

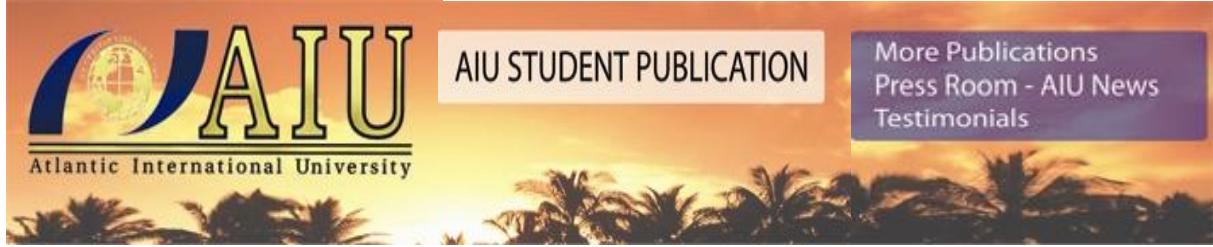
SEGUNDA FASE

Name of the Course:

DIRECTOR OF HUMAN RESOURCES IN EDUCATION

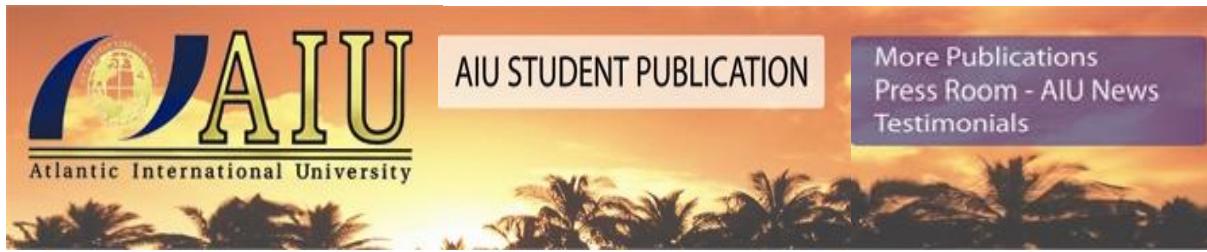
NOMBRE DEL ESTUDIANTE: Israel Romero Puerto

ID: UD3314HED8050



DIPLOMA: Doctorado (Ph.D) ESPECIALIDAD: Educación

SEPTIEMBRE 27, 2006



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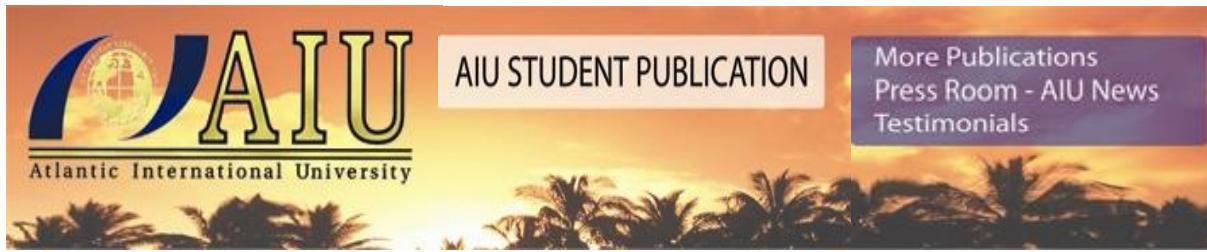
TITULO DE LA ASIGNATURA: **DIRECTOR OF HUMAN RESOURCES**

IN EDUCATION

ANALYSIS OF PUBLIC EDUCATION INITIATIVE IN HUMAN RESOURCES IN MASSACHUSETTS

INTRODUCTION

Education is inextricably related to the social, political, and economic influences of its time; its human resources function in education is no exception. The progress realized in the development of human resources administration is in part a history of education. This work presents a historical perspective of human resources administration in education and discusses some of the concepts and people that have influenced contemporary personnel practices and its implications in public education in the United States in general as well as in the state of Massachusetts in particular. First, however, we will answer the question: What is human resources administration?



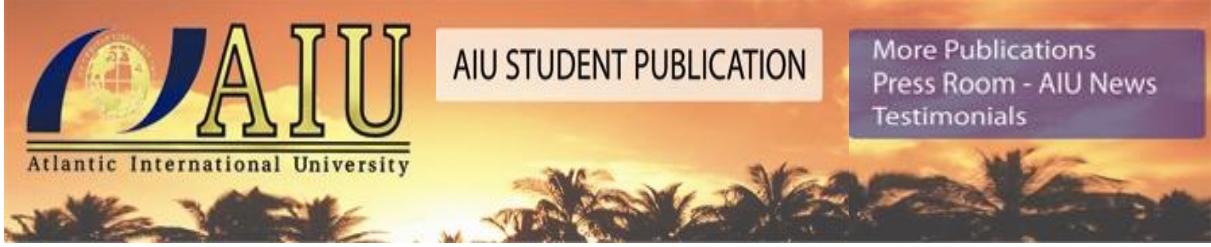
One of the earliest definitions of personnel administration was given by Tread and Metcalf (1920), who defined personnel administration as “the direction and coordination of the human relations of any organization with a view to getting the maximum necessary production with a minimum of effort and friction, and with proper regard for the genuine well being of the workers.” Tread and Metcalf’s text, *Personnel Administration, Its Principles and Practices*, was one of the first works devoted exclusively to personnel. Its publication in 1920 came in a time when the scientific management movement was waning.

Almost half a century later, Stahl (1962) succinctly described personnel administration

As “the totality of concern with the human resources of the organization.” At about the same time Van Zwoll (1964) defined personnel administration as “the complex of specific activities distinctly engaged in by the employing agency (school district, other unit of government, or business enterprise) to make a pointed effort to secure the greatest possible worker effectiveness consistent with the agency’s objectives.”

More contemporary definitions of the human resources function are those set forth by Rebore (2001) and Castetter and Young (2000), whose definitions are framed in terms of the goals and purposes of human resources administration. According to Rebore (2001), the goals of the personnel function are “basically the same in all school systems –to hire, retain, develop, and motivate personnel in order to achieve the objectives of the school district, to assist individual members of the staff to reach the highest possible levels of achievement, and to maximize the career development of personnel.”

Catetter and Young’s (2000) definition closely resembles that of Rebore; that is, the goals of the human resources function are to attract, develop, retain, and motivate personnel in order to



(a) achieve the system's mission; (b) assist members to achieve position and work unit standards of performance; (c) maximize the career development of every employee; and (d) reconcile individual and organizational objectives.

All these definitions of human resources administration express the comprehensiveness of the human resources function in education, as well as the basic concept that "schools are people." People, therefore, are a primary concern of human resources administration.

For the purpose of this work, human resources administration is defined as those processes that are planned and implemented in the organization to establish an effective system of human resources and to foster an organizational climate that enhances the accomplishment of educational goals. This view emphasizes human resources administration as a foundational function for an effective educational program. The primary elements of the human resources process, implied in the definition, are recruiting, electing, and developing staff, as well as establishing a harmonious working relationship among personnel. Although this definition emphasizes the human element, it also states that the focus of human resources administration is on achieving the goals and objectives of the system. This focus includes a major concern for developing a healthy organizational climate that promotes the accomplishment of school goals and the meeting of the personnel needs of school employees.

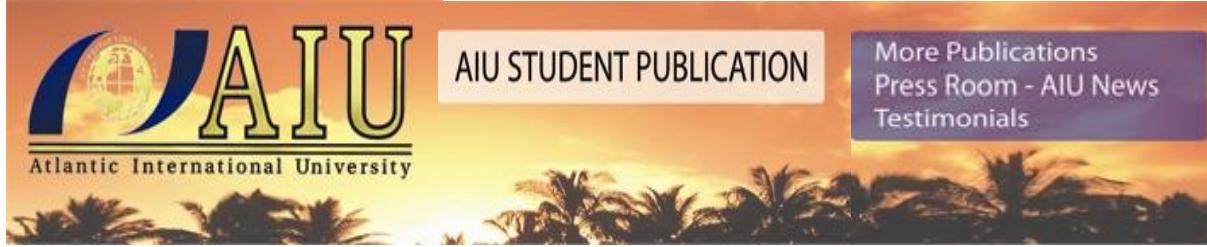
HUMAN RESOURCES PRIOR TO 1900. Webb & Norton make the point that "Human resource administration as we know it today did not exist prior to 1900." (p 34). In the business and industrial sector, personnel issues such as hiring and firing were delegated to supervisors or foremen, also known as, "line bosses". After 1900 personnel issues became more centralized. Here is an outline of the major figures in HR administration, theory and practice.



- Scientific management. Taylor (worker productivity and efficiency)
- Weber (bureaucracy and taxonomy of authority) • Charismatic authority - based on personality
- Traditional power - based on the position • Legal authority - based on rules and laws
- Fayol's key principles: • Division of labor - specialization leads to efficiency • Unity of command - avoid conflicting instructions • Unity of direction - one supervisor or manager • Scalar chain - a single, uninterrupted line of authority from top to bottom
- Human Relations Movement. Economic incentive is not the only significant motivator (non-economic social sanctions can even limit the effectiveness of economic incentives);
 - Workers respond to management as members of an informal group, not as individuals;
 - Production levels are limited more by social norms of the informal organization than by physiological capacities.

In the educational arena, select lay committees assumed responsibility for personnel duties in the school. Parents and religious groups were reluctant to trust the proper education of their children to people from outside the home or church. The title **selectmen** was commonly bestowed on these early control groups, which consisted largely of local influential and religious officers (Lucio & McNeil, 1969). Selectmen exercised tight control over the policies of the school, the supervision of the subjects taught, and the personal habits of the teacher. Although they knew little about education, these select committees were not reticent to criticize, make suggestions, or recommend the dismissal of an “incompetent” teacher.

The slow development of professional leadership in education before the run of the 19th century contributed to the administrative authority of select committees. The first city superintendent was not appointed until 1837. Even as late as 1870, only 29 districts in the country had appointed superintendents of schools. Initially, these individuals were vested with responsibility for the curriculum and given limited authority for personnel. In 1870, the National Association of School Superintendents, which had been formed in 1866, merged with the National Teachers’ Association and the American Nomal School Association to form the National Education Association (NEA) (Fenner, 1945) as we know it today.

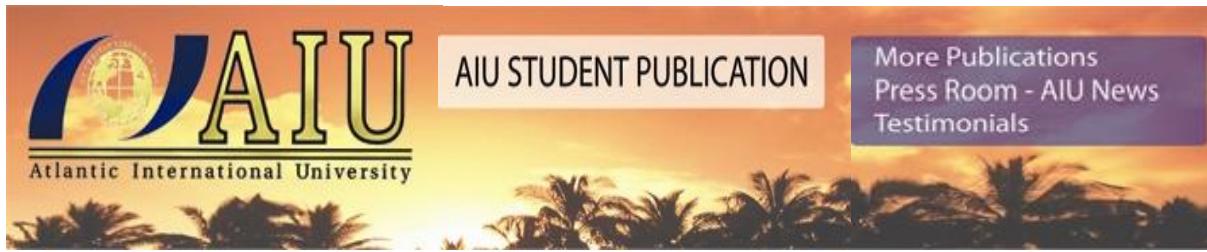


While the city or district superintendent had limited authority in matters affecting personnel during this period, the county superintendent had a great deal of influence on personnel activities, both before 1900 and for some time afterward. This was a significant office in most states from 1850 to 1925. Delaware is credited with having the first recorded county superintendent, as early as 1829 (AASA, 1952). By 1879, 34 of the 38 states plus four territories had created the office of county superintendent (Newsom, 1932).

Teaching staffs in the 19th century, and for some years after, were marginally prepared for their tasks. Many elementary school teachers had only a high school education, with no formal teaching training. Although the 2 year normal school was well established in the last quarter of the 19th century, much of the teacher training was accomplished through other means, primarily the **teacher institutes** operated by the county superintendent. In fact, part of the importance of the county superintendent role comes from the fact that the teacher institutes were operated of in-service training for teachers.

