

Chapter 14

Staffing the School

Recruitment, Selection, and Termination Processes

Selecting quality teachers may be the single most important thing you do as an administrator. A beginning high school teacher who stays in the class room for a thirty-year career can have had almost 5,000 students under their instruction by the time they retire. —G. C. UBBEN¹

Recruitment and selection policies of local schools vary. The principal's involvement in the recruitment and selection process will depend on local district practice and policy. Central office personnel often assume the initial responsibility for the recruitment and screening of applicants for teaching positions. The principal should maintain a major role in the process and aggressively pursue it, if necessary. Central offices, often as a means of expediency and sometimes as a policy of control, tend to limit the input of principals and staff in the selection process. Under the concept of site-based management, if the principal is to be held in any way accountable for the quality of instruction in his or her building, he or she must have a major voice, if not the final voice, in the selection of personnel.

Recruitment

The major recruitment efforts of the principal begin with good position and person descriptions. Figures 14-1 and 14-2 depict sample position and person descriptions. If the principal finds it difficult to locate appropriate candidates, central office personnel should be contacted to review the recruitment process. For example, if the principal, in an effort to diversify the staff, has asked for a teacher from somewhere other than the

employee discriminated against? Were efforts made to help the employee? Did the employee have prior knowledge that his or her work was unsatisfactory? Was the employee provided time and the opportunity to improve or correct whatever deficiencies existed?

Due Process

Teachers must be given timely notice of the decision not to rehire. If contract renewal comes on April 15, with a two-week hearing notice deadline, employees should be notified by April 1. A certified letter is the best way of assuring a record of such notification. Employees must be informed that they have the opportunity for and the right to a hearing. The hearing time, date, and place should be stated in the letter. If the teacher is tenured, the letter should also include the specific causes or charges for dismissal. Recent due process decisions from the courts in some cases make it highly advisable to provide this opportunity for a hearing to nontenured teachers as well as to those who have tenure.^{5, 6, 7}

Appropriateness of Evidence

Evidence should be firsthand, factual, and documented accurately with appropriate dates. If the offense is cumulative in nature, the collection of data should also be cumulative. Descriptive notes of supervisory meetings and conferences—for example, expressing agreed-upon outcomes and a statement describing the extent of the implementation or the lack thereof on the part of the teacher—should be included. The statements should be objective. Rather than stating, “This teacher did a poor job of teaching today,” the note should state that in presenting a lesson on the Civil War the teacher did not hold the interest of the class, the students did not understand the lesson as presented, and the class became unruly while under the teacher’s direction. Include the date; the time; the events that led up to the conference, such as the previous involvement of a supervisor; and any immediate follow-up action that was taken. A note might simply read, “Mr. Smith arrived at school at 8:30 on December 2, 3, and 4. His designated time of arrival is 8:00. He has been notified of this deficiency.” This is not a judgmental statement but a simple statement of fact. Such items, properly collected, can be used to support a claim of incompetence, neglect of duty, or insubordination. The important thing to remember is to record facts, not opinions, and to do this in a timely fashion.

Equal Rights

Was the employee treated in a fair and nondiscriminatory manner? Was anything done to or for this employee that was not done or available to other employees? Was the assignment unfair? Was the teacher asked to do more or less than the rest of the staff? Was supervision uniform? A grossly unequal schedule for supervision, for example, can be construed to be harassment. When problems arise, however, it is not unreasonable for supervision to increase as long as the time sequence can be demonstrated. Supervisory appointments and documentation included only in the file of the teacher

being dismissed with no evidence of supervision included in the files of the other members of the staff, however, will often be looked upon as discriminatory action by the courts.

Were Efforts Made to Help the Teacher?

The courts will want to know what was done to make this individual an effective employee. Was adequate supervision of a helping nature developed? Was adequate time given for the improvement effort? If not, the courts may not uphold the dismissal action but may reinstate the employee, suggesting that the supervisory staff provide assistance.

