transition in terms of how we certificate teachers, but we think we're on the right track in terms of attempting to meet needs of local school districts throughout the state of Minnesota. Perhaps as we go down the pike, some of these specific amendments can be talked about in more detail.

Some comments with respect to whether school boards would use this regulation to cease to pay salaries to teachers for what we call intermediate lanes or lanes such as bachelors plus 15 quarter hours, these kinds of things. It's not the intent, I know, of the School Board Association or of local school boards to do away with these kinds of policies.

So just a brief statement, Mr. Chairman. In terms particularly of the continuing education regulation, it's a new regulation -- I think you have to keep that in mind -- there has been a good deal of participation thus far. I think we'll know a lot better in a year or so as to how well it's going to be administratively implemented, but I think some of us are looking at it in a positive way that while this does cause a lot of involvement locally in terms of teachers, administrators, school boards, and the public perhaps, that we look at this positively, that we think that this regulation, if allowed to be implemented and truly participated in, could very well improve the instructional quality of our teaching profession and thus improvement of educational instruction of the youngsters, which is really what it's all about.

Thank you.

SENATOR DOTY: Mr. Baker, I am a little disturbed at the argument I keep hearing time and again from your organization and others that somehow the teachers ought not to be involved, you know, to the extent that some teacher organizations want, because teachers are publicly supported with tax money. I think that argument's the weakest argument that you've presented this morning.

You might be interested in knowing that in St. Louis County with an annual welfare budget of \$36 million, the latest figures show that 41% of all that money goes to the medical profession for medical services -- those are tax moneys -- and yet the board that certifies physicians has no citizen members on it -- they're all members of the medical profession. The same can be said for chiropractors. I talked to a chiropractor friend who -- although he didn't want to divulge any amount -- said, "We get a lot of public moneys in here for people who are in for services from chiropractors." The same can be said for dentists. It seems to me we can't have it both ways.

If your contention is that because teachers are supported with tax money they can't have a voice in who should and should not enter the profession, then I would suggest that you work very, very hard to make sure that the majority of people who certify physicians, dentists, chiropractors and the like, are also members of the lay public, because our tax moneys are going in there. So I think that's an argument that I've heard once too much, and I urge you to simply ditch that. I don't think it's valid anymore.

MR. BAKER: Senator Doty, I think in my comments that that's one of the arguments that I used; however, I used a number of others, as I recall.

SENATOR DOTY: That was your first one though.

MR. BAKER: That's right. And I didn't necessarily list my supporting points in terms of priorities, but I also mentioned, for example, the ten year continuing contract situation. I think I also mentioned in my comments that it is our position that at present and under this existing regulation there is a good deal of opportunity for input from the teaching profession in a number of ways. I think I indicated that the majority in terms of proportionate numbers on the local committee does consist of classroom teachers, and I contend that in terms of local committees,

(Baker)

with respect to continuing education regulation, they do have considerable power and considerable input. I think I made the same kinds of comments in terms of various advisory committees which relate to the evolution of regulations that the state Department of Education uses for the approval of teacher training institutions.

So I cite these, and I think I could cite some others in terms of making distinctions between the eventual decision-making power in terms of the public employment sector, particularly in terms of teacher certification, as to some of the other examples we're talking about. So I just want to make the point that while I made a brief statement, there are other reasons, some of which I cited. I think there are in addition others that could be discussed too.

SENATOR DOTY: Just one other comment that continually bothers me is that teachers are always told, particularly when it's time to negotiate, that they're professionals, particularly when we had the big hassle several years ago as to whether these teachers ought to negotiate period, and we were told that we were professionals. Yet teachers are not given the same rights as other professionals. Again it appears that some people are trying to have it both ways. Call us professionals when it suits the purpose of who's saying that, but don't give the teachers the professional rights that other professions have in this state. Again I think that you can't have it both ways.

MR. BAKER: I'd be glad to talk about the philosophy or the concepts in terms of negotiations. I don't expect that...

CHAIRMAN PILLSBURY: I think we ought to move on -- that's another whole subject.

MR. BAKER: Thank you.

CHAIRMAN PILLSBURY: We do have a couple of other names on the agenda. Mr. Henry Winkels.

HENRY WINKELS
Minnesota Federation
of Teachers

on a burning question.

Mr. Chairman and members of the committee, I appreciate your taking out so much valuable time from your campaigns to come and listen to us

(Winkels)

Dr. Goralski, whom I respect greatly for her hard work in the state Department of Education, made the statement that it's not the question of what is decided on the quality of teaching in the state, but who makes the decisions. That statement is mostly right, in my estimation. Surely the teachers have a great deal to offer, because we are the practitioners who come fresh from our experiments in trying to develop a learning process with our young people, and we have some problems -- we don't always get them solved -- as to how we should even be trained to meet these problems in reaching the minds of our youngsters. So we'd like to have some direct input, if not perhaps even the whole say-so, as to how we should be prepared.

Now from the many conversations I've had with you as legislators, your fellow legislators, in and out of this particular question and the questions of tenure and wherever we are in our discussions as to who teachers are, we always get from you the reaction that the public is concerned about teachers and the need on their part for greater exercise of responsibility. Now we have intimated time and again before you that we do want the power to exercise more responsibility.

We've come to you with bills to establish a committee or a commission or a council or a state board, or whatever you want to call it, of teachers who would be able under the fiat of your legislation to have the power in their council to glean from the input what is necessary in the areas of teacher education, teacher training and continuing education of teachers -- the whole field, not just simply to have a say-so on the entrance standards -- all that takes place before a person receives his first certificate, by going through college, internship or practice teaching, what you want to call it; that at that point the standards set by the teacher certification board be met and administered directly to the applicant for a certificate on recommendations of the teachers in the field and that those recommendations stand for the certification of the teacher, perhaps in cooperation with the college supervisors also; that the input from the college recommendation would have a bearing upon the person's final reception of the certificate, but that if, for example, the recommendations of a team of teachers locally who had supervised an applicant for a certificate say "Thumbs down" on a particular applicant, that person does not receive a certificate.

This I'm saying so that you may have a little bit of a sample of what we would stand for if we did have the power

(Winkels)

to set standards for entrance into our profession among other things, in way of the whole program that they would have to follow before they come to this point of applying for a certificate in the colleges.

REPRESENTATIVE CONNORS: Pursuing this, if you had the situation where, for instance, attorneys were state certified -- in other words, all these powers, say, of the state, you have given to the State Board of Law Examiners and it's up to the Supreme Court to certify who practices law. Well, let's say we have a similar situation with teachers. Would you, as an attorney, have to go out and say to customers or clients, who have the absolute right to pick them up and drop them -- no questions asked -- so if you were to (inaudible) for the purpose of certifying teachers, then would the school boards be in a position to hire and fire at will?

MR. WINKELS: You have a two-alley question here really. You're talking about the decision of the state committee, you're talking about a decision of a local committee, and you're talking about a decision of a school board. Now I think this commission is well named the "Commission on Teacher Tenure and Certification." Really we should make a distinction here that when you hear on tenure, you're hearing on the whole bit that ends up with state or the local school board decision. But we're talking about certification -- we're not involving the local school board.

REPRESENTATIVE CONNORS: That's the point I'm getting at though, that an attorney is certified or admitted to practice...

MR. WINKELS: Yes...

REPRESENTATIVE CONNORS: By the state, or an agency of the state or an institution of the state.

MR. WINKELS: Are you making a supposition or are you talking about the present way in which an attorney receives his license?

REPRESENTATIVE CONNORS: (Inaudible) or a chiropractor or a doctor. They do it through an established state agency, which is controlled by -- pertaining to attorneys (inaudible) others -- controlled by the profession itself, but the distinction, I think, then is between, as you said yourself, certification with tenure. A lawyer doesn't have any tenure, a doctor doesn't have any tenure. So you're saying...

MR. WINKELS: I disagree with you -- they do. What are you talking about, tenure laws to protect their due process or what?

REPRESENTATIVE CONNORS: A client comes to him... the right to hire or fire an attorney or a doctor is up to the individual, and he has to give no reason to anybody. He just says, "You are dismissed, you are not my attorney anymore." He's still certified, he can practice law, he has that degree and he has that thing hanging on his wall, but he's dismissed -- no questions asked. Two things -- he's certified, but he doesn't have tenure. What I'm saying is that the powers given to teachers as a group, acting through state agencies, similar to anybody else in the professions, then by the same token, I guess, the other side of the coin...

MR. WINKELS: I think I got your question, Mr. Connors.

REPRESENTATIVE CONNORS:...that's the point, you know, the same way. Can you have it both ways? As Mr. Doty pointed out and very, very right...

MR. WINKELS: We are not asking for it both ways.

REPRESENTATIVE CONNORS:...there are two sides to the coin on the other side of the street.

MR. WINKELS: No, we're not...

REPRESENTATIVE CONNORS:...so would you say...

MR. WINKELS: The local school board under the state tenure law has power to dismiss a teacher, and we're not dealing with that question here today.

CHAIRMAN PILLSBURY: May I ask a question? If a teacher loses his or her certification, in a very real sense we take the power away from the school board to continue to employ that teacher.

MR. WINKELS: Automatically. If a teacher doesn't have a certificate, the local board has no right to continue that teacher, right.

CHAIRMAN PILLSBURY: So this certification group -- whoever it might be -- does have the power in a sense to fire a teacher.

