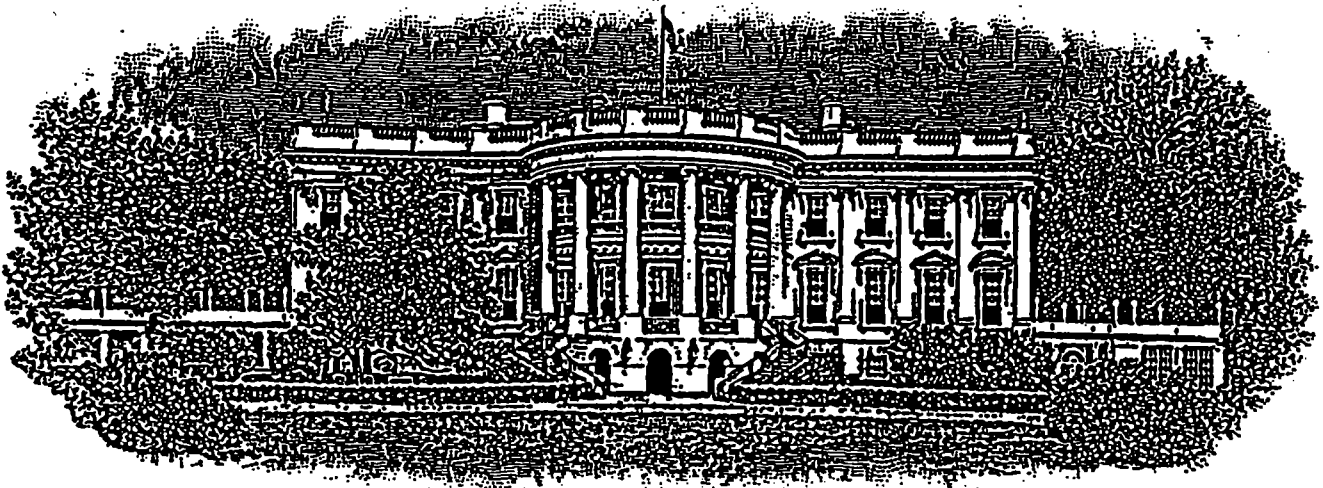


The White House



Domestic Policy Council
Old Executive Office Building, Room 220
Washington, DC 20502

Telephone Number: (202) 456-2857
Alternate: (202) 456-2216

FAX Number: (202) 456-7028
Alternate FAX: (202) 456-7431

FAX COVER SHEET

TO: Terry Dozier
FAX: 401-0596

FROM: BILL KINCAID

THIS FAX INCLUDES THE COVER SHEET PLUS 1 PAGES.

IF YOU DID NOT RECEIVE THE COMPLETE FAX, PLEASE CALL (202) 456-2857.

MESSAGE:

Are you familiar with this? Mike;
I would be interest in more info.
Thank
Bill

Cornell Review, satirized the African Studies Department by using what it called ebonics to describe its classes, Mr. Rawlings said. "Campus reaction was both rapid and robust."

Responses, he said, ranged from "peaceful protest to civil disobedience to resolutions before the student assembly that would have limited free speech."

Mr. Rawlings praised the school's

newspaper, The Cornell Daily Sun, for promoting "informed and patient discourse."

04:02 EDT May 26, 1997■

7. U.S. News & World Report

June 2, 1997

When teachers should be expelled from class

New hope for getting rid of the bad apples

Teaching
Dozier

BY PAUL GLASTRIS

Margaret Irvin was a fundamentally incompetent teacher, according to her superiors at the Palm Beach County, Fla., school district. She couldn't keep order in her kindergarten classroom. Nor did she prepare lesson plans or teach anything at all for weeks at a time. But she couldn't be easily fired, either, thanks to statutory job protections known collectively as tenure. Although her poor performance was first spotted by evaluators in 1993, Irvin was allowed to stay in the classroom an additional year and a half while she underwent (and failed) an "improvement plan." She then appealed her dismissal (unsuccessfully) to a hearing officer. Irvin will continue to appeal her case in state court or in arbitration, according to her union-provided lawyer. Her argument: that she suffers from "attention-deficit disorder" and that her superiors were insufficiently supportive.