However, toward the end of the 19th century, as urban population increased and public high schools evolved in greater numbers, the work of the county superintendent was gradually assumed by local supervisors, and the growing number of teacher training programs assumed greater responsibility for the initial and in-service training of teachers. Nonetheless, the county superintendent continued to serve many of the smaller school districts and maintained limited responsibilities for larger districts for several years after 1900.

PERSONNEL ADMINISTRATION AFTER 1900. During the later part of the 19th century, various forms of personnel departments began to emerge in business and industry. Such duties as record keeping, preparing salary schedules and rating reports, and other clerical tasks were assigned to one individual (McCoy, Gipps, & Evans, 1983). Later, one person became responsible for other, more specialized personnel tasks, such as selecting and assigning the needed personnel.

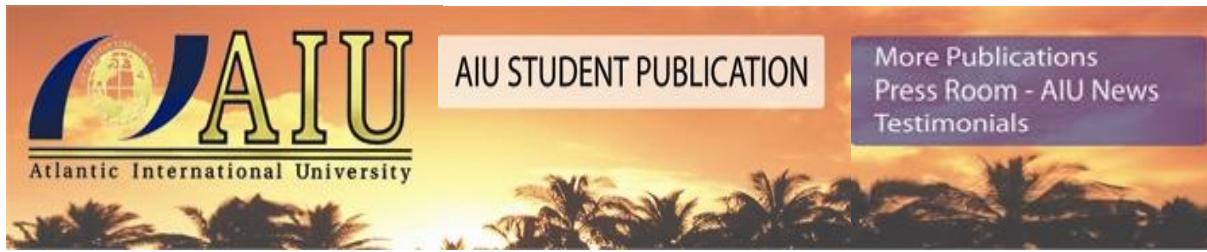


Prior to 1990, there was little evidence of an organized central personnel office in school systems. However, educational institutions began to initiate personnel practices similar to those in business and industry. One common practice was to delegate certain activities, such as compensation and personnel matters, to the business administrator. With the emergence of assistant superintendent positions, more personnel activities related to the professional teaching staff were assumed by these administrators. Building principals did perform some personnel duties, but many were only part-time administrators and had teaching responsibilities as well.

After 1900 and during much of the first half of the 20th century, personnel administration began to emerge. Moore (1966) points out that “personnel administration as the term was commonly understood, began with World War I. The recruiting, training, and paying of masses of workers in war production forced assignment of such responsibilities to specialized personnel.” In education, the establishment of personnel departments was encouraged by school surveys conducted by management consultants and universities, especially in the 1940s and later, which recommended the establishment of position charged with the management of personnel (Moore, 1966). As a result, the establishment of central offices to coordinate the personnel function increased significantly during the 1950s and 1960s. And by 1966, Moore was able to report that approximately 250 personnel administrators were operating in the public schools.

THE SCIENTIFIC MANAGEMENT MOVEMENT

The scientific management movement, which became extremely popular in the early 1900s, had a major impact on the human resources function in business and industry, as well as on education. The scientific management grew out of the work of Frederick W. Taylor (1856-1915). As chief engineer of a Pennsylvania steel company, Taylor had the opportunity to implement his management concepts in industry. His critical attention to worker efficiency and productivity earned him the title Father of Scientific Management. Today, Taylor’s methods are considered by most to be insensitive and authoritarian. Yet his work, along with that of others who contributed to the scientific management movement, did much to focus attention on the

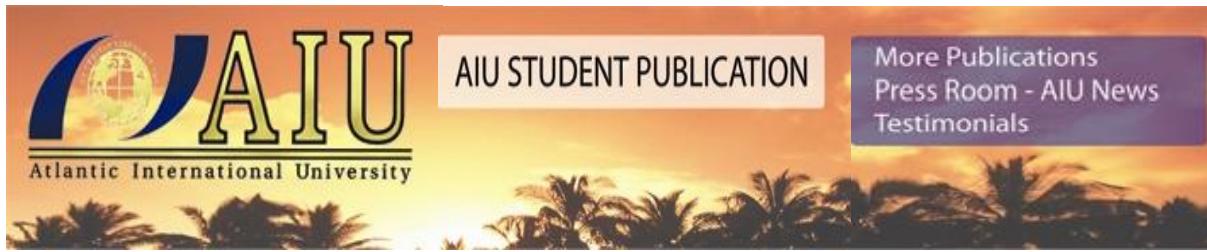


important relationships between task achievement and human activity. Many of the concepts that evolved from this era continue to be foundational to many contemporary practices in human resources administration.

Taylor's management methods required managers to plan in advance the daily tasks of each worker and detail the specific procedures for completing the task and arrange the necessary relationships and cooperation for accomplishing each task efficiently. The art of management, according to Taylor (1911), was "knowing exactly what you want to do, and then seeing they do it in the best and cheapest way."

Taylor's management concepts, which he identified as the *task system*, claimed that efficiency and production were conditioned primarily by the following methods:

1. Identification of tasks. Scientific methods should be used by managers to discover the most efficient ways to perform minute aspects of every task.
2. Setting of controlled conditions and specified equipment for completing each task. The procedures for doing the task and the time specifications for completion must be stated and enforced.
3. Incentive system that awards efficiency and high production. A piecework pay system rewards the worker for high productivity. Merit pay and job incentives are essential in the compensation process; punishment or personal loss in case of failure also is to be considered.



4. Management's responsibility to plan and control its accomplishment. Workers are to be hired and trained to carry out the plans under close supervision.

The scientific management served to replace the more arbitrary management procedures with a scientific approach for each job task. Workers were selected and assigned based on the specific job requirements and personal qualifications. Foremen and/or line managers supervised workers by the implementation of the scientific procedures determined for each task. Finally, the method made clear the division of labor between management and workers. Management was to plan and organize the work to be done; workers were to complete each task according to these predetermined procedures.

Taylor's management approaches gained both national and international attention for two reasons. First, management was in dire need of definition. The question of what managers do to assure efficient employee productivity was foremost at the time. Management methods in general in the early 1900s were largely pragmatic and in need of professional bearing. Second, the method of scientific management proved extraordinarily effective in terms of the production outcomes.

Taylor is credited by some writers as being the person most responsible for planting the seeds for the first industrial personnel department in the United States. His in-depth studies and implementation of such personnel practices as selection, training, and compensation served as a forerunner for specialized personnel activities within organizations.

The Hawthorne Studies. Other scholars have studied the field of personnel management in education. Among them is Elton Mayo. He and the Hawthorne Studies discovered that the



informal organization, social norms, acceptance, and sentiments of the group determined individual work behavior.

To understand the complex and baffling pattern of results, Mayo and his associates interviewed over 20,000 employees who had participated in the experiments during the six-year study. The interviews and observations during the experiments suggested that a human-social element operated in the workplace. Increases in productivity were more of an outgrowth of group dynamics and effective management than any set of employer demands or physical factors.

The Hawthorne Experiments were headed by Elton Mayo and conducted at Western Electric, in Chicago (1927-1932). The original research plan was to study the effects of physical conditions (light, noise, temperature) on productivity. But what the researchers found was that productivity was largely determined by the social conditions at work. These conditions are shaped by the opportunities workers have to forge informal alliances.

The thesis of these HR writers is aptly captured by Mayo (1945, p. 10): "... problems of absenteeism, labor turnover, 'wildcat' strikes, show that we do not know how to ensure spontaneity of cooperation; that is teamwork." Therefore, "collaboration in an industrial society cannot be left to chance..." The single most important discovery of the Hawthorne experiments was that workers had a strong need to cooperate and communicate with fellow workers.

The focus of the human relations movement was on "winning friends" in an attempt to influence people. For many "winning friends" was a slick tactic that made the movement seem manipulative and dishonest.



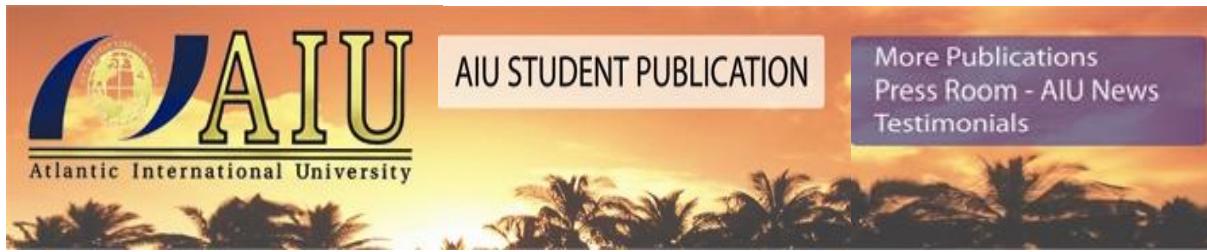
Other Contributors to the Human Relations Approach. Behavioral scientists considered both the classicists' rational-economic model and the human relations social model to be incomplete representations of employees in the work setting. A number of authors attempted to reconcile or show points of conflict between classical and human relations theory; thus, the behavioral science approach was born.

The Individual and the Organization. Behavioral scientists fueled a new interest in the individual and the way in which they relate to organizations. Particularly important to this field were the works of Chester Barnard, Bakke, Argyris, Getzels and Guba, Maslow, McGregor, Herzeberg and Likert.

THE SCIENTIFIC MANAGEMENT IN EDUCATION

The concepts of scientific management were accepted enthusiastically by practitioners in educational administration. Taylorism in education was far-reaching and was evident in both administrative practices and terminology in the early 1900s. Educational engineering, scientific education, the chief executive, and administrative management became part of the new vocabulary in education. In order to be efficient, it was said that schools had to exemplify the principles of scientific management and emulate the practices of a successful business. In 1918, James L. McConaughy of Dartmouth University stated that "this is an age of efficiency. In the eyes of the public no indictment of a school can be more severe than to say it is inefficient." Elwood O. Cubberly, a school superintendent and later university professor, wrote in 1916 that:

"Our schools are, in a sense, factories in which raw products (children) are to be shaped and fashioned into products to meet the various demands of life. The specifications for manufacturing come from the demands of life. The specifications for manufacturing come from the demands of twentieth century civilization, and it is the business of the school to build its pupils according to the specifications laid down."

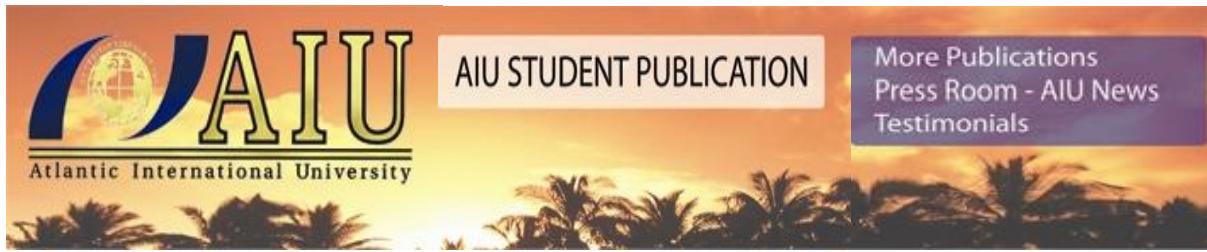


Personnel development in education also was influenced by the work of other scientific management proponents such as Henri Fayol, Luther Gulick, Lyndall Urwick, and Max Weber. Fayol (1841-1925) set forth five basic elements for all administrative activities: to plan, to organize, to command, to coordinate, and to control. The implications of these principles for personnel management were clear. Administrative personnel, according to Fayol (1916/1949), were responsible for the following:

1. Determining those activities necessary to meet the needs of the future.
2. Organizing the required physical and human resources.
3. Overseeing the work of employees through leadership and direction.
4. Coordinating the efforts in the organization through relating harmonious activities and units.
5. Controlling all the procedures and methods that have been determined and outlined by the principles and rules of the organization.