Most often, when the principal is well prepared and has central-office support, teacher dismissal, while serious, will take place quietly. A teacher who knows that school officials are well prepared most often will not request a hearing and will simply resign. Most cases resulting in the failure to dismiss are a result of poor preparation and improper procedure on the part of the school district. See Figure 14-3 for a flowchart for employee dismissal procedures.

Voluntary Termination

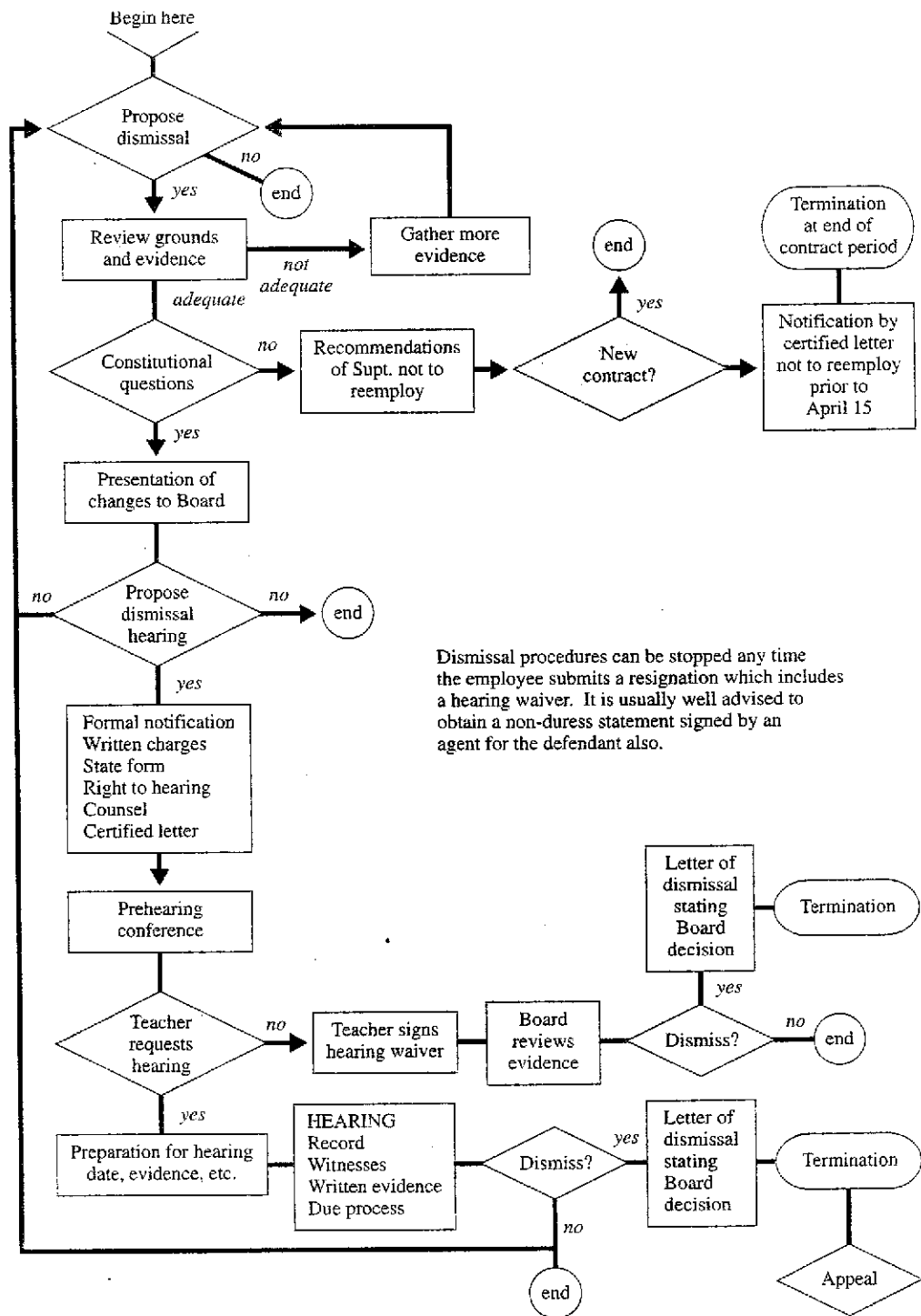
Each year staff members will resign from a school for a variety of reasons: retirement, transfers, better jobs, starting a family, going back to school, and incompetence. In every case the principal should hold a termination interview before that person departs. Several basic purposes exist for such an interview. Of primary concern is the help the school might offer the individual in adjusting to a new life situation.