Cases like this have inspired politicians, including President Clinton, to call for legal changes to make it easier to fire teachers deemed incompetent. Last year, Republican Govs. George Voinovich of Ohio and Pete Wilson of California fought—and lost—battles with their legislatures to weaken tenure procedures. In each case, teachers' unions and their mostly Democratic allies have resisted sweeping reform. But in the next few weeks, Florida Gov. Lawton Chiles is expected to approve legislation that is a real step forward. And while the bill is far less ambitious than when it was originally introduced, the Florida

experience and other recent developments indicate that real reform is more possible than it has been in years.

Demoralizing. The effect of even a few bad teachers in a school can be profound. Students who have just one bad teacher have lower test scores two years later than do comparable students with solid teachers, according to a study by researchers at the University of Tennessee—Knoxville. Bad teachers demoralize good teachers. "It causes significant resentment among teachers who are working hard and shows those who aren't that there's no consequence to low performance," notes Kathy Christie of the Education Commission of the States. Bad teachers also tend to wind up teaching the kids who need help the most: poor, low-performing students whose parents "aren't squeaky wheels and won't complain," says Christie.

For tenure opponents, Florida provided a great opportunity. This winter, the Legislature, controlled by antitenure Republicans, introduced legislation that would allow school boards to fire teachers at the end of their contracts without explanation—essentially giving boards the same "fire at will" powers most private-sector employers have. But the teachers' unions persuaded key moderate Republicans to abandon that sweeping approach. The final bill leaves untouched the tangle of dismissal procedures that make firing a bad teacher so complex and costly (the average cost in Florida is \$60,000) that few school districts even try. Last year,

only .05 percent of Florida teachers involuntarily lost their jobs; in the Florida economy as a whole, 7.9 percent of employees did.

But the Florida story has one hopeful subplot. The new bill reduces from two years to 90 days the time teachers have to improve their performance before they can be fired, the shortest period in the nation. Tellingly, that change was supported by Florida's biggest teachers' union, an affiliate of the American Federation of Teachers. And last month, the directors of the National Education Association endorsed a stepped-up role for teachers in policing their own ranks.

While unions have become a bit less resistant to reform, even some of tenure's harshest critics concede that there is a kernel of truth to union fears that without some form of tenure, teachers would be subject to capricious firings. A smarter approach, say many school reformers, is to concentrate first on making teacher evaluations tougher and fairer. Current evaluation systems often do little more than check to see whether a teacher's blackboard is neat. In Kentucky, though, careful evaluations of teachers and whole schools (plus a heightened threat of dismissal for poorly performing teachers and administrators) have turned many of the state's worst schools around. If the evaluation process is thorough and fair enough, even the most intransigent unions will have trouble defending bad teachers.

With Thomas Toch■

8. The Wall Street Journal

05/27/97

Sylvan Learning Plans To Spend \$22 Million Of \$28.5 Million Gain

BALTIMORE — Sylvan Learning Systems Inc. plans to invest and spend \$22 million in the second quarter, minimizing the tax impact of a \$28.5 million gain.

The gain resulted from a \$30 million breakup fee paid by National Education Corp. for terminating its merger agreement with Sylvan. Sylvan, which provides educational testing services, said it also will take a \$4 million

one-time charge in the quarter to write down certain assets in its testing division.

Sylvan said it will invest \$10 million in promotional and support programs for its testing division to bolster its competitive position. It also will contribute stock valued at \$5 million to its advertising fund, which is used by its franchisee learning centers for advertising and marketing, and issue stock valued at \$7 million to the new

Sylvan Foundation, which the company expects to qualify as a not-for-profit foundation to promote education.

The company said its contribution to its advertising fund will reduce or eliminate the need to make future investments in the fund, which the company had typically made on an annual basis.