Many of Fayol's management concepts remain in practice today. These include such principles as *division of labor* (the more people specialize, the more efficiently they can perform their work); *unity of command* (each employee must receive instructions about a particular operation from only one person to avoid conflicting instructions and resulting confusion); *unity of direction* (the efforts of employees working on a particular project should be coordinated and directed by only one manager); and *scalar chain* (a single uninterrupted line of authority should run in order by rank from top management to the lowest-level position in the company).

Gulick (1892-1993) extended Fayol's five responsibilities for personnel management to include reporting and budgeting responsibilities and extended the personnel consideration under the responsibility of staffing. Thus Gulick's now renowned POSDCoRB (Planning, Organizing, Staffing, Directing, Coordinating, Reporting, and Budgeting) gave new emphasis to the process of staffing by considering it a separate unit, rather than a subsidiary of organizing. Gulick's management concept of specialization proved to be of particular importance to administrative organization. This concept stipulated that workers are more effective when tasks are divided into specific parts. The task parts included both the content and methods for



completing the work. According to the specialization concept, all tasks are to be considered jobs, and all jobs are to be assigned appropriate departments. Not only did the concept tend to reinforce the idea of departments, but it also emphasized the need for such personnel activities as the development of job descriptions and the completion of scientific, in-depth job analyses (Urwick & Gulick, 1937). Specialization supported the hierarchical supervisory structure commonly utilized in organizational administration today.

Gulick's colleague and coauthor, Luther Urwick (1891-1983) articulated seven universal principles of organization that held significant implications for the human resources function. The principles of assignment of duties, definitions, and organization effectiveness are especially noteworthy. Urwick's principle of assignment of duties stated that the duties of every person in an organization should be confined as far as possible to performing a single function. This idea of specialization ultimately permeated educational practice at both the management and professional teaching levels. The principle of definition stipulated that the duties, authority, responsibilities, and relations of everyone in the organization structure should be clearly and completely defined in writing. Thus, as noted previously, job analyses and job descriptions became essential parts of the personnel activity. According to Urwick's principle of organization effectiveness, the final test of an industrial organization is the smoothness of its operation. Such a test was considered more in terms of the ways that departments were grouped and related than in terms of human relationships in the organization.

Sociologist Max Weber's (1864-1920) early work in social and economic organizational theory provided a foundation for the study of a bureaucracy that he viewed as the ideal organizational structure. His work proved instrumental in the implementation of many later investigations by behavioral scientists. Weber conceived the ideal organization as having (1) a hierarchical structure, with a well defined hierarchy of authority; (2) a functional specialization, exemplified by a division of labor based on the ability to perform a certain task; (3) rules of behavior that prevent the unpredictability of the individual employee; (4) impersonal relationships that are free of strong personal and emotional relationships that tend to result in irrational decisions; and, career orientation based on prescribed competence that focuses on certification of abilities. Promotion must be tied to job-related performance. Security for the worker through protection from unfair dismissal, voluntary resignation, and provisions for retirement contribute to loyalty and career orientation. Weber contended that such ideal bureaucracies were more

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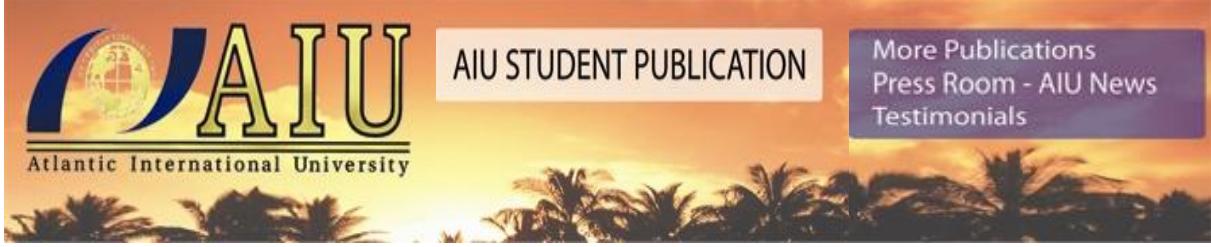


impartial, more predictable, and more rational than the norm. In Weber's view, these factors allow workers to function with a minimum of friction and confusion.

Weber's concept of rationality in organizations was further illustrated in his taxonomy of domination (1910/1947). The taxonomy describes the three types of authority in organizations as charismatic, traditional, and legal. *Charismatic authority* is power based on the charismatic attraction of the leader that results in an emotional form of follower-leader relationship. *Traditional authority* is based on the dominance inherent to a position or role. That is, the position itself legitimizes certain authority and accompanying privileges exercised by the position holder. Legal authority is based on a body of principles, rules, and laws that provides the authority for the position. Weber considered legal authority to be best for forming the foundation of an ideal bureaucratic organization.

Weber's concepts have had much influence on practices in educational administration and, in turn, on the human resources function. His ideas of hierarchical authority, division of labor, files and records, and rules for behavior and his concepts of authority can be identified with many contemporary practices in human resources administration.

Emphasis on accountability, teacher evaluation, merit pay, teacher selection, scientific supervision, on-the-job training, and job analyses were among the personnel outcomes of the scientific management era. In education, teaching personnel learned how to set goals and accomplish them. The personnel performance evaluation practices that had been introduced into business and industry soon were incorporated into the personnel process in education as well. And incentive pay plans advocated in the early 1900s by both supported and critics of education have gained renewed support in today's climate in which focus has again turned to accountability and performance outcomes.



Supervisor Dismissals or Demotions

In this section, we try to show how the Massachusetts Department of Education handles the human resources administration tree of authority. The following is a synthesis of cases decided by Mass DOE on the dismissal of school administrators in Massachusetts, pursuant to the General Laws c. 71, § 41, ¶ 3 which provides:

A principal, assistant principal, department head or other supervisor who has served in that position in the public schools of the district for three consecutive years shall not be dismissed or demoted except for good cause.

Therefore, in order for a school administrator to be terminated, good cause must be shown by the terminating entity.

1. Boston Public Schools & R. R. - March 20, 1995

Upheld dismissal of an assistant principal due to inadequacies in performance. The assistant principal allegedly failed to carry out district policies and procedures, including discipline procedures. The arbitrator applied some procedural protections associated with just cause dismissal, to the good cause standard and considered the best interests of the pupils. [21 pages]

Arbitrator Diane Zaar Cochran

AAA # 11 390 01463 94



2. Milford Public Schools - January 19, 1996

Upheld dismissal of an assistant principal for inappropriate and sexually provocative conduct. The arbitrator equated the good cause standard in section 41 with the traditional just cause standard and stated that the standard of proof is clear and convincing evidence. [Ten pages]

Arbitrator Michael F. Walsh

AAA # 11 390 00509 95

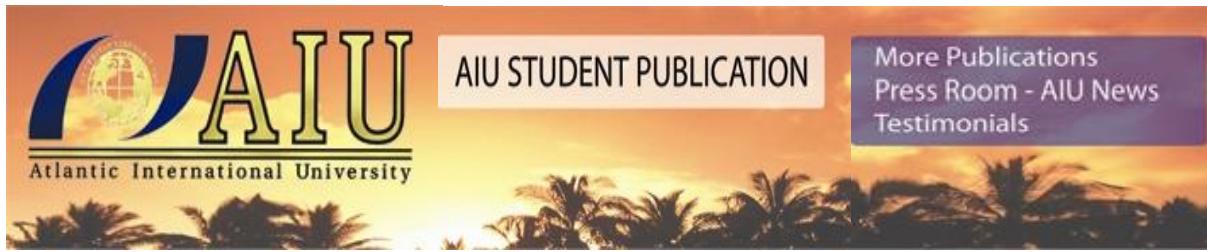
3. Salem Public Schools & M. B. - May 1, 1996

Arbitrator did not have the jurisdiction to rule on the alleged demotion of a head teacher because the head teacher was not a supervisor under section 41. [13 pages]

Arbitrator Sarah Kerr Garraty

AAA # 11 390 01203 95

4. Marlborough Public Schools - October 13, 1995 and May 5, 1997



In the first decision, the arbitrator overturned the dismissal of a high school principal for failure to file timely accreditation reports and ordered that the principal be reinstated with full pay and benefits. [11 pages]

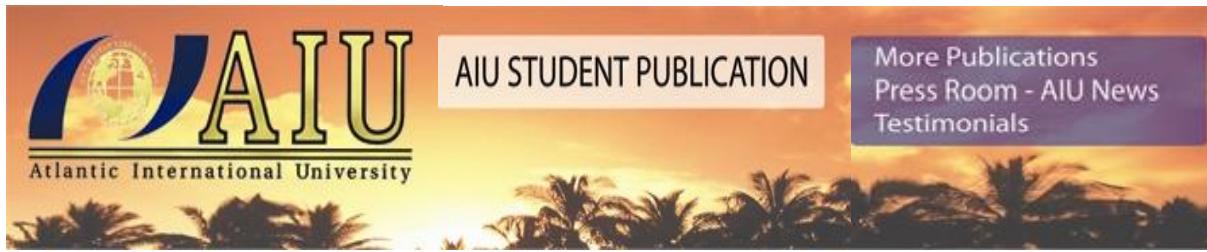
The Superior Court vacated the arbitration award because the arbitrator equated the good cause standard for the dismissal of principals [or other supervisors] with the just cause standard for teacher dismissals to determine if there was good cause to support the dismissal. In the second decision, the arbitrator overturned the dismissal, finding that the district did not have good cause to dismiss the principal for failing to file timely accreditation reports. In the second decision, the arbitrator overturned the dismissal, finding that the district did not have good cause to dismiss the principal for failing to file timely accreditation reports. The district was ordered to reinstate the principal and reimburse him for lost pay and benefits. The arbitrator ruled that the principal's actions were consistent with the best interests of the pupils and the dismissal was "arbitrary, irrational, unreasonable, and irrelevant to the task of maintaining an efficient school system." The superintendent allegedly dismissed the principal to impress the accreditation association because he was seeking employment with them. [Nine pages]

Arbitrator Michael Walsh

AAA # 11 390 02102 94

5. Falmouth Public Schools - January 21, 1998

Director of human resources was not entitled to arbitrate his dismissal because he was not a supervisor under section 41. He did not have authority over educators or



the educational process. [11 pages]

AAA # 11 390 01300 97

Arbitrator Diane Zaar Cochran

6. Pittsfield Public Schools & H.E. - December 14, 1998

Upheled the demotion of the Director of Special Education to a teaching position following an internal investigation concerning complaints of sexual harassment and retaliation by another teacher in the department. The appropriate standard of review was "good cause." The district demonstrated that it had a sound basis for its decision, that its action was rational and reasonable, and that it provided the employee with due process, including notice of the allegations of misconduct and an opportunity to be heard. There was credible evidence, including corroborating witnesses and other external factors, to show the director engaged in inappropriate activity, and the demotion was a reasonable penalty for his actions. [75 pages]