MR. WINKELS: Yes. I think that the answer there logically has to be yes, that if the person has been discovered totally incompetent, for example, when the teacher's renewal application is before either the local committee under the new regulation or appealed to the state committee, and they both say, "Thumbs down," the local school board under the powers of local boards who have to pay teachers only who are qualified -- in this case holding a certificate -- can no longer keep that teacher -- right.

CHAIRMAN PILLSBURY: Do you want to continue? Do you have anything more to say?

MR. WINKELS: Yes, I would like to go into some of the other questions raised here.

We did bring some bills into the legislature in the past several sessions -- and we'll attempt to do this again -- to establish a state certification commission. We did it in 1969 in House File 1596, which went through some hearings in committee, both the Senate and in the House, and we did it again in 1971 by means of S.F. 1375, and we hope to bring a similar bill back to the session of 1973.

Much as I appreciated the comments made by Senator Doty, there is still, of course, this question that has to be faced, the question of how much professional autonomy public school teachers should receive. There are many people who have objections to this, and I suppose we're going to be confronted with how we're going to meet these objections. Opponents to teachers certification commission feel that since teachers are public employees, of course, their certification preparation must be somehow controlled by the public. Teachers simply state that they cannot have full professional responsibility unless they have authority to set standards, just as in other professions.

Some legislators understand this, as we've had the bills before them in the past. They are faced with the dilemma of public control, that is, total public control as we now have it, and the lack of self determination by teachers within their own profession. Now if the legislature wants to give the power of certification which is now in the hands of the state Board of Education to a commission, as we have described it to you in our many bills, it would be a valid experiment and would truly test the professional responsibility of the teachers, and I think

(Winkels)

you ought to go into that kind of an experiment next session by enacting a bill that will finally give teachers the challenge to meet this responsibility.

But on the other hand, if the legislature wants teachers as public workers at least to share with the state board the responsibility of determining standards, the NFT could -- and will, I think -- cooperate as long as a commission of teachers would have authority above the Department of Education in the matter of certification requirements, that we are in between the state board and the Department of Education. Administration will be carried on in general terms, general policies dictated to the department by the commission of teachers under the state board, if that is the way you want it. We think it is necessary to have that kind of commission over and above what we have now. It has to be established by law, as a permanent vehicle, to direct teacher input into the certification process instead of ad hoc committees or advisory committees, etc., as we have them now, which the state board can call or not call as it pleases.

I think this is essentially our position, and we'll expand upon it hopefully when we see you again after January 1. Thank you very much.

SENATOR KRIEGER: I have one question, Henry, with respect to the comment you made. Do you also anticipate that this proposed legislation is going to contemplate the approval of teacher teach-in programs in the colleges, did you make that statement?

MR. WINKELS: Yes.

SENATOR KRIEGER: Will that be a part of your bill?

MR. WINKELS: Right. We would just like to see a commission of this type set quite general criteria for teacher education.

SENATOR DOTY: I just want it understood, Henry, that I, in making my remarks, was not favoring one plan over another plan. I frankly am not sure what kind of procedure I'd want for giving teachers more input. The tenor of my remarks was simply to say that teachers ought to have more input. I'd also like to add that I think sometimes we have an ill-advised fear about teachers' having more input into the certification process (inaudible) profession, because

(Doty)
that would be a power granted by the legislature, and just as easily as the legislature would give the teachers the power to have that, if we found they weren't doing the job, we could take it away. That's why, I think, sometimes when people express fear about teachers' having more input, it's not very well founded, and in two years we can take it back.

MR. WINKELS: I just recalled a question that Mr. Szarke asked before as to how our kind of commission or plan would dovetail into the present plan, that is, the implementation of this new rule. I think a new state teachers certification commission could be just simply supplanting or taking the place in an expanded function of the present teacher certification committee, that is, under the new rule of the state Department of Education. Otherwise, the other structure on continuing education could continue, you see, with the local committees feeding into the state certification commission.

CHAIRMAN PILLSBURY: Thank you very much, Henry. We do have, I think, some other witnesses. Is Dr. Gillette here?

LOWELL GILLETT, President
Minnesota Teacher Education
Council

Mr. Chairman, members of the committee. My name is Lowell Gillett. I'm Dean of the Graduate School at St. Cloud

State College, and at the present time I am President of the Minnesota Teacher Education Council, an organization which includes all 25 of the accredited teacher preparing institutions in the state.

My prepared remarks this morning are primarily concerned with certification and accreditation, but at the conclusion I would like to address myself to one or two of the other questions that have been asked previously.

The Minnesota Teacher Education Council strongly supports the expanded involvement of all segments of the teaching profession in the establishment and maintenance of effective standards for the certification of professional educational personnel as well as for the accreditation of teacher preparing institutions.

I did include in my material which I presented to you a brief chart (see Exhibit D) which I think clarifies the present structure as it operates, and it does involve all

(Gillett)

of the segments concerned. I should make it clear that MTEC is not opposed to revision in the structure as it presently exists. We do believe that whatever structure is developed must be based on certain principles.

First, and I think this is so obvious that perhaps I shouldn't say it, we believe that whatever structure is devised to provide for the certification of teachers and for the accreditation of teacher preparing institutions must be developed with the ultimate goal in mind of continuing to provide better education for children. The special interests -- and they do exist -- of colleges, of public school teachers, college teachers, education departments, professional organizations, as well as the legal responsibilities of the state Department of Education must all, it seems to me, be subservient to this principle. It's true that each special interest group is directly concerned with the policies that are developed in these areas, and it's quite natural, I think, for us to attempt to protect our interests. However, the primary purpose of both certification and accreditation is not to protect either the teachers or the institutions; it is to provide for the highest possible quality of education for the young people in our schools who are ultimately affected by any preparation program or certification requirement.

Secondly, we believe that the principle of a lay board which establishes the basic policies under which education will operate is fundamental. The principle has been long established that our schools must be ultimately responsive and responsible to the public they serve. The public has the right, and we believe it has the obligation, to retain the authority to set policies for the preparation and certification of public school personnel as well as for the accreditation of teacher education institutions. The state Board of Education -- a lay board -- presently has this responsibility.

I would like to expand a little bit some things that are not included in the text of my remarks. More specifically, it seems to us that certification is intended to insure that all persons employed to teach -- and in that category I certainly include such things as counselors, speech therapists, administrators, etc., everyone employed in a professional capacity in the public schools -- has met appropriate standards of preparation.

I would like to comment also on the meaning to us of accreditation. Accreditation for a teacher preparation

(Gillett)

institution attests to the quality of its preparation programs. That includes the curriculum, the evaluation of its teaching faculty, of the physical plant and its other resources, its support systems, such as the library, and all aspects of the financial support provided to run its programs. Accreditation looks both at specific programs and it looks at the total institution.

I indicated that we believe that the lay board is fundamental. I might make some additional comments on that, and I think this relates to some of the questions -- perhaps I can insert them here. Previous comments have referred to this problem of comparing education to the other professions. While I agree that education is a profession, there are, I think, several things to distinguish it from the others, and some of them have been mentioned here this morning.

Education is supported from public funds, but it also is a unique kind of monopoly, and the ultimate control of no lies has always rested with public bodies. We do have private and parochial schools, it's true, but they are not really competing systems. There is no competitive marketplace in education in the same sense that there is in the other areas. Students and their parents are not provided the opportunity or the right to select their practitioners, nor is the public free either to use or not to use the services. Students are forced by statute to attend school.

I might make a brief analogy -- granted this is far from complete. If you have a cold, you are free to try home medication, which may or may not work, or you are free to select your own doctor, dismiss him if you find that he is not serving your needs as you think he should. The same thing could be said of the other professions. Under these circumstances it seems to me that it is not appropriate to remove the ultimate control of education from the public domain, and I would like to comment briefly with a very personal reference to a point raised by Dr. Doty with reference to the medical profession in St. Louis County.

My mother this summer spent five weeks in the hospital with a heart attack, and her bill for that five week period came somewhere between \$6,000 and \$8,000. From that example, I think I could raise some questions as to whether the present system which is operating for the medical profession is truly in the public interest. The limited access to the profession certainly drives the bills up.

(Gillert)

The third point -- and I certainly want to stress this equally with the others -- although the Minnesota Teacher Education Council does believe that the ultimate authority for broad educational policy decisions must be vested in a lay board, it is also clear to us that such a board must draw extensively upon the specialized knowledge of all segments of the profession through the use of advisory bodies. This consultative and advisory process also provides the safeguard that major decisions affecting the pre-service and in-service education of professional personnel are not made without their involvement.

There is one area of additional concern which I would like to spell out for you, and that is the tendency to treat certification and accreditation as companion pieces. I pointed out the differences between the two; we don't see them as companion pieces. National accrediting bodies have already been established which we feel are doing an outstanding job in the accreditation of the teacher preparing institutions. Appropriate standards have been developed which have certainly led to tremendous improvement in the preparation of teachers over the last several years. We believe that the state must complement these processes, but we also believe that the problems are so divergent from certification that separate advisory bodies may be advisable.

I should make it clear that my organization has not adopted an official position regarding the separation of certification and accreditation, but it does represent an area of major concern. The previous proposals which were before you at the last legislative session more or less treated accreditation as a throw-in along with certification, and we are concerned that proposals regarding accreditation standards, procedures, and policies be developed by a body which has accreditation as its major concern.

Whether specific advisory bodies should be detailed in statute is still another question which we have not taken an official position on and one which must be recognized. Nevertheless, whatever advisory groups are developed should meet the following criteria:

First, they should be broadly and equitably representative of the profession so that the special contributions of all groups can contribute to the recommendations of the body, and we feel that in this connection special care must be taken so that advisory bodies do not become a power base for special interest groups.