In Nasdaq Stock Market trading Friday, shares fell 12.5 cents to \$35.50. ■

9. The New York Times

05/27/97; Edition: Late Edition - Final; Section: Section A; National Desk; Page 12, Column 1

Harvard Teaches Social Change

By SARA RIMER

CAMBRIDGE, Mass., May 26 — It was the final meeting of Marshall Ganz's sociology class, the only undergraduate course at Harvard that requires, and gives credit for, community service. The students, who had gathered at Mr. Ganz's apartment for a potluck dinner, were talking about their plans for the summer.

Judy Hung will be continuing her work with the children of Boston's Chinatown at a camp in the city. Stephanie Mayer will be devoting herself to the shelter for the homeless in Cambridge, where she spent untold hours this year.

Isaac Hodes is considering a union internship with the A.F.L.-C.I.O. Nicole Barry will travel to South Africa to study educational reform. Chandler Arnold will go to Washington to volunteer with America Reads, a new literacy initiative. Marco Garrido will help to lead a group of teen-agers on a tour of the South that is intended to teach them firsthand about the civil rights movement.

Mr. Garrido had a question for Mr. Ganz: "Where is the next movement in the United States?"

The teacher smiled. "It's waiting to be made."

It was a question he did not have to ask back in the spring of 1964, when he was a junior at Harvard. Mr. Ganz, the son of a rabbi and a teacher, felt compelled to join the Student Nonviolent

Coordinating Committee, and that summer he went to Mississippi to register black voters.

It was Freedom Summer, and before it even began three young civil rights workers who had gone to Mississippi to investigate a church bombing — Andrew Goodman, Michael Schwerner and James Chaney — were murdered by Ku Klux Klansmen with the connivance of the local police.

At the end of August, Mr. Ganz wrote to the dean's office at Harvard, asking for a leave of absence so he could continue his work with the student organization. "This year, and especially the months following the departure of the summer volunteers, is a crucial one for Mississippi," he wrote in the letter.

"The people with whom I have been working have come to know and to trust me. I cannot let them down by leaving just when violence and terror show signs of increasing," the letter continued. "It would be derelict for me to return to Cambridge to study while others are risking their lives to create a new society which is my dream as well as theirs."

The Harvard student lived in Amite County, Miss., with a black farmer named E. W. Steptoe, who had first tried to register to vote in 1953 and was still fighting for that right. "He taught me how life works, about the extraordinary courage ordinary people have," Mr. Ganz said.

Mr. Ganz felt his calling that summer

in Mississippi. It took him from the South to his hometown of Bakersfield, Calif., where he met Cesar Chavez, the charismatic leader of the United Farm Workers, and joined his movement. He spent 16 years with the union, organizing lettuce and grape boycotts, strikes and marches, and negotiating contracts, and coordinating the union's voter registration for Robert F. Kennedy's Presidential campaign. The job, which was unsalaried, provided him with minimal room and board and a \$5-a-week stipend.

"All those years I never had any reasons to do anything different from what I was doing," he said.

In 1989, having become involved in grass-roots political organizing in California, Mr. Ganz returned to Cambridge for the 25th reunion of the class that had graduated without him. He began to think it was time to finish the unfinished business of Harvard, and to reflect on his experiences.

Harvard took him back as a student, and in 1992, at age 49, he graduated magna cum laude, with a degree in history and government. Now, as an instructor at the Kennedy School of Government and a doctoral candidate in sociology, he is helping his students to find their calling and teaching them the organizing skills he learned firsthand.

"Young people have an almost biological destiny to be hopeful," he said, talking one recent afternoon in his office



Mike_Smith @ ed.gov
08/08/97 07:11:00 PM

Record Type: Record

To: William R. Kincaid

cc:

Subject: Re[2]: Ineffective Teachers

Thanks Mike -- Be sure to differentiate between the egregious cases (agreed with by the union as problems) and the cases that you and I might agree on that are less clear. M

Message Creation Date was at 8-AUG-1997 17:07:00

Mike--

A couple of things on this--

-- Folks here are still very much focused on fixing failing schools, and very much want to do something on that. At the meeting on the urban initiative that Tanya and I attended with Gerry, Ray and others yesterday, that was a big part of the discussion. I think there is also interest in doing somethin with some of the Obey whole school reform money.