AAA # 11 390 01602 97

Arbitrator Tammy Brynie

7. Cambridge School Committee & P.B. - April 28, 1999

The arbitrator did not have jurisdiction over the alleged demotion of an



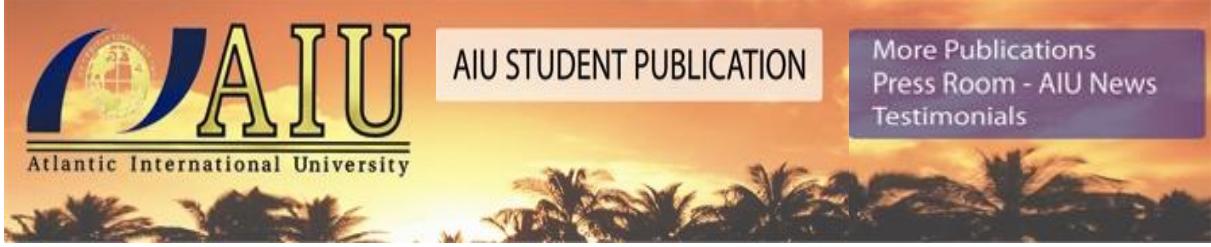
administrator. In 1992 the administrator was removed from his position as Technical Coordinator of Occupational Education at a school and reassigned as an "administrator on assignment" at no reduction in salary. In the new position, the administrator was neither involved in personnel matters nor directed the work of other employees. In 1996, the administrator was notified that he was being transferred into a teaching position and his salary was being reduced. In response to the 1996 notice, the administrator filed a request for statutory arbitration. The arbitrator held that the 1992 transfer might have been arbitrable under G.L. c. 71, § 41, but as the administrator had not filed a request within 30 day of receiving notice, he had forfeited his right to arbitrate that transfer. As to the 1996 transfer, the arbitrator found that it was a demotion, but not one arbitrable under c. 71, §41, because the individual demoted was an administrator, but not a "supervisor" for the purposes of § 41. [26 pages]

AAA # 11 390 02656 96

Arbitrator Nancy Peace

8. Lawrence Public Schools & W.C. - October 12, 1999

The assignment of an employee from the principal position at Lawrence High School to the principal position at an elementary school in the district was not a demotion and therefore not arbitrable under M.G.L. c. 71, §41. The principal's contract with the district contained a clause that allowed the superintendent to reassign or transfer the principal to another professional administrative position or other position for which he is qualified. The arbitrator held that the individual employment contract is controlling with respect to what constitutes a demotion. Since the transfer was not a demotion, it is therefore not arbitrable under M.G.L. c. 71, §41. [29 pages]



AAA # 11 390 00289 99

Arbitrator Nancy E. Peace

9. Ludlow Public Schools - November 29, 1999

Upheled district's dismissal of principal, finding that the district had good cause for the dismissal. The principal had entered a teacher's house during the day, when only the teacher's twelve-year-old daughter was home, and taken prescription pain medication from the teacher's bathroom. The principal claimed that she had received permission from the teacher to enter the home and take the medication, which the principal said she needed to alleviate severe migraine headaches. The arbitrator found that the principal's testimony was not credible. The arbitrator further found that the superintendent's decision to terminate the principal's employment was justified as the superintendent had lost confidence in the principal's ability to function effectively. [16 pages]

AAA # 11 390 00235 99

Arbitrator Diane Zaar Cochran

10. Medford Public Schools & J. C. - February 13, 2001



Overturned dismissal of Director of Community Schools whose position had allegedly been eliminated due to administrative reorganization and budget constraints. The arbitrator first determined that the employee could not raise violations of the collective bargaining agreement at an arbitration hearing under G.L. c. 71, §41. The arbitrator also noted that the district failed to maintain or produce necessary personnel documents. Ultimately, the arbitrator determined that there was no bona fide layoff under §41 because the position was never actually eliminated. Furthermore, since the Director's specific position did not require him to maintain his certification, there was no good cause for dismissal. [24 pages]

AAA # 11 390 00768 00

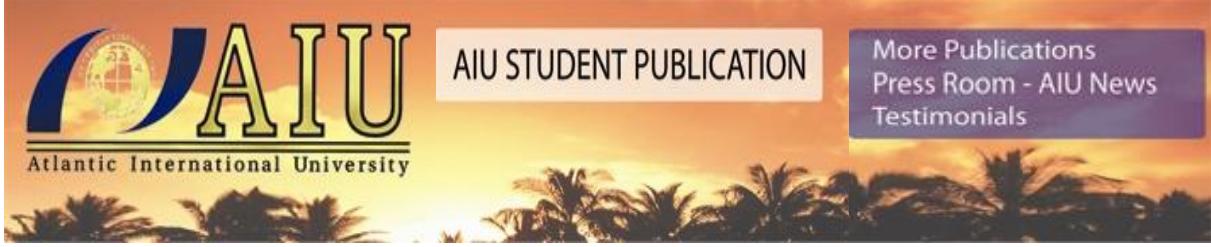
Arbitrator Marsha Mearns Saylor

11. C.L.B. and Lynn Public Schools - May 12, 2006

The arbitrator determined that involuntary removal from a non-supervisory position of Special Education [IEP Team] Chairperson and assignment to a teaching position with a reduction in work days and compensation constituted a demotion within the meaning of Chapter 71, Section 42. The arbitrator also determined that the demotion occurred in March when the individual received a letter notifying her that the involuntary transfer would occur immediately and not in July when she was notified of her assignment for the following school year. [17 pages]

AAA# 11-390-02370-05

Arbitrator Garry Wooters



Lwall/docs.arbitration.Summaries.Lynn-Brown

Judicial Decisions

The following is an excerpt of decisions rendered by the courts of common jurisdiction in the state of Massachusetts regarding administrators, coaches with administrative tenure, and tenured teachers.

School Comm. of Natick v. Education Assoc. of Natick, 423 Mass. 34, 666 N.E.2d 486 (1996)

The Supreme Judicial Court held that the superintendent's decision not to renew the contract of an athletic coach is not subject to the just cause standard or to arbitration under G. L. c. 71. The coach was a long-time teacher who had a "stipendiary appointment" as high school baseball coach. At the time of this decision, superintendents had the authority to contract with coaches for a term of no more than three years, under G.L. c. 71, § 47A. The Supreme Judicial Court said, "[b]y limiting coaching appointments to a maximum of three years, the Legislature intended to establish a fixed term of employment, readily terminable at its conclusion."

G.L. c. 71, § 59B has been amended to permit principals to hire and dismiss athletic coaches, subject to the approval of the superintendent. The three-year term for coaches' contracts remains in G.L. c. 71, § 47A.

Turner v. School Committee of Dedham, 41 Mass. App. 354 (1996)

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Teacher with professional teacher status [PTS] filed suit in Superior Court to challenge her lay-off pursuant to a reduction in force, arguing that the school district had retained teachers without PTS. The Appeals Court upheld the lower court's order that the teacher should have sought review of the lay-off through G.L. c. 71 arbitration proceedings. The Appeals Court ordered that the prior judgment be modified to remand the matter to arbitration because the teacher had filed her complaint in Superior Court within 30 days and the issue had not been addressed previously by an appellate court.

Westport School Committee v. Coelho, Marchand and Antonucci, 44 Mass. App. Ct. 614, 692 N.E.2d 540 (1998)

The Appeals Court agreed with the Commissioner's argument and held that arbitration procedures under G.L. c. 71 were not applicable to teachers who had been laid off by their school district for budgetary reasons. In footnote 8, the appellate court said that it did not have the Commissioner's argument before it when it decided Turner. The Appeals Court rejected the language contained in Turner "suggesting that the Act's arbitration procedure is an available remedy for all teacher terminations, including economic layoffs."

Marlborough School Committee v. Leonard Morley, Middlesex Sup. Ct., C.A. No. 95-6633 (Oct. 11, 1996)

The Superior Court determined that the good cause standard for the dismissal of principals [or other supervisors] in section 41 was different than the just cause standard for teacher dismissals in section 42. The good cause standard merely requires that the school district show that the grounds for dismissal were "in good faith and . . . not arbitrary, irrational, unreasonable or irrelevant . . . to the task of building up and maintaining an efficient school system," quoting from a Supreme Judicial Court decision. The just cause standard, however, requires evidence of the grounds listed in section 42,



such as inefficiency, incapacity, unbecoming conduct or insubordination. The Superior Court granted the district's motion to vacate the arbitrator's decision and remanded the matter to the arbitrator for further proceedings. The arbitrator had the authority to order reinstatement. The subsequent arbitration decision is described above, in Section II (B).

School Committee of the City of Boston v. Frederick Bromberg, Suffolk Sup. Ct. C.A. No. 97-4921-C (February 10, 1998)

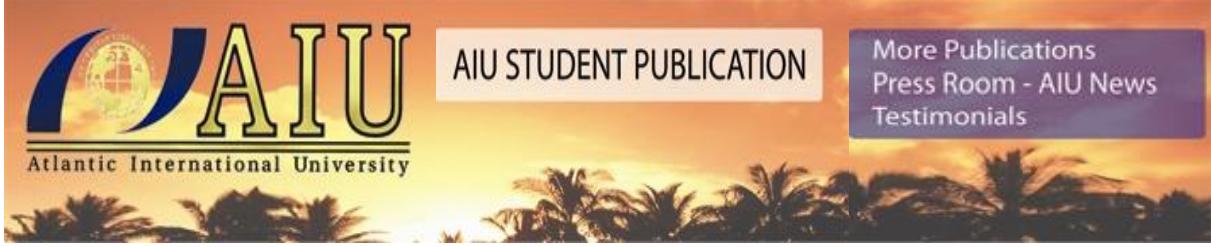
The Suffolk Superior Court allowed the teacher's motion to dismiss the district's petition to vacate the award, because the district failed to file within 30 days as required by G.L. c. 150C, § 11(b). In a footnote, the Superior Court said that the arbitrator did not exceed his authority when he concluded that the teacher was not guilty of the sexual misconduct that resulted in his dismissal.

Porrell v. School Committee of Wayland, 45 Mass. App. Ct. 23 (1998)

The Appeals Court held that a head basketball coach was not entitled to tenure under G.L. c. 71, § 47A, even though he had professional teacher status as a physical education teacher.

City of Worcester, et al. v. Worcester Vocational Teachers Association et al., Worcester Sup. Ct., C.A. No. 98-1686B (August 2, 1999)

The Worcester Superior Court upheld the arbitrator's award, which ordered the re-instatement of a guidance counselor. A guidance counselor was terminated for inappropriate conduct relating to an incident where the guidance counselor allegedly had physical contact with a student during an overnight school outing. The court held



that under the authority of M.G.L. c. 150E, § 8 (1996 ed.), the arbitrator appropriately analyzed the evidence presented and determined that there was no just cause for the termination of the guidance counselor. Also, the court held that the re-instatement of the guidance counselor did not violate public policy.

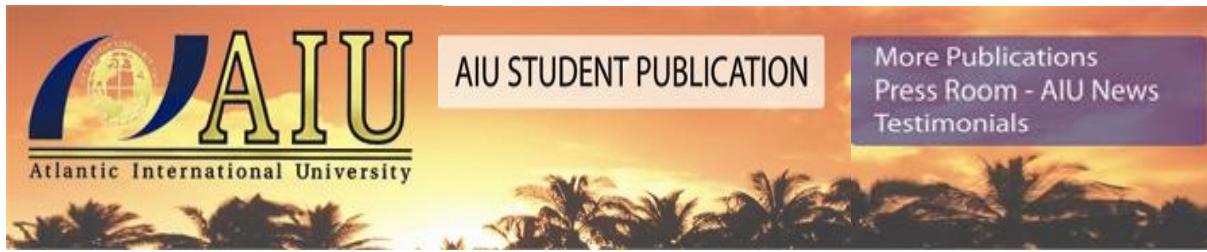
Downing v. City of Lowell, 50 Mass. App. Ct. 779 (2001)

The Appeals Court affirmed the Superior Court's decision to enter summary judgment in favor of the school district ruling that non-renewal of a principal's contract does not constitute a dismissal. It held that the procedural safeguards available to professional teachers under G.L. c.71, §41 do not apply to principals. In addition, the Court held that a principal serving under contract does not have a constitutionally protected property interest in his employment.

Ballotte v. City of Worcester, 51 Mass. App. Ct. 728 (2001)

Teacher with professional teacher status (PTS) who was terminated from her position due to budgetary reasons was entitled to pursue her statutory claims for damages and reinstatement under G.L. c. 71, § 42 in Superior Court, and was not limited to arbitration of contractual claims under a collective bargaining agreement. Also, the teacher was entitled to bump into a position for which she was currently qualified at a different vocational school within the district, when that position was held by a teacher without PTS. For purposes of G.L. c. 71, § 42, a teacher with PTS who is laid off for economic reasons is entitled to bump into a position for which she is currently qualified if it is held by a teacher without PTS, even if the position is in a different bargaining unit.