(Gillett)

Membership on advisory bodies, as the second point, should be based on the nature of the problems and responsibilities assigned to it. That is, the issues to be considered should determine the membership.

I'd like to make one additional comment about the matter of the human relations regulation which you raised earlier, Mr. Searis. Colleges have a very different problem from the one you described as being passed along to you by the school districts, but certainly they're related. We in the colleges want to help school districts and teachers in any way that we can with this particular regulation and this particular problem. I should point out, however, that whenever teachers request our assistance, they want graduate credits. They want this for both degree and salary purposes. When they insist on graduate credits, we in the colleges feel that we must be involved at all stages, that is, the planning, the implementation, and the evaluation. We feel that we must develop a legitimate graduate experience if we're going to give graduate credit for it.

Districts, however, still must get their particular programs, their unique programs, approved by the state department. If they want college credit, we're most willing to cooperate to the extent of our resources, but if they do not want college credit, they are free to run their programs in that way as well.

I might point out that our being involved in this particular type of program puts some tremendous strain on our financial resources. The programs require extensive use of consultants, the minority groups, the blacks, the Indians, women -- I'm not sure that they are really a minority -- any group that has identified itself as a pressure group in society today and is concerned about its status in society must be represented in these kinds of programs. We have to pay consultant fees. Our budget for running one of these programs may run as much as from \$3,000 to \$6,000, depending on how much consultant services are actually required. About \$600 of that is for the instructor.

One other point that I would like to make -- a charge was made by one of the previous speakers that the colleges are setting standards for continuing education. This is simply not true. Actually we're not really involved in continuing education until school districts or school

(Gillett)
teachers request us to get involved, and then they want college credits. We get involved only when college credit is requested, and then we are involved because we do set the standards for the credit we grant, and we do feel that that is our responsibility. We must discharge that responsibility.

Mr. Chairman and members of the committee, I thank you for the opportunity to speak before you today. I hope that my remarks will be of some assistance to you.

CHAIRMAN PILLSBURY: Thank you very much. Questions?

REPRESENTATIVE SZARKE: Dr. Gillett, in light of some of your later comments in terms of the colleges' being involved, I just want to make this observation as long as attorneys are being compared with teachers in this particular instance. The state Board of Law Examiners does not get into the curriculum, so to speak, within the law schools or exert any kind of influence there, but it is solely up to the law school itself as to what kind of curriculum they want. Members of the Board of Law Examiners say, "These are the 15 areas of law that you're going to be tested on once you've graduated from law school," and then those superlords get to decide who gets to practice. But there is certainly a difference between the two.

SENATOR KRIEGER: I am inclined to agree with your position on the split between the accrediting process of the institution and certification itself. I do believe, contrary to one of the previous speakers, that these things are separate. I think your observation there is very well put. It would appear to me that even the state department's trying to take on the examination curriculum has demonstrated an impossibility to get around there once every ten years to 25 schools. I think that this -- whatever we're going to call it -- commission, or board, or professional standards board, should take on the responsibility of certification. I think your position is well put in this particular presentation that they shouldn't bother with curriculum internally at the colleges.

CHAIRMAN PILLSBURY: Very interesting. Well, thank you very much, Dr. Gillett.

Unfortunately Dean Robbins couldn't be with us today. I have a note which I'll read:

(Pillsbury)

"Senator Pillsbury: I wish to thank you for the kind invitation to testify before the Senate interim committee on teacher tenure on Friday. Due to the Northwest strike, it will not be possible for me to get down to St. Paul and back in time for teaching a class at 2:00. Please accept my regrets.

"In case a statement from me could be placed in the record, the attached communication which I sent to you earlier will do very nicely. I sincerely appreciate your interest in this important matter."

Most of us here have received this statement, and we will place it in the record (see Exhibit E). If any of you have not had a copy, they're available here from the secretary.

The next speaker is Ken Pederson.

K. D. PEDERSEN, Assistant
Executive Secretary
Minnesota Association of
Secondary School Principals

Mr. Chairman, members of the committee. I'm Ken Pederson with the Minnesota Association of Secondary School Principals. I have been involved with the

continuing education question for the last year in terms of I'm the representative from SAM, the organization of administrative organizations, also with committees in regard to our association, and also am a member of the state Continuing Education Committee, so I've had continuing education just about running out of my ears.

I'd like to be brief with you. I think that perhaps we've had enough other kinds of comments, and I don't want to get into some arguments with some of my colleagues that are on the committee with me -- I'll do that this afternoon.

I think the area of continuing ed, as our organization would look at it, is an area that has a lot of problems. It needs a lot of discussion; it needs a lot of working out. I do see it as perhaps a step. We hear a lot about self governance from organizations, this kind of thing. I think that there is at least a step here in terms of the professionals' having a voice in the kinds of things that we're going to involve with certification and the continuing education process.

I think that there's been a real effort made in terms of trying to involve everybody, and as you well know as legislators, when you try to talk about all your constituents,

(Pedersen)

if we were to go back to our organizations and the organizations that are presented to you, I am sure we've got members of our organizations that don't agree with statements which have been made here this morning either. As I travel around and talk to teachers and administrators, I know that not everyone does. So anytime we try to get too involved, I guess it's a little bit like the chicken and the pig. For one, it's only a commitment, but for the pig, it's total involvement, and their points of view would be quite different, I'm sure, from what we would have here.

At this point I would like to commend the department in their efforts to try to resolve a lot of the differences and questions that have come up. I have appreciated their efforts in terms of helping us with the state committee; I think there has been a real effort made. I know we don't have all the answers. As administrators, we're not completely satisfied with continuing ed; however, I think that we're willing to at least give it a try, get some experience with it, and try to support the department in their efforts and try to get this thing moving. I think it's got some possibilities to improve education for kids. I guess I really haven't heard a lot about kids too often, and I think perhaps that's the ballgame we're in.

So with that I'd like to say that MASSP would like to put themselves on record as in support of the regulation as it is. We hope to modify it, to change it, to make it better in the coming year. Thank you.

CHAIRMAN PILLSBURY: Thank you. Any questions?

REPRESENTATIVE GRABA: Well, I've got a series of questions I wanted to ask. Go ahead.

CHAIRMAN PILLSBURY: Those are all the names I have on the written agenda. Lou, did you want to testify?

L. E. WERMAGER
Executive Secretary
Minnesota Association of
School Administrators

Mr. Chairman, members of the committee. I'm Lou Wermager, the Executive Secretary of the Minnesota Association of School Administrators.

We haven't any long statement to make on this particular issue, but we do want to register our position, and I think that we go back to the fundamental establishment of

(Wernagar)
the public school system by the legislature. We can see no way that an individual interest group can have complete dominance over the public educational system. It's interesting too that it has been brought out that public education or public teacher preparation is the only one that does not have a professional standards board, which I think is further emphasizing the fact that this is too important a process to allow total dominance by any particular interest group. Public education is a public trust, and certainly all segments of the public must be involved.

So we feel that we want to support the state department in its attempt to really get involvement of everyone, and I believe everyone is involved and is given an opportunity for involvement in setting up different regulations. We find that the certification of teachers is, of course, a very complex thing; the preparation of teachers is a complex thing, and the entire control of this operation is very complex, and so perhaps this is a cumbersome system which has been devised by the state department at the present time, but we feel that we want to go on record supporting it, trying it, giving it a chance, because we think it has good opportunity for improvement of the services to the youngsters, and that's what we're in business for.

CHAIRMAN PILLSBURY: Thank you. We have a lady in the back.

LEESLEE MYER
Wayzata

I'm Leeslee Myer, and I don't represent any organization; I live in Wayzata, and I'm a taxpayer; I'm protecting my interests.

Teacher certification, it seems to me, cannot prudently plan its policies until teachers determine whether they are professionals or unionists. If they are professionals, there can be no tenure, as competency should be the only principle upon which they can be hired. Lack of competency can be a valid reason for dismissal. If teachers are laborers or craftsmen, then they can proceed along the route they are attempting now, to have unions which have union policies and protections. But first the decision must be made, is a teacher a professional or a laborer. Decisions concerning accreditation and certification follow your answer to this previous question. It cannot be both ways.

(Myer)

If teachers decide they are professionals, they will relinquish trade union protections and practices. They will also forget tenure and other attempts to create job security. If they make these decisions and conduct themselves accordingly, granting them some of the powers for which they are now asking may be quite acceptable since the present system is working so poorly.

CHAIRMAN PILLSBURY: Thank you. Are there any other people who would like to testify?

ROBERT ARNOLD, Executive Secretary
Minnesota Elementary School
Principals

Thank you, Mr. Chairman
and members of the
subcommittee. I'm Bob
Arnold, Executive

Secretary, Elementary School Principals.

So much has been said today concerning the standards for teachers and certification process, that I think I'll discard most of my testimony and zero in and put before the group some questions that have been referred to but maybe have not been specific.

I think one for sure should be the question of how the professional organization, educator organizations in Minnesota, went about in an attempt to hold the implementation of continuing education 540 until we were sure that all were on board and basically there was agreement among professional groups. This did not happen, and it was a very unfortunate circumstance that this took place, because as a result of it, we found the majority of the organizations -- or at least a majority of the professionals -- going on record not supporting the continuing education regulation and more important than that, they went on record to not support implementation of the regulation after it was passed.