-- You know I understand your concerns about the wealth of initiatives, but this area is something that has been simmering for a good long while. Done right, its also something that lends itself to information and a roundtable on what's going on at the local level and exhortations, without lots of new longterm activity at ed beyond the study, unless grantees want to do something on this with the urban grant. Morevoer, there seems to be a growing consensus on this with the unions, and we should build on that. This kind of problem is one of the things that the public school detractors point to constantly--I remember John Chubb hammering at it back when I was in grad school-- and its in everyone's interest to give people a sense that it is possible to deal with the most egregious cases. It's a part of restoring public confidence that things are under control in public schools, and the trick is to do it in a way that is balanced and responsible and respectful of teachers doing a good job.

-- Bruce really has the lead on this, rather than Gene -- I think this would be a little out of the blue to Sperling, although the larger point about initiatives is relevant.

-- The plan is not to do an ed strategy meeting on Monday, but this is something you could bring up at the next one a week from then. Also, I imagine that Mike C. will make at least one of the meetings on various topics at ED next week, and you can chat it over then.

Thanks.

-- Bill

Mike_Smith @ ed.gov

08/08/97 09:00:00 AM

Record Type: Record

To: William R. Kincaid

cc:

Subject: Re: Ineffective Teachers

Bill: whatever happened to failing schools? "failing" teachers is a much more complex topic. Teachers that are abusive, that don't show up, that are clearly on the margin are hard to deal but possible. And teachers in the two or three years before tenure can be removed for little cause. But, like the civil service, tenured teachers that in someone's judgement don't cut it are almost impossible to remove. We are already very badly stretched here -- as you know -- in my view this is a topic that will have little importance unless very, very carefully vetted with the unions and unless people are involved who know the literature very well. The topic brings up the issues of merit pay -- another thorny issue. The problem, of course, except in the extreme, is that the work of one teacher is very heavily dependent on the work of others -- one person does not teach a child to read ...

We have got to discipline ourselves in thinking about new initiatives -- before we go off on to this we need to have a serious meeting with Bruce, Gene and perhaps others to talk about our focus. Pls do not go around me to others in the Department on this until we have a chance to have a serious discussion about what our overall strategy is.

Mike

Sarah: pls send this along to Mike C., Bruce, Gene and Terry Peterson, Thanks
Mike

Message Creation Date was at 7-AUG-1997 20:53:00

Mike--

Bruce, Mike and others over here are very interested in holding a Presidential forum this fall on how to help communities deal with failing teachers, perhaps in October. An important part of this would be releasing a survey of community efforts in this area, and having a roundtable with some success stories, the Heads of the AFT and NEA, etc. Interest has been heightened by a New York

Times story this week on the topic. Could the Department prepare something on current efforts? My guess is that between Terry Dozier and PES they would already have a start on this; maybe they could work through a contractor. Whoever is working on this for the Department should probably reach out to the unions early on and get their help.

Thanks.

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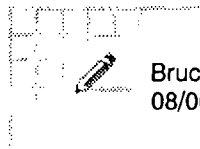
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08 Aug 1997 09:24:39 -0400 (EDT)

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by STORM.EOP.GOV (PMDF V5.1-7 #6879)
with ESMTP id <01IM6XB5O61G001CDD@STORM.EOP.GOV> for
William_R._Kincaid@oa.eop.gov; Fri, 08 Aug 1997 09:24:19 -0400 (EDT)

Received: from smtpgw.y.ed.gov (smtpgw.y.ed.gov [165.224.216.36])
by vader.ed.gov (8.8.5/8.8.4) with SMTP id JAA16167 for
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Bruce N. Reed
08/06/97 10:10:31 AM

Record Type: Record

To: Thomas L. Freedman/OPD/EOP, Elena Kagan/OPD/EOP, William R. Kincaid/OPD/EOP

cc:

Subject: Bad Teachers

I talked to Mike about the Times article on bad teachers. We agreed that we should hold a Presidential forum on how to help communities deal with bad teachers (maybe using the Jim Hunt event in October?) We could release a survey of community efforts so far, and have a roundtable with a few success stories, the heads of AFT and NEA, etc.