Second, the interview should be an opportunity to investigate the perceptions of the departing employee regarding the operation of the school. At times, principals have difficulty getting good information about the operation of the school and the existing climate within the staff. Often, departing employees will be very candid about their perceptions concerning existing problems. They may even identify some previously hidden reason for leaving.

Finally, the interview can be useful in identifying prospects for substitute, part-time, volunteer, and future employment when the departing employee is planning to remain within the community. Retired teachers, or those who are staying home to rear a family, are particularly good candidates for part-time employment or volunteer positions.

Summary

The search for and the employment of new staff members is one of the most important tasks of a school administrator. The process begins with the determination of staff needs—including recruitment, selection, orientation, and staff development—and culminates with the placement of the employee on tenure.



Dismissal procedures can be stopped any time the employee submits a resignation which includes a hearing waiver. It is usually well advised to obtain a non-duress statement signed by an agent for the defendant also.

FIGURE 14-3 Steps in Dismissal Procedures

Source: Larry W. Hughes and Gerald C. Ubben, *The Elementary Principal's Handbook: A Guide to Effective Action*, 4th ed. Boston: Allyn and Bacon, 1994, p. 248. Used with permission.

FIGURE 14-1 Person Description

Lakeview Schools
219 Lakeview Ave.
Lake City

Person Description

Position: Elementary Teacher
Sex: Prefer male
Teaching Experience Necessary: None
Training Requirements: BS; prefer graduates from other than local college
Certification: Elementary, K-3
Teaching Strength: Strong reading training; interest in social studies
Other Skills: Prefer someone with training or experience with team teaching or cooperative learning
Other interests: Prefer someone with a vocational interests that would appeal to young boys such as camping, hiking, model airplane making, and so on

Source: Larry W. Hughes and Gerald C. Ubben, *The Elementary Principal's Handbook: A Guide to Effective Action*, 4th ed. Boston: Allyn and Bacon, 1994, p. 238. Used with permission.

FIGURE 14-2 Position Description

Lakeview Schools
219 Lakeview Ave.
Lake City

Position Description

Position Title: Teacher (team) grade-level elementary 1-3
Purpose of Position: To plan, organize, and instruct primary children
Starting Date:
Salary Range: Beginning teacher, B.S.—\$25,000
M.S.—\$30,000

Principal Duties: The teacher will be a member of a four-teacher team working with six-to-eight-year-old children. Instruction is organized on an interdisciplinary basis with cooperative planning units. The team has four assigned classrooms and schedules children in a flexible manner into these spaces. Major instructional responsibilities will include reading and mathematics as well as participation in the integration of other subjects.

Performance Responsibilities:

I. Instructional Skills**A. Knowledge and Training**

1. Is academically competent in assigned teaching areas.
2. Keeps abreast of new findings and current trends in the field.
3. Remains open-minded and willing to grow and change.
4. Provides opportunities for all students to experience success.

B. Classroom Environment and Management

1. Maintains a classroom environment conducive to learning (by using special interest areas, learning centers, units, themes, furniture arrangements, proper lighting, heating, ventilation, and structured rules and regulations understood and accepted by all).
2. Monitors individual pupil progress and adapts the pace of instruction accordingly.
3. Uses democratic procedures that show consideration for the rights of others.