School Committee of Beverly v. Geller, 435 Mass. 223 (2001)



The Supreme Judicial Court vacated a judgment of the Superior Court upholding an arbitration award. The arbitrator had ordered reinstatement of a teacher with PTS whom the district had dismissed for conduct unbecoming a teacher, based on his physical and verbal abuse of students on three separate occasions. The arbitrator found no just cause for the dismissal, after conducting an analysis weighing the teacher's 20-plus years of good performance against the incidents of misconduct. The school district appealed to Superior Court, which upheld the arbitration award. The Appeals Court reversed that judgment. In the plurality opinion written by Justice Cordy, three members of the Supreme Judicial Court concluded that if an arbitrator finds that one of the enumerated grounds for dismissal has been proved, the arbitrator may not substitute his judgment of what the penalty should be for that of the school district. Justice Ireland, concurring in the result and with whom Justice Cordy joined, reasoned that the arbitrator's award should be vacated under the rationale of the Appeals Court in its 2000 decision in this case, based on the Commonwealth's well-defined public policy protecting students from physical abuse. Three justices dissented, finding that the arbitrator did not exceed the scope of his statutory authority by reinstating the teacher. Pursuant to the order of the court, the matter has been remanded to the arbitrator.

Northeast Metropolitan Vocational School v. Josephine Testaverde and the Commissioner of the Department of Education - May 12, 2003

A Superior Court judge approved the Commissioner's decision to refer the plaintiff's petition to arbitration and to direct the arbitrator to address the issue of arbitrability prior to considering the merits of the dispute. The school had argued that the discharge was due to a financial lay-off, and was therefore not arbitrable. The dispute over the arbitrability of the plaintiff's claim turned on a factual determination of the reason for plaintiff's discharge which was itself, subject to arbitration, not to litigation in the Superior Court. The Defendants' Motion to Dismiss the case in Superior Court was therefore granted. Case is currently pending on appeal to the Appeals Court.

[2 pages] Superior Court Civil Action No. 03-0150 Judith Fabricant, Justice of the Superior Court



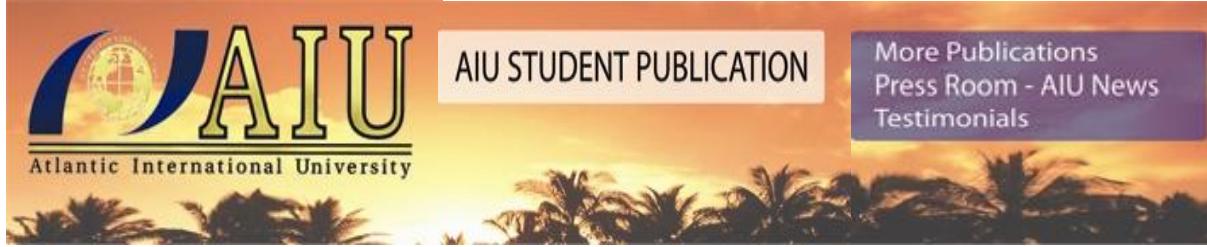
Allenson v. DeMoura (Connor, J. Bristol Superior Court)

Held that where an arbitrator upheld a defendant school superintendent's dismissal of a plaintiff teacher, the arbitration award must be vacated because the arbitrator erred by refusing to accept as evidence a jury's finding in a prior Superior Court case that the sole reason for the plaintiff's termination was that she was regarded as handicapped.

EXPERIENCES BY THIS AUTHOR

The following is a case that this writer experienced during his years as an educator, and through interview to administrators. The names of schools, school districts, and people involved have been changed to keep the anonymity of people involved.

Matthew Smith was enthusiastic about his new teaching position at United High School. It had been a difficult task completing his BS degree in Math while working part-time and raising three young children. He was assigned to teach four classes of 11th grade algebra and one class of geometry. Although first-year teachers often are excused from extra duty assignments at United, Matthew asked if he might serve as sponsor of a math club and also as an unpaid junior varsity basketball coach.. These assignments were granted.

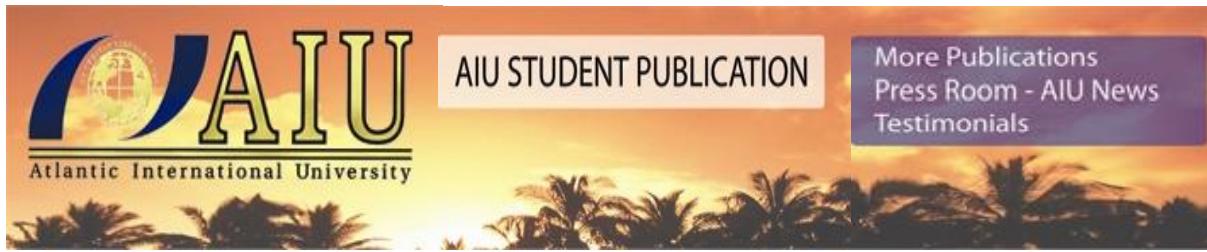


Catalina Cerullo, district curriculum coordinator, sent a memorandum to all math teachers regarding the initiation of a curriculum committee to work on the revision of the math curriculum during the ensuing semester. After conferring with his principal, Russell Peraloca, Matthew decided to volunteer for the committee and was named as a member.

Matthew thoroughly enjoyed the math curriculum work. He took the leadership in completing two special committee projects and also chaired the textbook selection committee for 11th-grade algebra.

Matthew was beginning to think this was his best year ever. His performance ratings as a teacher were excellent, and this added to his satisfaction. At the monthly faculty meeting, Principal Peraloca made some brief remarks about special activities of several staff members, including the several contributions of Matthew. At one point, the principal asked if anyone might be interested in working with a representative parent group on student discipline. One faculty member commented softly so that only those at his table could hear, "Let Matthew Smith do it, he's got all the ideas." On the way out of the meeting, one faculty member said to Matthew, "Say, Matt, aren't you working too hard?"

After a quick analysis of the case, we may conclude that Matthew's willingness to cooperate is going out of hands, and that the leadership by the principal and by the district curriculum coordinator is failing. Pursuant to the Scientific Management in Education by Taylor, every task should be performed by one person, and the areas of specialization are being violated in this case. As a teacher you can't do everything, and for a first year teacher, Matthew should concentrate in learning the ropes of managing the classroom as well as learning techniques to teach more efficiently. Time will come when he will be able to perform side tasks in education. Opportunities for extra-curricular activities are always present in education. But more



preoccupant is the way human resources are being handle in this case. It is evident the very poor application of the basic principles of human resources management.

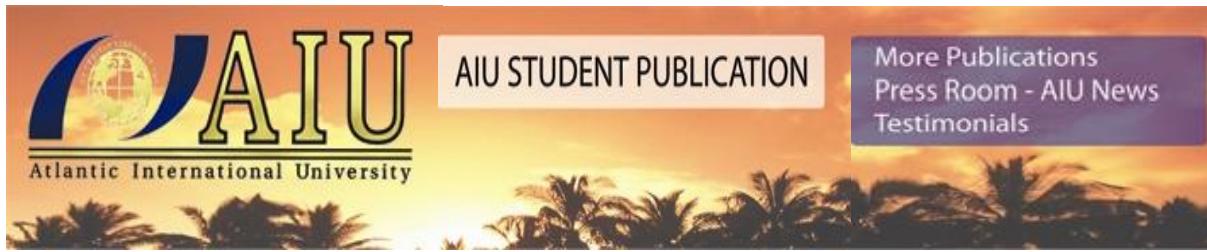
NATURE OF HUMAN RESOURCES FUNCTION

The nature of human resources function and its related problems have specific implications for the work of the human resources unit and school administrators throughout the school system. Some require establishing new procedures; others demand that administrators assume new responsibilities and develop additional competencies to remain effective in their role. Each issue discussed serves to underline the paramount importance of the human resources function in education –the realization that its effectiveness is essential to the achievement of school purposes.

This section examines the human resources function in education from several perspectives. First, how does the human resources function influence teaching and student learning? What are its primary purposes? What are the major processes that comprise the human resources function and who implements these processes in the school setting? We explain ahead the organization and specific tasks of the central human resources unit and answer these questions: What is the work of the central human resources unit? What is its relationship with the total system?

One section examines the concept of competency as it relates to the effective performance of human resources administrators. What is the difference between the administrator who is performing effectively from a competency point of view and one who is not? Next, the position analysis and position description for the central unit human resources director are discussed. Finally, the specific natures of the problems encountered by human resources administrators to

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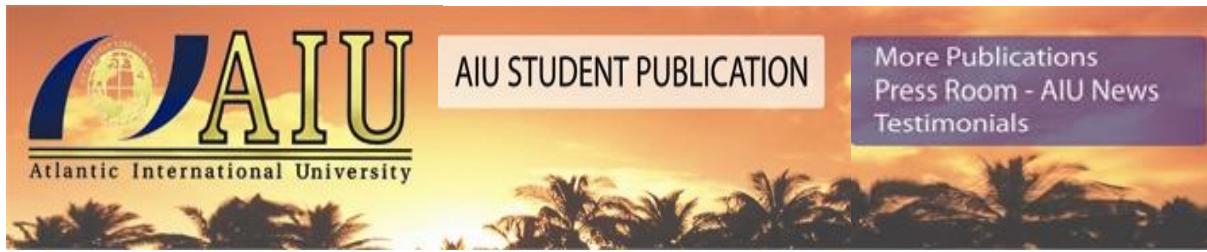


make positive differences in the school system, and the ethics and standards that guide professional practices in this field are examined.

IMPACT ON TEACHING AND LEARNING

The guiding purpose of human resources function is that of serving the school system in the achievement of its primary goals. Quality teaching and effective student learning certainly loom significant among school goals of every school and therefore become foundational to the purpose of the human resources function as well. As Duke and Canady (1991) comment, "We would be hard pressed to find an area of local policy making central more to good instruction than personnel." This underscores the fact that policies and regulations directly affect the quality of teaching and learning. "Whenever the topic of educational improvement is discussed, the importance of school personnel in such improvement becomes paramount. Educational leaders consistently have emphasized the importance of human resources in providing quality education." (Norton & Kelly, 1997) We submit that each process of the HR function directly or indirectly influences quality teaching and student learning. "The quality of teaching depends upon the quality of the teachers, which is influenced by the policies governing teacher recruitment, selection, and remuneration. Policies related to teacher supervision and development should help teachers become and remain competent and committed." (Duke & Canady, 1991)

Other human resources processes influence teaching quality and student learning as well. The processes of induction and orientation of teaching personnel, for instance, provide them with an enhanced opportunity for success in the classroom and directly affect teaching quality and ultimately student learning. Consider also the need for placing the teacher in an assignment that enhances his or her major strengths and personal teaching interests. Authorities are quick to underscore the fact that productivity and effectiveness are forested when the work

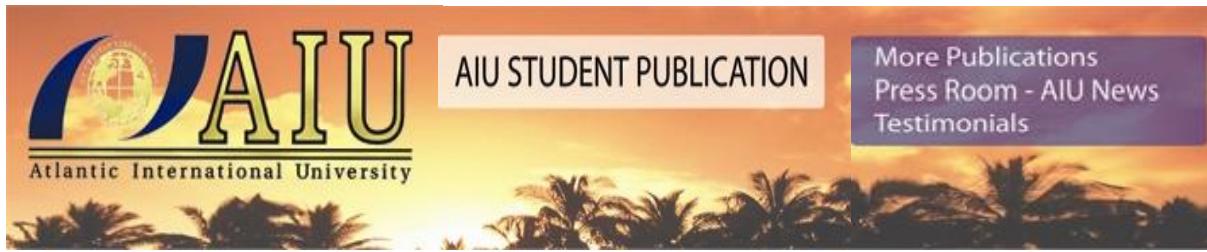


assignment provides opportunity for the worker's primary skills to be utilized. Such human resources processes as organizational climate can enhance or inhibit quality teaching and student learning. Evidence is clear that a healthy school climate is a major determinant of staff morale and staff motivation. Hoy and Miskel (2001) discuss the effects of various school climate types on teaching. Disengaged teachers behavior "refers to a lack of meaning and focus to professional activities. Teachers are simply putting in time and are non-productive in group efforts or team building; they have no common orientation." In contrast, collegial teacher behavior is characterized by a collaborative atmosphere; teachers work well together and are supportive of their professional colleagues.