Now I think this was a serious breach of confidence and good faith on the part of some people designated presently with the authority to certify teachers, and yet we are hearing people say we invite input and we invite decision making sharing. However, as was pointed out, only recently through a really representative task force group a parallel proposal on amendment to continuing education came in from that same group, and I mean the group that is designated the state agency for certification. Now I think this is injustice in the first cause, because the elementary

(Arnold)

school principals in Minnesota did change the position of their organization that they would cooperate in making amendments to the continuing education regulation, and they worked diligently with the committee and we got some amendments proposed, as did the teacher groups, NEA, etc., with good faith that these amendments alone would be presented and this viewpoint of the combined organizations would be presented. It did not happen that way, and I urge again that we look at the administration of the certification process.

Now I think we have to ask some questions also concerning another regulation and the process. The human relations regulation was mandated and applies to all teachers in the state of Minnesota. If you subscribe that they are public servants, then I can only ask, why not the same regulation mandated to other public servants in the education field? And we can start now with the bus drivers, the custodians, the cooks, and end up with the school boards, because I assume they are representing the public and are public servants in that name. But no, the regulation was passed, the school boards were not mandated to set up a training program so that these could be fulfilled, the state colleges basically had no obligation to fulfill the regulation through course work, so here we are, caught in another regulation.

I think historically we could enumerate a number of instances where the teachers have been caught consistently in the trap of the four or five agencies who appear to be autonomous, except the teachers are not involved -- and I use the teacher and administrator synonymously here. I think there is hope for continuing education, and I think there is hope for the continuing education regulation; provided that the groups that are providing the input are assured that if there's agreement by the state committee, this will be brought to the state board and presented, and it will be presented right on the board, and the board will then make its decision. This is what I urge in this area.

As we know, a teacher who becomes certificated has a right to practice the profession. He has fulfilled the qualifications of the college, of the state Board of Education, yet through mandatory regulation adoption, that person is consistently being put in jeopardy as far as his right to practice. Now when he's spent his \$4,000 or \$5,000 or \$6,000 becoming prepared and he's sought his certification, he did not suspect that suddenly a group or an agency would tell him, "You are not certificated until you now complete this and this and this and this."

(Arnold)

Now this does not say we approve of ever-life certification; obviously we don't, because we supported the concept to a degree that teachers should continue their life certificates, should continue their education, so we do subscribe to continuing education, yet we subscribe to that on the basis that the people are already fulfilling their continuing education obligation. To date there has been no data to substantiate that the teachers and the administrators in Minnesota are not continuing upgrading their education. In fact, if you really look at the picture, the Saturdays, the evenings, the college courses off campus, are loaded with teachers and administrators. I say they're continuing their education, and we do not need continual mandating of increased regulations.

Thank you.

CHAIRMAN PILLSBURY: Are there any questions from the committee?

REPRESENTATIVE SEARLE: Mr. Arnold, I assume that when you say that the human relations part of continuing education was mandated, am I to believe that it was mandated by the state Board of Education?

MR. ARNOLD: Yes, sir.

REPRESENTATIVE SEARLE: But it goes no further...it does not go beyond that then?

MR. ARNOLD: It becomes a regulation just like any other renewal regulation, such as continuing education.

REPRESENTATIVE SEARLE: No, what I'm getting at is, to the best of your knowledge, do you know whether there was legislative intent to allow the state board to do this? This is what I have been led to believe.

MR. ARNOLD: I think the state department staff could best answer the interpretation of intent of the legislature.

REPRESENTATIVE SEARLE: Mr. Bright, would you like to answer that?

CHAIRMAN PILLSBURY: Or Dr. Goralski, do you want to answer that?

DR. GORALSKI: I would prefer that Mr. Bright answer that.

MR. BRIGHT: I think you can probably hear me from here.

CHAIRMAN PILLSBURY: They can't pick you up on the tape. Would you please step to the microphone? Because one of the things we want to do is to have this on the record so that those of us who are reelected and those who are elected in our place will be able to read it.

FARLEY O. BRIGHT
Deputy Commissioner
Department of Education

I'm Farley Bright, Deputy Commissioner of Education. Mr. Searle, I don't think it was a matter of legislative intent that we were

attempting to follow in developing the human relations regulation. I think it was a matter that you charged the state board with developing regulations for the certification of teachers, and we in the department and on the board felt that human relations training was an integral part, or should be, of the training of every teacher. So we were responding to that need that we felt was present and apparent in the public schools of the state.

REPRESENTATIVE SEARLE: The reason I asked the question, Farley, is that those who have come to me with a complaint -- and we've heard the sentence, "You can't have the best of both" several times this morning -- that every time a local school teacher would ask a state department official about why or the wherefore of this particular thing, they say, "Well, blame the legislature; they're the ones that are forcing us to do this." This is the reason that I raised the question. Just exactly where and under what authority does the state board interpret legislative intent?

MR. BRIGHT: Mr. Searle, I, to the best of my recollection, have never heard anybody blame the adoption of the human relations training on the legislature. We felt, and I personally felt, that we had a responsibility for including that in the training of teachers, and the state board felt that way, and many, many organizations, particularly in the metropolitan areas, felt that way. We were responding to what we thought was a felt need for improved understanding of teachers in human relations.

CHAIRMAN PILLSBURY: Thank you. I think this was a very good question. I actually found somewhat the same thing as Representative Searle that the legislature seems to be blamed for a great many things, and I think the law is quite clear. It just says that the state department, the state board is charged with making this decision, and I think that a good question is raised here.

We certainly believe that our teachers should have human relations expertise -- in fact this is true in almost any institution -- but whether one can teach human relations -- that's not true, you can certainly improve it by courses -- but how you measure whether someone has good human relations or not becomes terribly subjective and really may best be done by the local school board or the local superintendent, principal, etc. So you see the problem which we've introduced here. It's such a difficult subjective subject to measure the performance of human relations.

Well, that's my comment. Any other questions?

MR. ARNOLD: I wish to thank the committee, and I was remiss in not urging this committee to look carefully at the establishment of a vehicle, a commission-type vehicle, established by the legislature to actually become directly involved in the certification of public school educators. I think it's an absolute must. Thank you.

CHAIRMAN PILLSBURY: Yes, sir. Will you step forward and identify yourself?

GALE G. LENNON
Superintendent
Cook County Schools

Mr. Chairman and members of the committee. I'm Gale Lennon, Superintendent of Schools of Cook County, Grand Marais. I represent no one,

but I simply make some observations that as a 13 year practicing administrator and looking at the continuing education and the human relations regulations as they now stand the concept that they seem to represent certainly seems valid. I guess as an administrator and as I would represent the staff that I hope to represent, if we are incapable of implementing those regulations as they presently stand, our level of performance and expertise is certainly at a lower level than I would care to admit in this group and even privately. I think probably it would be expeditious for us to carefully read the regulations, to contact the

(Lennon)

state department if we have administrative difficulties in their implementation, and instead of crying about the difficulties with them, take the bull by the horns, so to speak, and get the job done.

Our main objective is the welfare of the youngsters -- we hear so little about them, maybe we should put them in our prime position. Thank you.

CHAIRMAN PILLSBURY: Thank you. You've been waiting, Mr. Graba.

REPRESENTATIVE GRABA: Yes. I have a series of questions I'd like to direct to Dr. Goralski, if possible.

CHAIRMAN PILLSBURY: Dr. Goralski, could you take the stand?

REPRESENTATIVE GRABA: Doctor, the human relations requirement has to be satisfied by July 1, 1973, by all teachers in the state, is that correct?

DR. GORALSKI: Whenever their certification expires, so that it will be staggered over a five year period beginning July 1, 1973.

REPRESENTATIVE GRABA: Those people that have certificates coming up for renewal July 1 will be required to have this?

DR. GORALSKI: Right, and all new people entering the profession.

REPRESENTATIVE GRABA: Roughly what fraction of the schools of the state have programs approved by the department which would satisfy this requirement?

DR. GORALSKI: If you'll permit me, I'd like to answer the question in another way and then I'll try it your way, but I don't really have the data for that.

We have a man by the name of Mr. Thomas Fille whom we've been able to employ through some federal funds to become a consultant in this area, so he does the day to day work in my section. I hadn't realized that we were going to spend this much time on human relations or I would have gotten the data from him this morning, but he assures me

(Goralski)

that by the next six months...we feel we've turned the corner. It looked like an impossible task, but we started getting some support, such as from the School Board Association and others that started to urge people to start moving out that we hadn't had in the very beginning.

We feel that within the next six months there will be programs of one kind or another available throughout the state of Minnesota. Some of them will be in local school districts who will allow neighboring districts to participate with them; some of them will be in colleges where people will go to colleges; some colleges or private consulting firms will offer their services so that local school districts who maybe don't have the expertise themselves can contract for it.

ERDC organizations in the Duluth area, the St. Cloud area, the Southwest area, and we've heard of some interests up in the Northwest too, are developing programs that will become available to all the local school districts that are in ERDC. So we think we're around the bend. There's a group around the Junior College down in Rochester that's working. We think the programs are going to be available from a number of different sources, and I'm glad I can say that, because we were very concerned about this.

This is a new kind of thing when you make a requirement for in-service, and we had no experience at all as to how long it took to field something like that. I guess I don't feel badly about admitting that you've got to get experience before you can start making suggestions. So that date was a little soon. We learned that it's a completely different thing to deal with pre-service where there are 25 colleges involved and dealing with in-service where there are so many people disbursed across the state involved. We are going to make it, but it has been a real scramble and many people have worked very hard on it.