C. Methods and Techniques

1. Uses a variety of stimulating instructional techniques (such as the lecture method, demonstration, self-directed activities, both small and large group activities [drill

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FIGURE 14-2 *Continued*

- and rote activities], and community resources, audiovisual aids and individualized programs).
2. Demonstrates and fosters the growth of communication skills.
 3. Presents subject matter in a functional manner.
 4. Makes homework assignments for meaningful instructional purposes.
- D. Planning
1. Establishes short- and long-range goals with well-defined objectives and identifies appropriate procedures to accomplish them. (Example: A minimum competency and curriculum guide.)
 2. Provides opportunities for all students to experience success.
 3. Has a well-defined alternative plan for substitute teachers.
- E. Evaluation
1. Provides feedback to students on their accomplishments and progress with positive and effective reinforcements.
 2. Uses instruments based on activity, objective, or goal-oriented criteria.
 3. Guides students toward self-motivation, self-evaluation, and self-direction.
- II. Student Attitudes and Performance
- A. Demonstrates consistency, firmness and impartiality in dealing with students in a professional manner.
 - B. Appreciates individuality.
 - C. Shows positive attitudes toward students by helping all children experience success, possibly through the use of tutorial and counseling activities.
 - D. Promotes desirable standards of work and behavior within the classroom.
- III. Personal Qualities
- A. Demonstrates a positive and enthusiastic attitude and a genuine interest in students, colleagues, curriculum, and the education field in general.
 - B. Recognizes and capitalizes on his or her own assets, thereby projecting a good model for students in dress, demeanor, and speech.
 - C. Is able to profit from constructive criticism.
 - D. Shows qualities that reflect the importance of punctuality, efficiency, dependability, accuracy, and congeniality.
- IV. Professional Growth and Development
- A. Participates in enrichment activities, including such activities as study in his or her field and/or travel.
 - B. Actively pursues avenues of personal and professional growth through workshops, classes, professional organizations, and seminars.
 - C. Establishes personal goals for professional development.
- V. Teacher Relationships
- A. Teacher-Parent
1. Establishes an effective line of communication between home and school via notes, conferences, written reports, work samples, telephone conversations, and meetings of groups such as the PTO that stress discussion of students' strengths and weaknesses.
 2. Encourages parents to form a partnership with the teacher in the total education of their child—mentally, emotionally, physically, and spiritually.
- B. Teacher-Community
1. Works effectively with legitimate community organizations and identifies and utilizes community resources to augment the educational opportunities of the children.
 2. Projects a positive image of the total school program to the community; liaison function is served.
- C. Teacher-Teacher
1. Cooperates fully with colleagues in shared responsibilities.

FIGURE 14-2 Continued

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2. Shows tolerance for peer differences.
 3. Shares experiences, ideas, and knowledge with peers.
 4. Communicates effectively with other teachers who have shared or will share the same students for the purpose of developing smooth continuity between grade levels and subject matter.
- D. Teacher-Administrator-Supervisor
1. Understands and adheres to the chain of command.
 2. Participates in decision making when appropriate.
 3. Demonstrates cooperation in performing both classroom and extra duties.
 4. Seeks advice and counsel when needed.
 5. Forms a partnership to develop good public relations in the school district.
- E. Teacher-Student
1. Recognizes the uniqueness of all students.
 2. Guides and encourages students in a friendly, constructive, and impartial manner.
 3. Initiates procedures that will invite regular feedback for students.
 4. Maintains a classroom atmosphere conducive to mutual respect, one that adequately establishes appropriate roles.
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Source: Larry W. Hughes and Gerald C. Ubben, *The Elementary Principal's Handbook: A Guide to Effective Action*, 4th ed. Boston: Allyn and Bacon, 1994, pp. 238-240. Used with permission.

local college, and the personnel office has not posted vacancies at other colleges, the recruitment drive will be ineffective. The principal must assume responsibility for seeing that recruitment policies are broad enough to meet personnel needs.

The selection of personnel should be a cooperative effort between the district personnel office and the local school. The central-office role should be to screen applicants and then to send those best matching the position descriptions to the principal for final selection. In some large school districts, a personnel office may employ teachers unassigned to specific buildings, but even in this case, the building principal should have the final decision regarding who works in the building.