Seyfart (1996) underscores the point that the human resources function is instrumental in determining the extent and quality of instructional support services that affect teachers' and students' efforts. Other studies (Coladarci, 1992; Taylor & Tashakori, 1994; Ebmeier, 2000) support the contention that positive teacher efficacy coupled with a commitment to goals, peer relationships, perceptions of administrative support, and a healthy organizational climate leads to a greater commitment to teaching. Administrative support in this context is behaviors on the part of school leaders that demonstrate a genuine interest in the instructional process (Ebmeier, 2000). Thus the process of organizational climate is of paramount importance to effective teaching and learning.

In the following sections of this work, an overview of each primary human resources process will be presented and the impact of each of these processes on quality teaching and student learning will be considered in more detail.

THE HUMAN RESOURCES PROCESSES

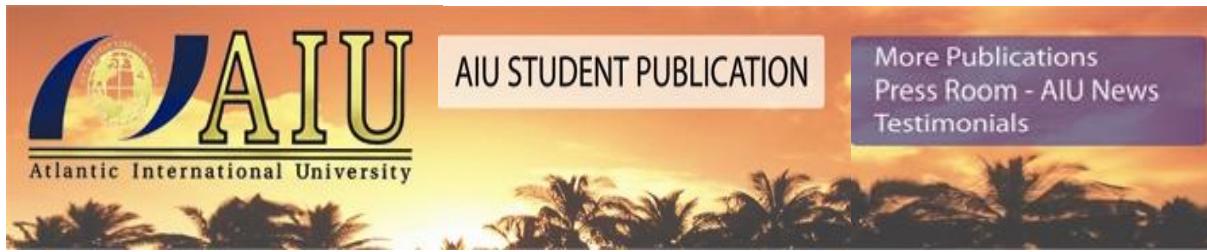


The processes of the human resources function and their relationships are shown as subsets of three major components. *Human resources utilization*, for example, is a comprehensive component that encompasses the processes of planning, recruitment, selection, induction, assignment, collective negotiations, compensation and welfare, and stability. *Human resources development* includes the processes of staff development and evaluation. *The human resources environment* component includes the processes of organizational climate and protection. Each process is interrelated in that its effectiveness depends directly or indirectly on the effectiveness of others. Human resources planning is tied closely to recruitment, selection, assignment, compensation, and other processes. As part of planning, forecasts of human needs provide the focus for the implementation of the recruitment process, the selection of specific personnel, directions for personnel assignments, and the monetary considerations of budget and compensation. Effective human resources and the successful achievement of school goals are founded on the concept of the personnel competency of the system's personnel.

Each of the processes of the human resources function is described briefly in the following sections.

PROCESSES OF HUMAN RESOURCES UTILIZATION

RESOURCES PLANNING: How does the school system determine its direction and priorities? What kinds of data and information are essential for the successful completion of the human resources tasks and responsibilities?



The resources planning process serves in answering these questions. The purposes of resources planning are:

- (1) to clarify the objectives and mission of the organization,
- (2) to determine in advance what the organization and its parts are to do, and
- (3) to determine the assets on hand and the required resources for accomplishing the desired results.

Effective resources planning is essential in helping the school system to determine what it wants to be and provides blueprint for guiding action. Such a process is essential to avoid guesswork and happenstance, to offset uncertainty, and to ensure efficient accomplishment of goals. Planning constitutes a purposeful set of activities that focuses available resources on the achievement of school goals.

Planning is not synonymous with the plan. A plan is a product of the planning process. Planning, on the other hand, is a continuous, ongoing process that is characterized by flexibility and is subject to change. Effective planning forms a foundation for decision making. It encourages responsive administration and capitalizes on employee talents by establishing goals that elicit the most effective performance from individuals in the organization. Planning is a comprehensive, continuous process that must remain flexible and responsive to changing conditions.

Activities within the human resources planning process include developing planning assumptions, determining organizational relationships and structures, completing inventories of need, making assessments of labor markets, developing forecasts of resource needs, completing

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projections of student populations, participating in policy development, completing position analyses and position descriptions, and evaluating the processes' effectiveness.

RECRUITMENT OF PERSONNEL: How can highly qualified individuals be attracted to the school system for consideration of possible employment?

The purpose of the recruitment process is to establish a pool of qualified candidates to meet the needs of the school system. It focuses on strategies for attracting and retaining the best qualified people for the specific positions available. The amount of recruitment necessary depends on such factors as enrollment growth and decline, staff turnover, and program design. Recruitment is not only a primary responsibility of the human resources function but, when coupled with the selection process, is considered by many practitioners as the most time-consuming responsibility. Human resources directors in one state named the recruitment process as their highest-ranked job responsibility (Norton, 1999); 93% of the directors so responded. And 55% of the directors named recruitment, selection, and assignment as consuming the greatest amount of their time.

In the 1980s, decreasing student population resulted in the need to implement a reduction in force (RIF) of teaching personnel; there was an excess of teachers in the majority of teaching specialties. Presently, in view of teacher shortages in most teaching areas, the recruitment of talented personnel assumes an ever-increasing role of importance. Severe teacher shortages increase the competition for quality personnel and make an effective recruitment program even more necessary. New talent sources must be identified and tapped. A recent statewide study of school superintendents (Norton, 2001) revealed that the lack of qualified teachers was the major problem facing them.



The recruitment process begins by establishing policy guidelines during the planning process that direct such specific activities as developing recruitment resources, implementing application procedures, establishing formal interview and evaluation procedures, and designing appropriate staff involvement strategies for each of these activities.. Technology has entered the recruitment process in a variety of ways. The competition for attracting quality personnel has led many school districts to develop such recruitment technology as CD-ROMs that tell about the school district and certain of its attractive features, such as its class size, teacher induction process, student clientele, and information related to parental support. Costs for the production of such material are being offset in many instances through the use of advertising; various sponsors, for example, pay to have their logos on the CD-ROM.

Although the process of recruitment is shared by the central human resources unit and personnel in other units of the system, it continues to be administered primarily by the central human resources unit. A major question facing the human resources function presently is related to the reform and restructuring issue related to school governance. With the increase of site-based management within local school districts, has the responsibility for recruitment been shifted more to local schools? Study results indicate that, although the staff selection, evaluation, development, and assignment processes are increasing as site-based responsibilities, the induction, negotiations, and recruitment processes have not followed that trend (Norton, 1999).

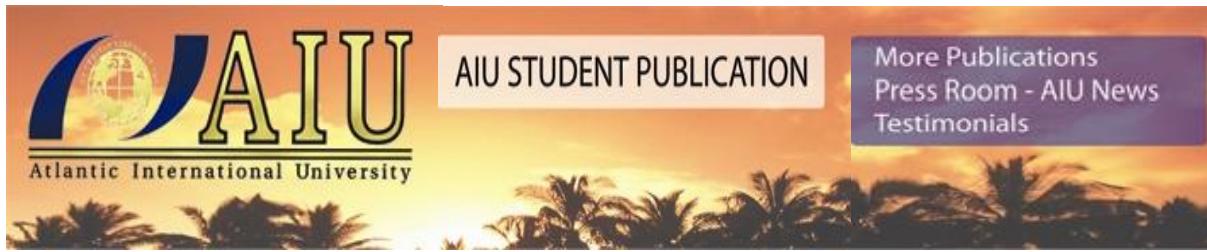
SELECTION OF PERSONNEL: How does the school system determine the best person for a specific position? Does selection depend primarily on individual perceptions of an applicant's qualifications or are there "tools" that lead to staff selection on a more scientific basis?



Selecting the right person for the right job is a basic responsibility of effective human resources administration. Many potential administrative and staff problems of a school system can be avoided through an effective selection process. In addition, effective personnel selection serves to reduce the major costs related to the retraining of inadequately prepared employees. When asked to cite their most important tasks, human resources administrators most often mention “the selection of personnel.” Selection necessitates attention to matters other than merely filling vacancies. Although placing the right person in the right job is a primary objective, such considerations as staff load, staff balance, and staff diversity are significant. Background checks and investigations are important activities of the screening process. Fingerprinting and searches of an applicant’s past for prior criminal convictions or other unethical practices are commonplace.

Selection often is carried out under complex and confusing conditions. For example, reduction in force and hiring of personnel in special areas might be necessary in the same school district. A reduction in force in spring followed by rehiring in the following summer still occurs in some school districts, although teacher shortages have curtailed this phenomenon substantially. The hiring of individuals in alternative certification programs has been necessary in shortage areas, but is nevertheless a controversial practice.

The competition for quality personnel had led to the streamlining of selection procedures. The traditional steps related to the teacher application, the interview, applicant ratings, and ultimate approval by the school board are changing. In far too many instances, a quality applicant has been lost to a district due to the time required to complete each step in the recruitment process. Thus more districts are giving hiring authority to school officials (principals or heads of department) in order that they might offer a position to a potential staff member almost immediately. The teacher is hired in some instances within one or two days after the interview or perhaps on the spot. Such hires, as is the case with any newly contracted employee, ultimately are subject to the results of background checks and final school board approval.

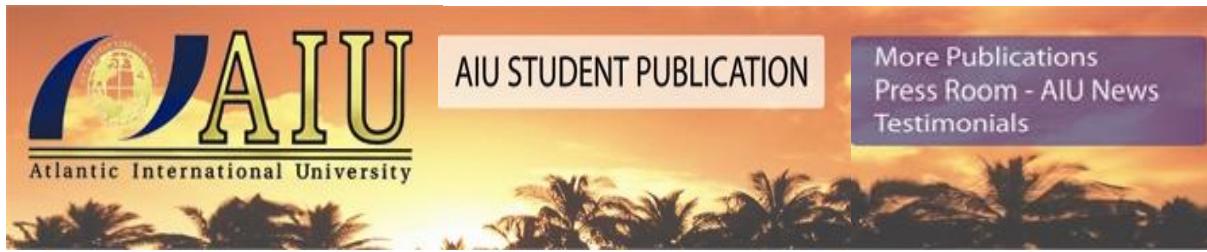


Interviewing, legal compliance, screening, evaluation, and selection decisions are important activities of the human resources selection process.

INDUCTION OF PERSONNEL: How is the new personnel introduced into the school setting and how important are such orientation activities to the system and the individual employee?

Induction often is given such labels as *orientation, introduction of employees, pre-service programs, or staff development*. We define induction as the complex of activities designed to gain congruence between institutional objectives and employee needs. It begins with the job application and continues on an ongoing basis for as long as the employee or the organization views it as necessary. Thus the induction process assumes a comprehensive perspective, as opposed to the traditional practice in some schools of scheduling one or two days of informational sessions for employees at the outset of a school year. We view this brief, one or two-day informational sessions as orientation activities. Induction has gained added attention and importance in view of research results. Studies have underlined the importance of planned induction activities during the early years of service, because beginning teachers and other employees need help with special problems. As emphasized by Norton (2001), "Sensitivity to learning and addressing the needs of novice teachers may improve teacher retention, as teachers with high levels of job satisfaction are the most likely to remain in teaching."