REPRESENTATIVE GRABA: That's my major area of concern, whether or not we're going to make it and whether or not we're going to sacrifice quality to make that July 1st deadline. Now I'd like to point out that in many of the rural areas in the state of Minnesota we're not dealing strictly with those people that have to have a certificate renewed next July, but because of the fact that we're all going to have this regardless of when our certificates become due, and I don't know what the regulation is with respect to me with a life certificate -- when do I have to have it?

DR. GORALSKI: You see, we can't use the certification regulation to influence you at all, and this is the real value of having local school districts involved in programs, because many of them are making it a part of their in-service work in their schools, so that these people will get it. But you see, you can't use a certification regulation for that purpose.

CHAIRMAN PILLSBURY: In other words, since none of this applies to those who have life certificates, anyone who has a life certificate doesn't really have to participate in the human relations area unless his local school board would...

DR. GORALSKI: That's correct. We can't mandate it for them in that way, but we certainly by the way the thing is structured are trying to set up a system whereby they'll become involved. That's the best we can do with certification the way it stands today.

REPRESENTATIVE GRABA: What my original point in my last statement was that we're not dealing strictly with the numbers of people who need certification next July, but because of the size of the faculty and the probability that the program will be more difficult to get in, you know, in the following year because there will be fewer people needing it, most teachers are going to want to take it between now and July 1st to meet that requirement. I'm concerned that maybe we're not going to make it for some of the teachers, and secondly, I'm concerned that we may be sacrificing quality to meet that July 1st deadline.

DR. GORALSKI: We shared your concerns, and last spring we called back the task force that developed the regulation to talk about this whole thing, whether we really needed to delay the effective date or not. With those people, we also called in all kinds of people who had been expressing concern. When we went into that meeting, I think we in the department were convinced we had to recommend a delaying date, but it was during the course of that meeting that very many different groups told us we should not do that.

One of the very effective speakers was the woman who is with the Urban League in Minneapolis, and she said that there comes a time when you have to get the ball in motion. This is what she told us, that you will have unevenness in

(Goralski)

programs anyhow, no matter how long you wait. It was her perception -- and she'd been actively involved with the Minneapolis schools -- it was her perception that by delaying we would lose momentum and not gain quality. Through the meeting that day there came support for that position, so we decided to hold where we were.

At that point then Mr. Filla covered the whole state in regional meetings again and has been going out and working with people and bringing people together who need to help each other, and he's really been doing a job, so with the help of everyone in the state and his active work, we think we're around the corner. Yes, it's tough, and we've learned that maybe that was a little too soon, you know.

REPRESENTATIVE GRABA: Doctor, were any of the organizations that you speak of that were in support of retaining the '73 deadline teachers organizations or anybody related?

DR. GORALSKI: Yes, the two teachers organizations seemed to favor delaying at that point in time.

REPRESENTATIVE GRABA: How about the administrative organizations, the principals and superintendents?

DR. GORALSKI: We couldn't vote officially at that meeting, because it wasn't really an official body, but we did take consensus votes, and there were three people who voted against it, and they were the two teachers organizations and one man from one of the colleges, and everyone else favored leaving it as it was. Now the idea is, okay, we leave it as it is and then we all have to work pretty hard at it, and so we decided we could do it, and if we do it, it's going to be a miracle, but I think it's one miracle that will come to pass.

We're quite pleased with the quality of many of our programs. The model that's been instituted by the Central Minnesota ERDC is just an excellent model to serve rural Minnesota. What is going on with the Southwest ERDC is very different, but it also is an excellent model. They are training trainers; they have trained them this last summer in the neighborhood of 180 hours of intensive training to go back out and work in school districts, but the school districts are neighboring districts, so these people who were trained this summer can give each other support.

(Goralaki)

It's a really pretty good model, so we're going to learn a lot, and these very strong beginning programs are going to set some examples for people who haven't really quite known where to take hold. So we think during this fall that the taking home process will go ahead. Our colleges now have in-service programs too, so if there are only three teachers who really need something in a school district, there is a college not too far away that can serve them.

CHAIRMAN PILLSBURY: Did you want to say something on that, Mr. Bright?

MR. BRIGHT: Senator Pillsbury, if I could interrupt just a minute.

There is one other point that I think should be made, Mr. Graba, that this applies to certificates issued or renewed after July 1, 1973. We have a long standing practice in the department of encouraging teachers whose certificates are going to expire on July 1st to apply during the few months preceding July 1st, so we don't have that big jam-up on July 1st. Now if a teacher is going to have difficulty getting the human relations training, and she's faced with a July 1 deadline, all she has to do is apply for her certificate, so that it can be issued before July 1. Now we're not recommending that this be done, we're just simply saying, "If you have a problem, there is a way out," and it is a long standing practice that we followed for many, many years. Does that help any?

REPRESENTATIVE GRABA: I'm not sure very many teachers are aware of that possibility.

MR. BRIGHT: That was sent out in a communication to all of the administrators in the state. The MEA is here today, and we'll furnish copies to them, if they don't have it, but I think they do though. Mr. Droubie, do you have a copy here that we could enter for the record?

DR. DROUBIE: I don't, but I'll get it to them.

CHAIRMAN PILLSBURY: Will you get it to our secretary, and then it will be in the record? (see Exhibit F)

MR. BRIGHT: Okay, thank you, Mr. Chairman.

REPRESENTATIVE GRABA: I just hope we aren't taking too lightly the possibility that we could be terminating some careers in the teaching profession because of the inaccessability of the programs in some of the remote areas of the state. That's what I'm concerned about. I'm not accusing the department of doing that. I just hope that we'll retain some flexibility if we see that we're not going to make that deadline.

MR. BRIGHT: I assure you that we will, but by the same token, in order to fulfill our obligation, we're going to have to issue that certificate before July 1st, and we've done that in literally thousands of cases over the years.

REPRESENTATIVE SEARLE: I don't know who wants to answer it -- forgetting the 1973 deadline, let's go to 1975. I think this is the ultimate date that was put in there. In your estimation, of the teachers who have to get the human relations regulation certification, it's going to involve some work on their part and some cost I would imagine, can you tell me, is this something that the teacher is supposed to pick up on his own or her own, or is this something that the Board of Education is going to be expected to pick up the cost of?

MR. BRIGHT: Mr. Chairman, if I may respond to Mr. Searle. You have had during the last four years a law on human relations training that applied only to the three cities and to certain schools in those cities. Now that law provided that the teacher was paid a certain amount to take the human relations training. In fact, the salary was fixed in the law -- she was paid \$7.00 an hour. So for the past three years, including this year, human relations training for certain teachers in the three cities has been subsidized by the state.

We are recommending in our legislative program that that portion of the law be repealed. We are recommending now that all teachers be treated equally in terms of human relations training and that it be a part of the teacher's responsibility. Now if through the negotiation process teachers can convince the school boards to underwrite the cost of the program, certainly that's a legitimate item to negotiate. But we at the state level say only this, "Let's treat all teachers equally; let's let the law die now at the end of this fiscal year that's been subsidizing certain teachers."

CHAIRMAN PILLSBURY: Any further questions? Well, if not, I want to thank everyone who has been here this morning, particularly the members who have taken time off from their campaigns, and I particularly want to thank all the witnesses, because it really is true that our largest area of expenditure in state government is in public education, and the largest area of expenditure in public education is instructional salaries, so if certification will enable us to get more for our dollars, then we are carrying out our responsibility.

Thank you very much.

Meeting adjourned at 12:15.

SENATOR GEORGE S. PILLSBURY,
Chairman, Subcommittee on
Teacher Tenure and Certification
Senate Committee on Education

REPRESENTATIVE RODNEY N. SEARLE
Chairman, Subcommittee on Overall
State Policy for Education
House Committee on Education

Joanne Stassen
Recording Secretary

APPENDIX

- Exhibit A - Professions Development Section
General statement concerning
program approval (Reference page 5)
- Exhibit B - Department of Education
Issuance and Renewal of Continuing
Certificates (Reference page 9)
- Exhibit C - Teacher Certification Section
Components to be Included in All Programs
Leading to Certification in Education
(Reference page 10)
- Exhibit D - State Board of Education
Present Advisory Structure
(Reference page 40)
- Exhibit E - Memorandum from Glaydon D. Robbins, Dean,
Professional Studies, Moorhead State
College (Reference page 46)
- Exhibit F - Memorandum from Dr. George B. Droubie,
Director, Teacher Certification Section
(Reference page 58)

A GENERAL STATEMENT CONCERNING PROGRAM APPROVAL

Regulations of the State Board of Education have the force of law. There are regulations which apply generally to teacher education as well as specific regulations for programs which lead to certification in the various subject fields.

Regulations which apply to programs which lead to certification are developed as follows:

- a task force or advisory committee develops and recommends a regulation
- the task force reviews its recommendation with the Advisory Committee for Professional Programs in Education
- the proposed regulation is presented to the Board of Education
- the Board of Education may recommend further development or it may approve the proposed regulation for public hearing, if it does
- the proposed regulation is the subject of public hearing
- the Board of Education and the Department of Education consider testimony from public hearing
- the Board acts upon the proposed regulation. If it is adopted, it has the force of law. A date is specified when all persons recommended or applying for certification must meet the new regulation.

The Department of Education is required to engage in two types of study for approval:

1. Approval of colleges for teacher education. A college developing a new department of education must be approved for teacher education by the State Board of Education. According to policy, this is accomplished by a team visit which usually occurs after North Central Association candidacy has been granted but which must occur before the first NCATE visit. These team visits are conducted in accordance with criteria established by an advisory committee (revised, 1968) and accepted by the Board of Education.

During each 8 to 10 year period, the State Department of Education is required by Board policy to re-evaluate colleges approved for teacher education.