Can you guys work on this?



Bruce N. Reed
08/06/97 10:10:31 AM

Record Type: Record

To: Thomas L. Freedman/OPD/EOP, Elena Kagan/OPD/EOP, William R. Kincaid/OPD/EOP

cc:

Subject: Bad Teachers

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Can you guys work on this?

New Methods Tested in Response To Teachers Who Fail to Teach

AI

By TAMAR LEWIN

When the assistant principal at Indianola Middle School in Columbus, Ohio, would go into Ivy Featherstone's classroom, she was often troubled to find students asleep, while Mr. Featherstone sat reading the paper and drinking coffee, his feet on the desk, shoes off.

The school wanted to get rid of Mr. Featherstone. But while he was new to the school, he was tenured, having taught in the district for 25 years.

Dismissing a tenured teacher is not easy. Administrators nationwide are wary of trying to discharge experienced teachers, knowing that the process can take years and hundreds of thousands of dollars in legal fees.

In Columbus, there is another option. Under a peer-review program run jointly by the district and the teachers union, problem teachers like Mr. Featherstone can be assigned to a consultant who coaches them and takes notes.

Teachers who improve are released from the program. If a teacher does not improve, the consultant recommends "negative release," and the district can bring dismissal proceedings and make its case against the teacher using the consultant's documentation.

With the nation's new focus on education and a push from President Clinton and several Republican governors, many state legislators, school administrators and teachers unions are looking for ways to solve the age-old problem of bad teachers.

In the last several years, more and

Continued on Page A16

Continued From Page A1

Starting in 1981, school officials who visited Ms. Ellery's biology, English and computer classes compiled a litany of students chatting, reading letters, looking at driver's education materials or just waiting by the door for the period to end. A steady stream of parents asked to have their children transferred out of Ms. Ellery's classes, and students petitioned against her.

Ms. Ellery said she was being attacked because she was the highest paid female teacher at El Cajon Valley High School.

But administrators said she did not know how to prepare a coherent lesson or gain students' attention. The district formally notified Ms. Ellery that it considered her incompetent in October 1985 and took her out of the classroom the next year, serving her with a notice of intent to dismiss. In 1987, after 14 days of hearings, Ms. Ellery was dismissed.

That was not the end of the case. Ms. Ellery, who then went to law school, appealed in state courts and then sought a review by the United States Supreme Court, which turned her down in 1991. Finally, in 1994, the state suspended Ms. Ellery's license for a year.

"Dismissing an incompetent teacher makes the O. J. case look like a cakewalk," said Mary Jo McGrath, a lawyer from Santa Barbara, Calif., who handled Ms. Ellery's case for the school board. "Teachers are more protected than any other class of employees, with all the procedural rights that can drag a civil case out for five years. Unless a teacher gets caught selling drugs or in bed with a student, most school administrators don't take action."

The tenure laws adopted in the early part of the century were intended to protect teaching jobs from political patronage or personal favoritism.

Union officials, citing recent cases in which teachers were discharged for trying to celebrate Black History Month or for criticizing dress codes, argue that tenure still serves a useful purpose as a protection from being dismissed without due process.

But many school administrators argue that since teachers now have strong union protection, tenure is mostly a protection for bad teachers. "The teachers union says it's just due process," said Robert Rader of the Connecticut School Board Association. "But it ties up school districts to such an extent that it's due process out of control."

These are examples of how, over the last 10 years, many states have tried to find some middle ground:

In Florida, legislators earlier this year rejected a proposal to end tenure, but shortened the time that teachers have to improve their work after being warned.