Breuer (2000) reported on a study conducted by the Coca-Cola Retailing Council. The study found that employee turnover costs the typical supermarket \$198,977 a year. This figure reflects a cost to the industry of \$5.8 billion annually. Furthermore, the study concluded that "the first week of a new employee's experience is the most vital factor in retention." (Breuer, 2000)



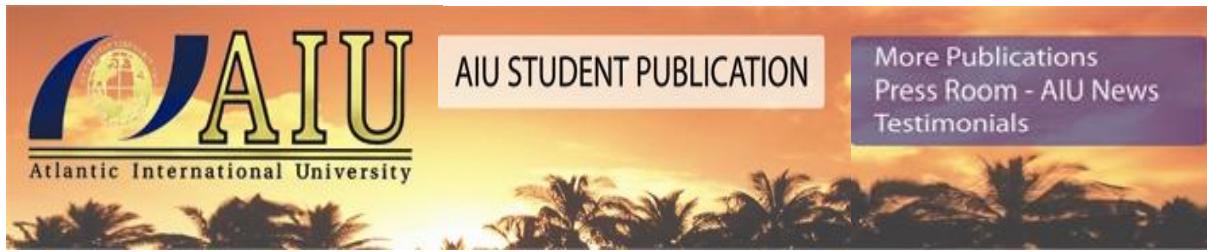
Teacher retention is discussed in the section of the stability process. Induction activities are the important links between recruitment, selection, and staff development.

Assignment of Personnel: How are personnel assigned so that their personal talents and interests optimally serve the system and their own self-development?

Traditionally, assignment of personnel has centered on the match between personnel and positions, or placing the right person in the right job. Although this view remains operational in most school systems, the concept of competency modeling has gained momentum in many organizations. The structuring of tasks around the skills or competencies of employees is viewed by many authorities as the trend of the future. Effective employee assignment, of course, is instrumental in assuring the effectiveness of individuals to achieve the organization's goals. The placement of individuals in positions that best suit their individual competencies and interest remains a primary consideration of staff assignment.

Today a more comprehensive view of assignment regards it as the complex of activities related to the talents and interests of the employee and the environment in which the work takes place. Thus deployment of talent in the best interests of the system, the employee, and the student; conditions of work, including workload; effective staff supervision; staff improvement practices; organizational climate; and evaluation methods all relate to the effective utilization of personnel.

Proper assignment includes more than matching position and qualifications. Other significant factors, such as the teacher's workload, must be considered. With the exception of class size,

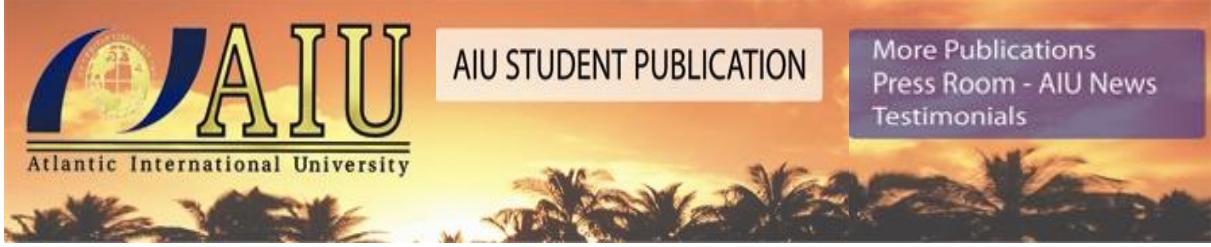


teacher assignments have given little attention to teacher load factors. Other important factors in the teacher's workload include the number of subjects and levels taught, length of class periods, the number of class preparation required, and related cooperative or extracurricular assignments. Although teacher load is only one consideration within the assignment process, it illustrates the need for cooperative efforts among administrative personnel in the school system.

Collective Bargaining: How do employee groups and employers in school systems decide on matters of salary, working conditions, and other contractual matters? How are negotiation teams formed and how are negotiations carried out?

The negotiation process has become the primary procedure whereby boards of education and representatives of employee groups decide such matters. In the opinion of many, no other development in education has had more impact on the human resources function than the advent of collective bargaining. Although the methods for collective bargaining differ among the various states and their actual impact varies widely, the process has penetrated virtually every human resources activity. Negotiations consume a significant part of the human resources director's time. In addition, negotiations are often named as one of the leading problems facing personnel directors.

One such problem as illustrated by news headlines such as "Teachers Union to Urge Strike Vote," an actual occurrence that took place three days before classes were scheduled to begin for 200,000 students in Philadelphia (Arizona Republic, September 5, 2000). Negotiators spent Labor Day at the bargaining table to resolve the union's demands for smaller classes, school security, but no progress was reported. On September 7, 2000, 3800 teachers in Buffalo, New York, in defiance of state law, went on strike just one hour before school was to start; school for 47,000 students was affected. Mayor Anthony Masiello called the strike "an unconscionable act"

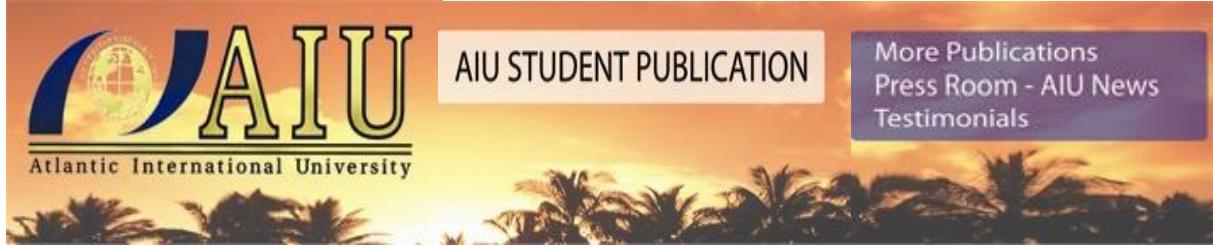


that was very damaging and punitive to children and families. Matters related to wages, health care, and the outsourcing of services to serve troubled children, were areas of disagreement between the teachers and the school system (Arizona Republic, September 8, 2000). After suspending the strike, for a period of one week, the Buffalo teachers went on strike again on September 14. It was reported on November 12, 2000, that the Buffalo school board had imposed penalties for striking teachers of four days' pay, approximately equivalent to first-year contract pay increases (Arizona Republic, November 12, 2000).

One of the most widespread strikes in education took place in the state of Hawaii in April 2001. Teachers and university faculty personnel led a strike that closed public schools for 180,000 children and 42,000 college students. The strike, which involved 13,000 teachers and 3,100 university professors, was believed to be the first time that the educational system of an entire state had been shut down by such an event.

These events not only underscore the difficulties that can result in the bargaining process, but the negative impacts that result on the teaching and learning for children and youth. Research studies reveal that human resources directors serve frequently as the chief spokesperson for the school board's negotiation team and are also involved in a major way in such activities as negotiation planning and proposal development, strategy sessions, and implementation of the agreement.

The matter of scope of negotiations and what is negotiable continues to change. For example,, in 1991, "the Oregon Court of Appeals ruled that proposals on class size must be negotiated between a school district and a teachers' union." Under state law, the court ruled, class size is pertinent to "conditions of employment" and thus is included on the list of items to be negotiated during contract talks." The court went on to say that "substantial evidence supports the finding that the class size proposal significantly affects workload...it determines the

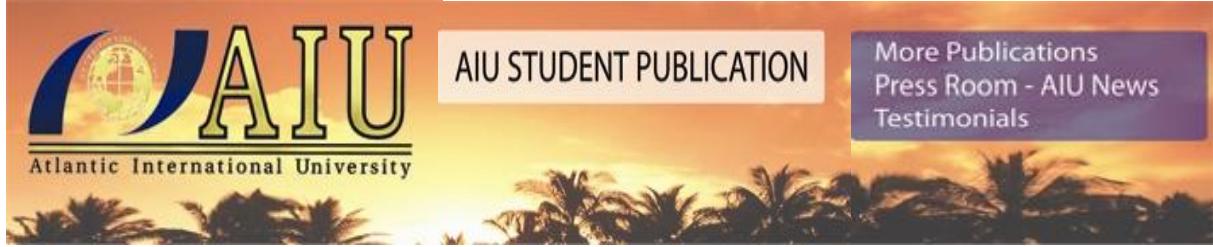


number of parent-teacher conferences, the number of papers to be graded, and the hours spent on assistance to individual students.” Heretofore class size was considered a matter within the jurisdiction of the governing board. Recent experiences with the use of integrative bargaining strategies, such as win-win and collaborative bargaining, reveal that the scope of bargaining tends to increase significantly.

For various reasons, including difficult economic times, more problem-solving approaches to collective negotiations have been implemented. Often termed win-win bargaining, these integrative approaches are designed to achieve agreement between the two parties and at the same time make both parties “feel good” about the agreement and one another. Variations of win-win methods include principal bargaining, strategic bargaining, progressive bargaining, and collaborative bargaining.

Compensation and Welfare of Personnel: What factors determine the level of compensation for professional and support personnel in the school system? What are the various kinds of compensation and benefits received by employees?

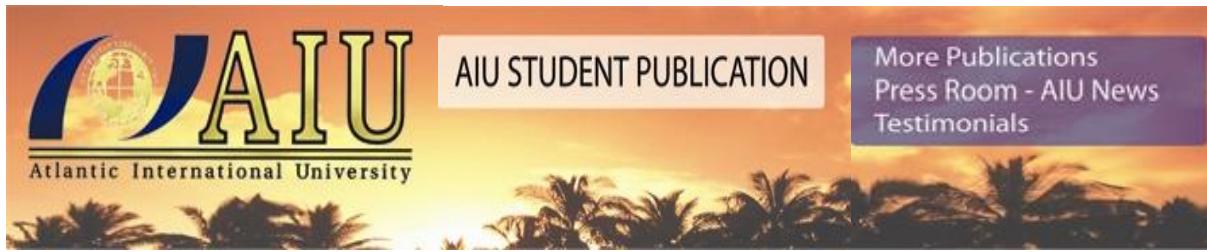
The compensation of personnel constitutes by far the largest general fund expenditure of any school system; compensation comprises approximately 90% of most general funds budgets. The compensation and welfare process encompasses the considerations of contract salary agreements, fringe benefits, and other rewards and incentives, sometimes termed *psychic income*. The human resources unit in most school districts assumes major responsibility for administering these activities, and their impact on related personnel processes is significant. The issue of adequate compensation for personnel in education historically has been a leading concern. Its importance the human resources function is self-evident; compensation plays a primary role in attracting highly qualified personnel to positions in education and retaining their services.



During the first half of the 1980s, there was significant activity in the area of personnel compensation. Local, state, and federal officials, concerned with educational quality, proclaimed that the status of professional staff salaries in education was unacceptable and ineffective in attracting and retaining high quality personnel. In addition, quality performance was a major concern. As a result, new approaches to personnel compensation emerged and many were adopted by school districts. The concept of incentive pay, for example, included such pay programs as career ladders, master teacher pay, mentoring, effective schools, forgivable loans, merit school financing, and others. Legislation was enacted by the U.S. House of Representatives to provide additional financial incentives to lure top students into teaching, and many states enacted a higher level of financial support for education. In some instances, states approved special funding for scholarships in areas of teacher shortages.

Stability of Personnel Services: How does the school system maintain a viable work force over a long period of time? What conditions and programs provide stability for the school system and what conditions militate against the continuation of high level service?

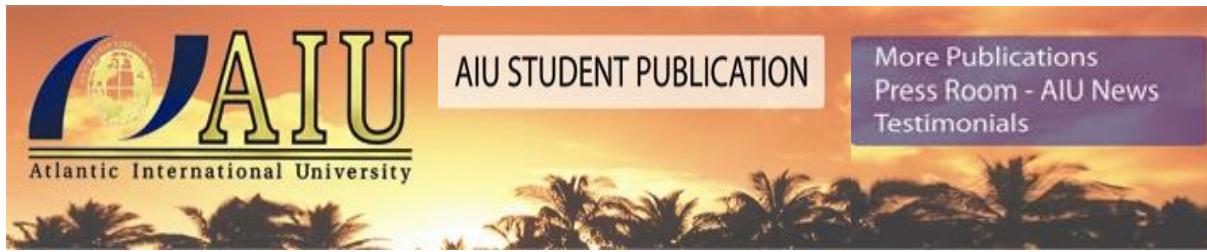
Once the human resources function secures the personnel for the system, the responsibility for maintaining an effective work force to ensure continuous, high-level service becomes vitally important. The significance of employee stability was underscored by one company executive: “sales and profit are our number one objective, but retention is our number one priority.” (Breuer, 2000) The educational parallel to this foregoing statement might be that “teaching and learning are our number one objective, but retention of teachers is our number one priority.”