2. Approval of programs. Each program which leads to certification in education must be approved by the State Department of Education

- before students are admitted to the program (if a discontinued program is to be reactivated, it must be approved as if it were a new program)
- when a new regulation which affects a program is adopted by the Board of Education
- when a program is substantially changed
- when feedback from the field indicates a need for re-evaluation.

Programs are to be studied and reapproved within every 8 to 10 year period.

In each case, communication should be initiated with the Director of the Professions Development Section, Division of Instruction, Minnesota Department of Education.

A GENERAL STATEMENT CONCERNING PROGRAM APPROVAL, cont.

3. Experimental Programs. It is the wish of the State Board of Education that colleges and universities be encouraged to develop innovative programs and wherever appropriate to conduct them as educational experiments. Edu 40-4-bb-2a has defined experimental programs for Minnesota elementary-secondary schools as follows:

The term "educational experiment" is defined as a systematic, logically organized attempt to resolve a problem or to test an hypothesis in the field of education. An hypothesis is a guessed solution to a particular problem. It is tested by a trial under controlled conditions.

The State Board of Education authorized the Department of Education to approve experimental programs in colleges and universities which meet the definition stated above and which also

- give reasons for requesting an alternative from certification requirements
- specify goals to be achieved by the alternative
- set forth a structured evaluation process
- have a predetermined duration.

4. Visits to Colleges. The State Department of Education will work closely with institutions of higher education in the ongoing development and assessment of programs for professional education. To accomplish this, the State Department of Education will visit colleges and universities.

Visits may vary in nature:

- informal visits to exchange ideas and gain maximum knowledge of professional education programs. Such visits will be made by a member of the Professions Development Section and, upon occasion, other members of the staff of the State Department of Education.
- formal visits to consider the general program of professional education or a particular aspect of such a program. The visiting team will consist of three or four persons, one representative from the Professions Development Section of the State Department of Education and two representatives from other institutions of higher education.
- accreditation and evaluation visits to be conducted according to Criteria and Procedures for Evaluation of Teacher Education Institutions. The institution will request this type of visitation. From five to seven professional educators will participate in a visit of approximately two days duration. Representatives from the State Department of Education, from institutions similar to that being visited and appropriate professional organizations will be included on the team. The members of visitation teams will be selected by personnel of the State Department of Education in consultation with college staff members.

EDU 543

Applicants who do not qualify for a Continuing Certificate. An applicant who does not qualify for issuance or renewal of a Continuing Certificate may be issued an Entrance Certificate if current requirements for the appropriate Entrance Certificate are met.

- (a) An experienced applicant who transfers from another state and who does not hold a valid Minnesota certificate must obtain an Entrance Certificate.
- (b) An experienced applicant who has not been active in education for a period of time so that certification has lapsed, must obtain an Entrance Certificate.
- (c) An applicant certificated for one education function who wishes to engage in another education function for which he is not presently certificated, must obtain an Entrance Certificate for the latter function.

Edu 544**Renewal Units.**

- (a) Examples of experiences for which renewal units may be granted are listed below. It is recommended that prior approval of the experiences be obtained from the Local Committee, although evidence must subsequently be submitted to the committee showing that experiences for which prior approval has been granted have been satisfactorily completed. Renewal units must be earned in two or more of the following areas:

- (1) College courses and related work.
- (2) Supervision of clinical experiences.
- (3) Attendance at professional meetings.
- (4) Attendance at lectures by persons with expertise in the area for which certification is requested.
- (5) Systematic, purposeful observation during visits to schools.
- (6) Volunteer work in professional organizations or situations having relevance to the function for which certification is requested.
- (7) Development of demonstrations or curriculum innovations for use with student teachers or in inservice programs.
- (8) Creative endeavor (art, music, writing) related to the individual's professional function.
- (9) Publication of professional articles in a professional journal in an appropriate field.
- (10) Travel relevant to the professional function. Prior approval of this experience must be obtained.
- (11) Maintenance and evaluation of an annotated log or record of activities with a class or group.
- (12) Exchange situations to gain experience with students at another age, ability, socio-economic level or in another subject for which the teacher is qualified.
- (13) Attendance at and participation in inservice meetings with opportunity for staff members in various roles (college faculty, community persons) to work together.

- (14) Participation in inservice meetings to include active staff planning and involvement (demonstrations with student exhibits, explanation of special or new techniques).
 - (15) Direct involvement, individually or within a group, to research, plan and implement innovative educational practices.
 - (16) Planning and production of television or other special programs for use in the schools.
 - (17) Additional kinds of experiences may be approved. Among these may be experiences especially appropriate for a particular school district or a particular education function.
- (b) The Local Committee may grant renewal units and allow accumulation of renewal units for the experiences listed in (a) above, in such numbers as it deems appropriate, provided that the following examples of equivalencies be used as a basis for allocating renewal units.
- (1) One quarter credit (appropriate to the field) equals ten renewal units.
 - (2) Supervision of the clinical experiences of a college student for one quarter or one semester equals ten renewal units, provided that no more than thirty such renewal units may be granted in any five-year period.
 - (3) One week of approved travel equals ten renewal units, provided that no more than thirty such renewal units may be granted in any five-year period.
 - (4) A one-day workshop equals two renewal units.
- (c) Renewal unit credit may be granted only for experiences which are relevant to the field and function for which professional certification is being requested.
- (d) Experiences must be deemed to be such that they would be likely to aid the applicant in maintaining and improving his professional capabilities.
- (e) All renewal units must be earned during the five-year period immediately preceding the date on which the requested renewal is to be made effective. Units earned during the period which are in excess of those needed for renewal may not be applied to the subsequent renewal period.
- (f) In cases where local board of education policies require further education on a periodic basis, such education shall be evaluated in the same manner as other experiences and may apply as renewal units.
- (g) An applicant who seeks renewal of Continuing Certificates for two or more functions may apply earned renewal units toward more than one function with the approval of the Local Committee, provided that the requirements of Edu 542 (a), 542 (c), 544 (c), 544 (d) and 544 (e) are fulfilled as to each certificate.
- (h) In the first five years following the effective date of this Chapter renewal units shall be required as follows:
- (1) Twenty units for renewal during the first year after the effective date.
 - (2) Forty units for renewal during the second year after the effective date.
 - (3) Sixty units for renewal during the third year after the effective date.

TEACHER CERTIFICATION SECTION
STATE OF MINNESOTA
DEPARTMENT OF EDUCATION
ST. PAUL 55101

CHAPTER 27: EDU 520-539
COMPONENTS TO BE INCLUDED IN ALL PROGRAMS LEADING TO CERTIFICATION
IN EDUCATION

Edu 520 Scope of Chapter; Definition. The provisions of this chapter apply to all persons whose initial certification was contingent upon the possession of a baccalaureate or higher degree in education. As used in this chapter, the term "certificated person" or "certificated personnel" means person or persons holding a certificate, the obtaining of which was contingent upon the possession of a baccalaureate or higher degree in education.

Edu 521 Human Relations Components in All Programs Leading to Certification in Education.

(a) All applicants for certificates in education to be issued or renewed either on or after July 1, 1973 shall have completed a training program containing human relations components. Such components shall have been approved by the state board of education.

(b) Human relation components of programs which lead to certification in education will be approved upon submission of evidence:

(1) Showing that the human relations components have been developed with participation of members of various racial, cultural, and economic groups.

(2) Showing that the human relations components are planned to develop the ability of applicants to:

(aa) Understand the contributions and life styles of the various racial, cultural, and economic groups in our society, and

(bb) Recognize and deal with dehumanizing biases, discrimination, and prejudices, and

(cc) Create learning environments which contribute to the self-esteem of all persons and to positive interpersonal relations, and

(dd) Respect human diversity and personal rights.

(3) Relating all of the areas enumerated in Edu 521(b)(2) to specific competencies to be developed, and

(4) Indicating means for assessment of competencies.

Adopted by the Minnesota State Board of Education on February 16, 1971.

X - Required participation in program development

Y - Specified areas of competence to be developed by the program components

Z - Required evaluation

PROPOSAL OF THE TASK FORCE TO STUDY PROGRAMS LEADING TO CERTIFICATION FOR TEACHERS
OF SOCIAL STUDIES, adopted June 2, 1972

REPEAL EDU 291 (d)

Request is being made to approve the following regulation for public hearing
in education.

EDU _____, Teachers for the Social Studies in Secondary Schools

1. The social studies include the following areas of the social sciences:
anthropology, economics, geography, history, political science, psychology,
and sociology, as well as interdisciplinary studies involving the social sciences.
2. All candidates for certificates to teach in the social studies, which include
all fields within the social studies as well as interdisciplinary or broad
area courses within the social studies, must hold a baccalaureate degree and
have satisfactorily completed a program which has been approved by the State
Department of Education. A minimum of one-third of the total baccalaureate
program, or the equivalent, shall be devoted to the development and the
demonstration of competencies specified in Section 3, which follows.
3. All candidates recommended for certification shall have satisfactorily completed
programs which provide for the development and evaluation of competencies in
all of the areas which follow:
 - a. Achievement of pupil progress toward cognitive and affective goals
identified for the candidate's social studies teaching.
 - b. Ability to demonstrate behaviors in classroom and other teaching situations
which facilitate pupils' development toward cognitive and affective goals
in the social studies.
 - c. Knowledge of all of the social sciences as disciplines, including ways of
structuring, types of analytical questions, methods of advancing knowledge,
major competing theories, the changing nature of fields, and ways of
keeping current with developments in the fields, together with the ability
to integrate and apply this knowledge to the development and evaluation of
curriculum and instructional materials and to the candidate's work in the
classroom.
 - d. Behavior which models that identified as goals for pupils.
 - e. Knowledge of principles of learning, including both cognitive and affective
learning, adolescent psychology, individual differences, and social studies
methods, curriculum, and materials of instruction, together with the
ability to apply this knowledge to the development and evaluation of
teaching plans and instructional materials as well as in classroom
teaching and other work with pupils.
 - f. Knowledge of ways of using community resources in teaching, of promoting
good relationships between the school and the community, and of the
professional role of the teacher beyond the classroom situation, together
with the ability to apply this knowledge to work within the school.