In Oregon, legislation this year replaced tenure with rolling two-year contracts. Teachers who do not perform well in the first year will have the second year to improve, but would then be terminated if their progress was unsatisfactory.

In New York, legislative changes enacted in 1994 have reduced the average disciplinary case against a tenured teacher to 192 days from 476. But disciplinary hearings are still a last resort, usually reserved for the most flagrant incidents.

Nationwide, though, despite all the legal tinkering, most school districts remain daunted by the difficulty of discharging incompetent teachers.

"The discouraging thing is that all these changes don't seem to amount to much," said Gwendolyn Gregory, deputy counsel to the National School Boards Association. "It's still a very, very big problem for schools."

In Massachusetts, tenure was eliminated and replaced with "professional teacher status" for those with three years of experience.

Although the dismissal process is now somewhat quicker, said Mark O'Connell, executive director of the Massachusetts Association of School Committees, little else has changed.

"After finances," Mr. O'Connell said, "getting rid of bad teachers is still probably the biggest worry for superintendents. It's time and money they could spend teaching kids."

Many teachers see peer review as a more practical response to bad teaching than any legal change. But some administrators and lawyers are skeptical, perceiving peer review largely as a union effort to block further attacks on tenure.

"I worry that peer review could just be teachers scratching each other's backs," Ms. McGrath said. "That would be worse than nothing."

John Grossman, president of the Columbus teachers union and a founder of the review program there nine years ago, said the program was not only increasing the quality of teaching and the retention of new teachers, but was also increasing the number of bad teachers who were dismissed.

Every new teacher in Columbus receives an experienced teacher as a mentor who spends about 70 hours in the classroom during the school year, taking notes and offering advice.

"Nationally, about half of all teachers quit in their first five years," Mr. Grossman said. "But we're retaining 85 percent. But we're getting rid of the bad ones faster. We let go 5 to 7 percent annually, more than four times as many as the administration dismissed before this program."

Experienced teachers like Mr. Featherstone, assigned to "intervention" when their principal or colleagues report severe problems, can remain in the program as long as the consultant believes that the teacher is making progress.

Of the first 163 teachers in intervention, court papers showed, slightly fewer than half were found to have improved enough to continue teaching and one-fourth took early retirement or resigned before completing the program. Of the 28 who were "negatively released" from the program, only 2 were formally dismissed, but the others did not return to the classroom, resigning or taking other avenues instead.

The New York Times

TUESDAY, AUGUST 5, 1997

Mr. Featherstone, who supervised students sent to in-school detention, did not see his consultant, Gayle Johnson, as being helpful. In an early conference, Ms. Johnson's notes show, Mr. Featherstone shrugged off her efforts to set goals, asking, "How do you improve on perfection?"

But in 75 classroom visits and 29 conferences over the next two years, Ms. Johnson saw Mr. Featherstone barely interacting with his students, with little interest in changing. She recommended a negative release in 1994.

The next year, after 16 days of hearings and a finding of gross inefficiency, Mr. Featherstone was suspended without pay. Mr. Featherstone, who is black, as is Ms. Johnson, has brought a Federal suit, contending racial discrimination.

Mr. Featherstone rejects the idea of peer review.

"It turns teachers on teachers," he said. "Right before my second year at Indianola, I find out I've been put in this program. I was flabbergasted. I'd always had good evaluations. If they had a problem with me at Indianola, why didn't anyone say anything to me that first year? And Gayle Johnson, an elementary teacher, what does she know about middle school kids?"

Mr. Featherstone's concerns are widespread enough to make it uncertain just how widely peer review will be adopted. Although peer support programs are proliferating, many, as in New York City, are optional, and most stop short of giving teachers the power to recommend that another teacher be removed from the classroom.

"That evaluation part makes a lot of people very nervous," Mr. Grossman said. "They think it's a divisive thing for a union to get involved in. But I don't see the union role as protecting every teacher, no matter how bad they are. I see the union role as guaranteeing that people don't lose their jobs without due process. This way some people do lose their jobs. But it's fair. And I really believe it can transform the profession."