Although stability encompasses a wide variety of program provisions, Castetter and Young (2000) point out, that such personnel considerations include two clusters of activities: "One group is concerned with the health, safety, and mobility of continuing personnel; the second is focused on members who are voluntarily or involuntarily leaving the system." These clusters include teacher and staff absences, substitutes to replace them when absent, health and safety services, personnel counseling, record maintenance, separation of employees from the system, and provisions that keep the system viable staffed. Thus the process of maintaining a stable work force has gained increased attention in the last decade.

Teacher's absences and scarcity of qualified substitutes are common problems in many school districts. The problems of quality and quantity continue to face the substitute teaching program in schools. The shortage of substitute teachers has resulted in changes in certification requirements in some states. For example, in the state of Arizona, the Maricopa County school superintendent announced that substitute teachers in the county no longer would be required to hold a college degree. Rather, a high school graduate who completes a 16-hour, five-day seminar at a specified university can receive an emergency teaching certificate (Arizona Republic, October 2, 2000). That was before the enactment of No Child Left Behind, (NCLB) in 2001, because this federal law mandates that substitute teachers must have a college degree. An associate degree would suffice. This rule aggravated the situation, outscoring the severity of the teacher shortage problem nationally, tending to remark the need for a highly qualified, fully certified teacher in all American classrooms. In Brockton, Massachusetts, substitute teachers need an associate degree.

Outsourcing, the practice of subcontracting certain work to outside firms, also is growing practice in human resources administration. Such personnel activities as recruiting, resource planning, accounting, and fringe benefit administration are among the responsibilities that are being assumed by agencies outside the school system's business and personnel offices. Outsourcing activities are technologically compatible in that they are generally data based and important components of the human resources information management system. Outsourcing



reduces the time and effort needed by internal personnel to complete certain required work, while releasing them to focus on other personnel processes.

The growing concern within the stability process is that of teacher retention. "Proficiency in identifying and selecting quality teachers is not sufficient to solve the problems of teacher recruitment and retention if working conditions in schools are such that able teachers are induced to leave." (Seyfarth, 1996) Increasing problems related to teacher shortage have resulted in critical attention to the retention of quality personnel in education. Studies of teacher loss indicate that approximately 25% of persons entering teaching leave after their first year and that from 33.3 to 50% leave the profession by the end of the fifth year. Such turnover is costly both monetarily and intellectually. It is estimated that it costs 25% or more of an employee's salary to replace him/her; the cost of replacing a school principal or mid-management supervisor is estimated as being much higher. By using the 25% cost figure, lose only 10% of a staff of 130 teachers making an average salary of \$30,000 and the bill is \$97,500, money that would be welcomed in other budget lines. Monetary costs for administrator turnover hold similar implications. A replacement hire for administrator turnover hold similar implications. A replacement hire for professionals and managers has been estimated to cost \$107,970 (Arizona Republic, September 17, 2000).

In both business and educational organizations, employee turnover is increasing and, according to a recent report compiled by Gannet News (2001), current retention methods are failing in spite of the fact that more organizations are using monetary-related methods to retain quality personnel. In addition, more organizations also reported the use of non-monetary methods, such as flexible hours and casual dress codes. According to a recent report by Mercer (2001), employers are expanding both monetary and non-monetary benefits in order to retain personnel and/or to enhance recruitment and morale. For example, the percentage of employers offering work life programs, such as employee assistance programs, increased from 77% in 1998 to 84% in the year 2000. Tuition reimbursement benefits were offered by 85% of the employers in 1998; this figure increased to 90% in 2000. We submit that, although the employer retention problem in education is complex and is not easy to resolve, the changes in



practices relating to the human resources function itself hold more promise for reducing employee loss than the monetary solution mainly being implemented today.

DEVELOPMENT OF HUMAN RESOURCES: What do organizations do to motivate employees to improve personal competency? What personal growth programs tend to be most productive for the system and for the individual?

The fact that schools will progress as their personnel are motivated to achieve personal and professional growth has direct implications for human resources administration. Clearly, effective school programs depend on the extent to which employees continue to grow and develop. Development programs that serve to foster increases in personal knowledge of subject matter and effective methods for delivering this knowledge to students serve to increase teacher confidence and, in turn, professional competence. As underscored by Zepeda and Mayers (2000), "A major tenet of supervision and staff development is change." Professional development activities are the primary means for helping personnel to reach their potential. As noted by Tyler in the early 1970s, "In-service education of the future will not be seen as 'shaping' teachers but rather will be viewed as aiding, supporting, and encouraging each teacher's development of teaching capabilities that he values and seeks to enhance."

Some writers, however, have attempted to differentiate terms such as development, training, and education. (Nadler, 1974) The terms staff development, in-service training, professional growth, continuing education, self-renewal, competency-based development, and others often are utilized interchangeably in education. Differentiation between such terms can be useful. Harris (1989) makes such a useful distinction in his definition of the term staff development. He notes that "one aspect of staff development is...referred to as 'staffing' because it involves an array of endeavors that determines who serves, where, and when." The other side of staff development, according to Harris, includes in-service education and advance preparation. In-



service education involves any planned program offered staff members for purposes of improving the personal performances of individuals in the system. **Advanced preparation** differs from in-service in that it focuses on future needs. Reassignment, promotion, and the need for new skills resulting from organizational expansion programs are examples of the focus for advanced preparation approaches.

The establishment of staff development policies, the determination of growth needs, and the implementation of special development programs are activities that concern all school administrators.

Appraisal of Personnel: What purposes are served through personnel performance appraisal programs? Who benefits? What constitutes an effective personnel appraisal process?

Although the instructional unit of the school system continues to assume the primary responsibility for the formal appraisal of the professional teaching staff, the human resources unit has assumed a major role in developing appraisal policy, monitoring the general process of appraisal, and maintaining the appraisal records completed by other units. Thus formal personnel appraisal is a shared responsibility, one that has assumed increasing importance in education. The level of involvement of human resources directors in appraisal activities ranges from complete responsibility to little or none at all.

Without question, the appraisal of personnel is a major concern in education. In 1996 the National Commission on Teaching and America's Future set forth a scathing report on the quality of classroom teachers and stated that an alarming number of American teachers have no business being in the classroom (Mattern, 1996). In response to the commission report, a state department official in one state recommended the testing of all prospective teachers on their



professional knowledge and that, after passing such tests, teachers would be required to work as an apprentice, during which time they would be evaluated.

As a result of these conditions and resulting criticism, most states have mandated programs for the purpose of certifying “qualified evaluators” in school systems. In brief, such state mandates have directed school systems to present evidence that viable personnel evaluation programs are in place and that the provisions for certifying evaluators for these programs have been implemented. Yet, during the 1990s, litigation of cases in the area of personnel evaluation led to court cases under consideration in many states. Thus the quality of employee evaluation procedures holds legal implications for schools as well.

The need for improvement of appraisal policy and procedures, the continued push for personnel accountability and effective schooling, and competency-based performance concepts forecast the continued importance of the evaluation process.

Development of the organizational climate: The complex of personal and organizational relationships within the schools is necessarily a concern of the human resources function. Organizational climate is defined as the collective personality of a school or school system. It is the atmosphere that prevails in an organization and is characterized by the social and professional interactions of the people.

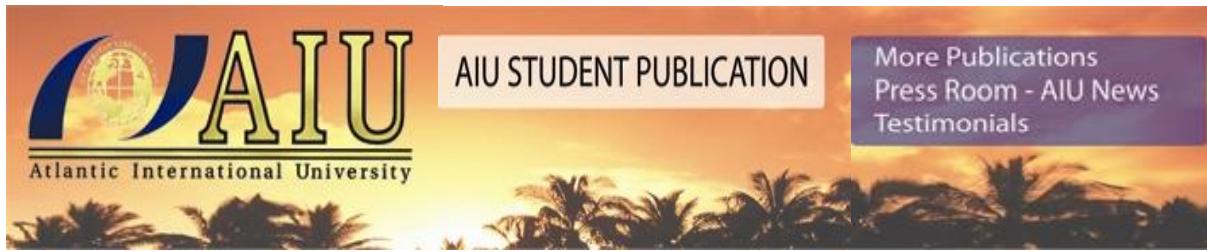
The concept of organizational culture has become a significant force in educational thought. As stated by Pai and Adler (2001), “There is no escaping the fact that education is a socio-cultural process. Hence, a critical examination of the role of culture in human life is



indispensable to the understanding and control of the educative processes.” Although the concept of organizational culture differs among authorities, most agree that schools and school systems, like other organizations, develop personalities of their own. As a person has a personality, a group is said to have a ***syntality*** that reflect its traditions, beliefs, values, and visions. School administrators need to understand the organization’s culture in order to help it to become what it can become. The school administrator must be knowledgeable about the beliefs and patterns of the organization; communication, influence, motivation, and other factors depend on such understanding.

Additionally, the administrator must have the competencies needed to assess existing climates and understand the theories and practices associated with fostering positive environments to develop harmonious and productive working relationships among employees in the system. The school leader must care about the kind of climate being created in the organization and whether the existing climate is one that encourages employees to want to remain or want to leave. The most desirable climate is one that sends a message to employees that they are valued workers and of vital importance to the achievement of the system’s goals.

Protection of Personnel: The human resources protection process has been receiving increasing attention because of such issues as employee right and security. These issues have brought major changes in school districts’ policies and procedures in such matters as tenure, employee grievances, due process, academic freedom, and capricious treatment. Lessening personal employee anxiety and forecasting a more positive work climate have always been objectives of effective human resources administration. These concerns associated with personnel protection, however, have broadened in scope and are now reflected in virtually every process of the human resources function. Protection concerns include grievance procedures, transfers, dismissals, separation, protection in case of liability, the reduction in force, promotions, employee discipline, and tenure decisions.



A growing area of the protection process is that of security from bodily harm. Incidences of attacks on teachers, administrators, and other school personnel are growing problems for school districts nationally. The Aon Consulting Worldwide Loyalty Institute has underscored the importance of employee safety and security by listing this need as one of five steps of the “performance pyramid” of workplace practices for evaluating an organization’s efforts on the commitment and employee loyalty front. As Aon stipulates, “the foundation of any good workplace is recognizing employee’s need for a safe, non-threatening work environment.” (Cole, 2000)

CONCLUSION

Throughout U.S. history, education has been influenced significantly by evolving social and economic developments. Education and human resources practices have reflected the needs, demands, and pressures of America’s social influences.

The scientific management movement, led primarily by Frederick Taylor, revolutionized personnel practices in business and industry and influenced educational personnel practice in the early 1900s. The postmodern deconstructionist movement, which incorporates the period from the 1980s to the present, focuses on change, innovation, and diversity. Such changes have created new forms of management that have reshaped the workplace. Through advocates such as Deming, Juran, and Lawler, new paradigms and new ways of thinking about organizations have been formulated.

Finally, the human resources process is crucial for the continuity of educational programs and for the success of a school district. The major components of this process, like the human resources utilization, is a comprehensive component that encompasses the processes of

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planning, recruitment, selection, induction, assignment, collective negotiations, compensation and welfare, and stability. A well linked coordination of this process not only obtains the highest quality personnel for a school district but also saves a lot of money, and enhances the quality of the education delivered.

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