TASK FORCE PROPOSAL, CONTINUED

Edu____, Teachers for the Social Studies in Secondary Schools

- X>
4. Evidence shall be provided to show that programs submitted for approval have been developed with appropriate participation from elementary school teachers, secondary school teachers, and administrators in schools which work with the training institutions as well as from students and interested citizens. Programs submitted for approval shall include all of the following:

- a. A statement of rationale which sets forth the view of the institution with respect to the role of social studies teachers.
- b. An enumeration of specific teacher competencies to be developed in the proposed program including competencies in each of the broad categories listed in Section 3, above.
- c. A description of program components which includes statements which specifically relate individual components of the program to the competencies required of all prospective social studies teachers.
- 2> d. A plan for assessing the individual candidate's development of the required competencies.

5. The issuance of the first continuing certificate is contingent upon:

- a. The candidate's possession of a previously issued valid and appropriate entrance certificate, and
- b. One year of successful experience in teaching social studies during the time that the applicant holds an appropriate entrance certificate.

6. The continuing certificate may be renewed according to general regulations of the State Board of Education pertaining to continuing education.

7. This provision is effective July 1, 1978, for all applicants for entrance certificates.

NOTE:

It was the intent of the members of the task force that developed Edu____, that all persons teaching in any area of the social studies have the broad area qualifications outlined in Edu____. Further, it was the intent of the task force members to preclude the training and hiring of persons with minors in the social studies or majors or minors in single fields of the social sciences. Therefore, no minor program has been set forth in Edu____.

REPEAL EDU 291 (a)

Request is being made to approve the following regulation for public hearing in education.

Edu _____, Teachers of Science for grades 5-9 and grades 7-12

1. For the purposes of this regulation the sciences shall comprise the following areas: earth science, including geology, astronomy and meteorology; physical science, including chemistry and physics; life sciences, including botany, zoology, and other appropriate realms of biology; broad area science, including basic elements of life, earth, and physical sciences.

2. All candidates for certificates to teach science, which includes earth science, physical science, and life science and broad area science, shall hold a baccalaureate degree and have satisfactorily completed a program which has been approved by the State Department of Education for Science teachers in grades 5-9 or in grades 7-12.

3. All candidates recommended for certification as science teachers shall have satisfactorily completed programs which provide experiences that enable them to develop broad basic knowledge and skills in earth science, in life science, and in physical science. The broad base shall include no less than twenty percent of the total baccalaureate program distributed equitably across the areas listed in 1. above, and, in addition either:

- a. Experiences which enable the candidate to acquire additional broad knowledge and skills in earth science, in life science, and in physical science to teach science in grades 5-9. These additional experiences shall be equivalent to no less than twenty percent of the total baccalaureate program and shall be distributed across the areas in approximately equal proportions.

OR

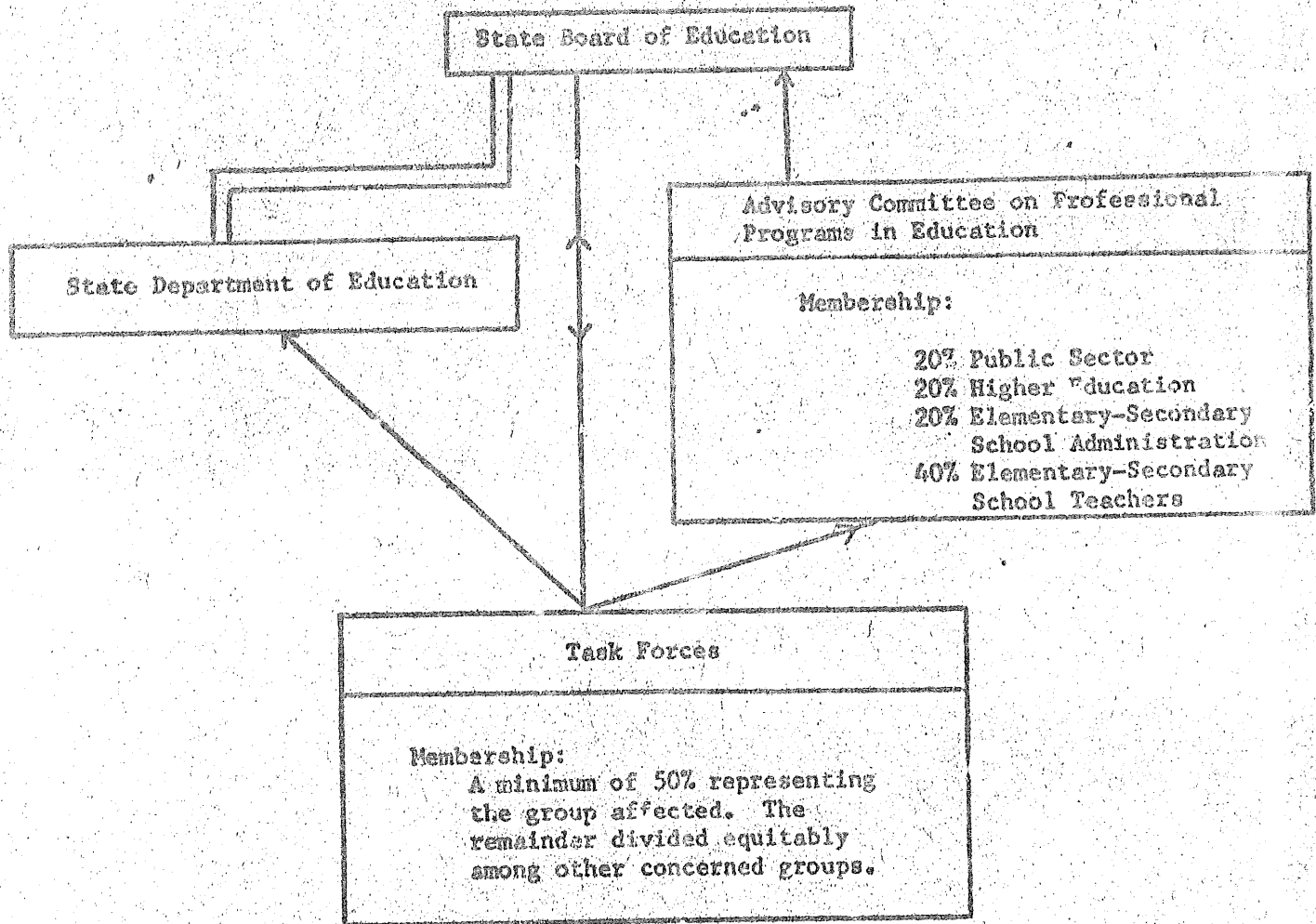
- b. Experiences which enable the candidate to develop a high level of competency in at least one of the three major disciplines necessary to teach that special area of science in grades 7-12. These additional experiences shall be equivalent to no less than twenty percent of the total baccalaureate program.

4. All candidates for certificates to teach in a specified area of science part-time shall have the experiences necessary to develop the broad basic competencies required of all science teachers plus at least the additional preparation in the specific area in which they desire to teach equivalent to that specified in 3a for that area; provided, however, that candidates for certificates as part-time teachers of either chemistry or physics have the experiences necessary to develop broad basic competencies plus sufficient additional preparation in either chemistry or physics such that their total preparation in the specific area in which they desire to teach constitutes at least ten percent of their total baccalaureate program.

Edu____, (cont.)

5. Evidence shall be provided to show that programs submitted for approval have been developed with participation from the college departments involved with the proposed teacher education programs, from elementary school teachers, secondary school teachers, and school administrators as well as from students and interested citizens.
6. Programs submitted for approval shall include all of the following:
- a. A rationale which sets forth the view of the institution with respect to the role of teachers of science.
 - b. Evidence that the program is based on a study conducted to determine the academic work which is necessary to prepare candidates to teach in the areas of science normally offered at the levels for which certification is being requested.
 - c. An enumeration of specific teacher competencies to be developed in the proposed program. Included among others shall be competencies in the following areas:
 - personal human qualities that will facilitate interpersonal relationships and enhance student learning
 - knowledge of the intellectual and philosophical nature of science
 - knowledge and experience necessary to illustrate the cultural and historical significance of science to social conditions
 - application of analytical methods of science in multidisciplinary approaches to studying and solving problems of science and of society
 - knowledge and skill necessary to seek out and study new concepts, together with the ability to synthesize these concepts meaningfully and to communicate them to persons for whom the ideas are also new
 - the selection, adaptation, evaluation and use of strategies and materials for the teaching of science so that teaching-learning situations for which the teacher is responsible will be consistent with general knowledge about teaching and learning and will be appropriate both to the special needs of the learners and the special characteristics of the science disciplines.
 - d. A description of program components which include statements which relate individual program components to the competencies, knowledge and skills to be developed by candidates.
 - e. A plan for assessing the level of performance of each candidate recommended for certification which ascertains the individual candidate's development of the required competencies.
7. The continuing certificate may be renewed according to general regulations of the State Board of Education pertaining to continuing education.
8. This provision is effective July 1, 1978, for all applicants for entrance certificate

PRESENT ADVISORY STRUCTURE



1. Task Forces are appointed by the Board and report directly to the Board.
2. Task Forces also report to the Advisory Committee on Professional Programs in Education which sends an independent recommendation to the Board regarding each Task Force proposal.
3. The State Department of Education as an arm of the Board also makes an independent recommendation on each proposal.
4. Authority for final action is vested in the Board.

MOORHEAD STATE COLLEGE

Moorhead, Minnesota

July 14, 1972

TO : Honorable Wendell Anderson, Governor of the State of Minnesota
Honorable George S. Pillsbury, Chairman, Senate Interim Committee
on Teacher Tenure and Certification
Honorable Rodney H. Searle, Chairman, House of Representatives
Interim Committee on Overall State Policy for Education
Mr. A. L. Gallop, Executive Secretary, and the Board of Directors
of the Minnesota Education Association
Mr. Edward C. Bolstad, Executive Secretary, and the Board of
Directors of the Minnesota Federation of Teachers
Mr. Howard B. Casmev, Commissioner of Education of the State
of Minnesota, and the State Board of Education
Dr. Lowell Gillette, President, and the Executive Committee of the
Minnesota Teacher Education Council
Mr. W. A. Wettergren, Executive Secretary, and the Board of
Directors of the Minnesota School Boards Association
Mr. Freeman E. Smith, President, and the Board of Directors of
the Minnesota Congress of Parents and Teachers
Mrs. Allen Sulerud, Chairman, and the Board of Directors of the
Minnesota Citizens Committee on Public Education
Mr. L. F. Wermager, Executive Secretary, and the Board of
Directors of the Minnesota Association of School Administrators
Mr. David W. Meade, Executive Secretary, and the Board of
Directors of the Minnesota Association of Secondary School
Principals
Mr. Robert Arnold, Executive Secretary, and the Board of Directors
of the Minnesota Association of Elementary School Principals

FROM : Glaydon D. Robbins, Dean, Professional Studies *hollie*

SUBJECT: Legally established policies and processes of accreditation and
certification in the teaching profession in Minnesota and changes
thereto proposed.

During the course of the 1971 session of the Minnesota legislature,
certain bills were introduced designed to establish new legal policies
and processes for accreditation of teacher education and certification
of educational personnel in the state. Differences of opinion on the
proposed legislation among concerned groups as the Minnesota Educa-
tion Association, the Minnesota Federation of Teachers, the Minnesota
Teacher Education Council, and others were often extreme and sometimes

EXHIBIT E

marked by bitterness and a breakdown of respect and confidence among the parties to the action. No legislation was passed. The issue was referred to interim committees in both houses for study and analysis.

My purpose in directing this communication to educational and legislative leaders in our state is to seek to prevent a re-occurrence of the conflicts and tensions which arose in the 1971 session of the legislature over the issue of accreditation and certification in education. I am convinced that a more rationale and mature approach to the resolution of the issues and problems involved is possible. I would also suggest that if the educational and legislative leaders of our state can develop procedures by means of which concerned groups can be involved in the amicable development of solutions, Minnesota may indeed serve as an exemplary model for other states which are groping for similar answers.

The proposal which I shall make is predicated upon certain assumptions.

Assumption # 1 Within each state there are a number of groups which have identifiable and legitimate rights to involvement in decision making and policy formation relating to processes of accreditation in teacher education and certification of educational personnel. These groups are:

- Classroom teachers at all levels of the educational continuum
in all types of schools
- Administrators and supervisors in those schools
- Personnel from teacher preparing institutions
- The public, i.e. taxpayers, legislators, parents, school
board members, etc.
- State legal educational authority personnel
- Students in teacher education programs

Assumption # 2 The education of teachers and the process by means of which they qualify to teach in the school cannot be considered to be the exclusive prerogative of any one of the groups indicated in Assumption # 1. They are the shared concerns and within the spheres of influence of each of the groups indicated.

Assumption # 3 Because education and teaching exist in the realm of tax-supported public service, governance of the teaching profession has complex interface relationships with governance of public education at both the state and local levels and governance of teacher education.

Assumption # 4 Since the issues and problems relating to accreditation and certification in education must finally be resolved through established

July 14, 1972

Page 3

political processes within each of the states, legislative leaders should be routinely involved in the processes by means of which the concerned parties seek to develop solutions to those issues and problems.

Assumption # 5 In the political processes necessary to resolve the issues and problems in each state, the use of naked political power, political steamrolling, divisiveness, and dissent among the component groups must be discouraged in favor of honest recognition and acceptance of mutual concerns and specialized expertise; frank, open and rational communication and dialogue, conciliation and compromise; united effort in behalf of the welfare of learners of all ages through the improvement of education and teacher education; and mutual respect among all the component groups.

Assumption # 6 The groups indicated above are interested in and concerned about the improvement of the quality of education for children and youth in the schools of our state. As one of the most obvious means to the end of educational excellence, they are also interested in and concerned about providing children and youth with teachers whose professional preparation and qualifications are of the highest level possible.

Assumption # 7 Because governance has become an extremely important issue to members of the teaching profession, all of the concerned groups indicated above could support expanded involvement of the teaching profession in the establishment and maintenance of effective standards for professional development within the profession.

Assumption # 8 An important dimension of this issue is that accreditation of teacher education and certification of educational personnel within a state have crucial interface relationships with the voluntary regional and national agencies which are responsible for existing processes of interstate reciprocity in these areas, i.e. NCATE, NCA, NASDTEC.

Assumption # 9 Policies and processes of accreditation and certification must be formulated with certain built in guarantees, safeguards, protections, checks and balances which will serve as assurances to all concerned groups indicated above that the policies and processes will not be used in the selfish best interests of any one group.

Assumption # 10 Representatives of the concerned groups indicated above can amicably resolve the issues and problems relating to accreditation and certification if an opportunity is provided for them to meet together and exercise effective procedures of open dialogue, free discussion, shared points of view, compromise, and accommodation. Resultant consensus and recommendations would then be supportable by all of the groups whose representatives participated in their development.

PROPOSAL

In light of the assumptions presented, I respectfully suggest:

1. That Governor Wendell Anderson convene a "Governor's Conference on Accreditation and Certification in Education" to resolve the issues and problems confronting this state at present in these areas.
2. That representatives, in such number as Governor Anderson shall consider to be appropriate, shall be invited to attend the Conference from each of the following groups:

The Governor's office
The Senate Interim Committee on Teacher Tenure and Certification
The House of Representatives Interim Committee on Overall State Policy for Education
The Minnesota Education Association
The Minnesota Federation of Teachers
The Minnesota Teacher Education Council
The State Board of Education
The State Department of Education
The Minnesota School Board Association
The Minnesota Congress of Parents and Teachers
The Minnesota Citizens Committee on Public Education
The Minnesota Association of School Administrators
The Minnesota Association of Secondary School Principals
The Minnesota Association of Elementary School Principals

3. That the Conference be called to meet in the fall of 1972 and be of three to five days duration.
4. That the Conference be held in a type of retreat situation in which distractions would be reduced to a minimum and opportunities for hard and concentrated individual and group work be maximized.
5. That expenses of the representatives attending the Conference be born by the groups they represent.
6. That the Conference be staffed with a plentiful supply of secretarial assistance to facilitate communication and reporting.

July 14, 1972

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7. That use of out-state consultants be kept to an absolute minimum since the problems and their solutions tend to be indigenous to the state of origin.
8. That a small steering committee be appointed as soon as possible by Governor Anderson to plan the Conference and establish the agenda and the program.

Governor Anderson may be interested in receiving a note from you supporting or rejecting this proposal. I certainly would. Thank you.

State of Minnesota

Department of Education
Capitol Square, 550 Cedar Street
St. Paul, Minnesota 55101

August 7, 1972

TO : Superintendents and Principals

FROM : Dr. George B. Droubie *GB Droubie*
Director, Teacher Certification

SUBJECT: Effective Date of Edu 521
Human Relations Components in all
Programs Leading to Certification in Education

Edu 521 states in part that "all applicants for certificates in education to be issued or renewed on or after July 1, 1973 shall have completed a training program containing human relations components. Such components shall have been approved by the state board of education" (emphasis added).

Edu 521 applies to all applicants holding regular or vocational certificates whose initial certification was contingent upon the possession of a baccalaureate or higher degree.

Any of your teachers who are issued renewals of their certificates prior to July 1, 1973 would be exempt from the requirements of this regulation until they apply for the next renewal of their certificate. We have always accepted renewal applications a few months prior to their expiration date. We will continue to do this. Certificates expiring on July 1, 1973 can be accepted for renewal any time after March, 1973. This applies only to certificates expiring on July 1, 1973. Certificates expiring July 1, 1974 or thereafter cannot be accepted for renewal prior to July 1, 1973.

If renewal applications are received and certificates issued on or after July 1, 1973 the Human Relations Components must be completed before a certificate may be issued.

Short call (casual substitute) teachers would not be required to complete Edu 521 until such time as a full time teaching certificate is required. This type of certificate will continue to be issued at the written request of a superintendent.

This is intended only as a clarification of the effective date of Edu 521 and school districts are nevertheless strongly encouraged to develop Human Relations Components which will be completed by teachers prior to July 1, 1973.

Please contact our office if you should have any questions regarding this.

GFD:c

EXHIBIT F