The greatest problem in the selection of new staff members often comes from the need of the central office to place "transfers." These are generally tenured employees who must be moved from a previous assignment in the district. Since they are tenured, the school district must place them ahead of any new hires. Although there may be many legitimate reasons for the transfer of employees within a school district, some school districts have a bad habit of playing "pass the trash." This is the practice of allowing the transfer of poor or incompetent teachers from school to school rather than going through the process of dismissal. Once again, as a principal, you must evaluate each candidate for a position in your school on the basis of what you think is best for your school.

The principles of site-based management and the concepts of teacher empowerment strengthen your position in employing new members of your staff. Involve the leadership team in setting policies for the selection of new staff members and involve members of your teaching staff in the interview and selection process. This will increase the principal's power base in resisting undesirable placements of staff by a central personnel office.

Federal Regulations to Prevent Employment Discrimination

Care must always be taken to abide by the federal laws regarding recruitment and selection of staff. The Civil Rights Act of 1964 and the Equal Employment Opportunity Act of 1972 and their several amendments as well as the more recent Americans with Disabilities Act (ADA) of 1992 make it unlawful to discriminate on the basis of race, color, religion, sex, age, national origin, or disabling condition.

EEOC Regulations

It is unlawful to ask about the following on either a written application or during an interview.

1. Complexion or color of skin.
2. Applicant's religious denomination, affiliation, church, parish, pastor, or religious holidays observed.
3. Applicant's sex, marital status, name or other information about spouse, or ages of children if any.
4. Whether applicant has a disability or has been treated for any of certain diseases. However, you may ask if the applicant has any physical impairments that would affect the ability to perform the job for which the applicant has applied.
5. If the applicant has ever been arrested. You may ask if the applicant has been convicted of a crime.
6. Any previous name that the applicant has used. You may ask if he or she worked for your organization under a different name, (e.g., a maiden name).
7. Birthplace or birthplace of applicant's parents or spouse; birthdate or certificate of naturalization papers, and so on.
8. Require the applicant's photograph before hiring.
9. Whether the applicant or a relative is a citizen of a foreign country. You may ask if the applicant is a U.S. citizen, intends to become one, or has a legal right to be in the United States.
10. The applicant's native language. You may ask which languages the applicant speaks and writes.
11. Questions or information about the applicant's relatives. Prior to employment, you may not even ask the name of a person to contact in case of emergency.
12. The clubs, societies, and lodges to which the applicant belongs. You may ask the applicant to list organizations he or she believes to be pertinent to the job.

After the individual has been employed, many of these items of information can then legally be asked on an employee information form but cannot appear or be asked on an application or during an interview.

Americans with Disabilities Act (ADA)

The Americans with Disabilities Act prohibits employers, public and private, from discriminating against any individual with a disability. The law covers the full range of employment activities, including recruiting and hiring, terminations, compensation, job assignment and advancement, and training. The law requires that employers make

reasonable accommodation in the workplace to enable the individual to perform fundamental job duties of a position. This may require providing properly positioned chalkboards, or new technology to allow the disabled person to function successfully. Often, the workplace itself is more of a barrier to the physically challenged than job skills and knowledge. Care must be shown to not exclude anyone from consideration for employment because of his or her disabling condition if he or she is capable of performing the essential functions called for by that position.

The Selection Process

The selection process for employing staff has several steps.

Screening

The first step is application clarification. Prior to an interview, the principal should carefully review the candidate's application file, comparing the application with the personal description. Few candidates will possess all the qualifications that have been specified, but the principal should try to find candidates with most of them.²

Discrepancy Analysis

The second step in the selection process should be a discrepancy analysis of the application materials. Applicants present themselves in the best manner possible, minimizing weak points. One technique used to uncover discrepancies is to search the file for missing information. Common problem areas are efforts to conceal unfavorable past activities by excluding dates and not listing appropriate reference sources. Other things to check for include health and legal problems.

The reviewer should look particularly at references from previous employers to make sure each employment situation is represented. Read between the lines on health records. Look for gaps in employment or school records. The interviewer can request more detailed explanations concerning those areas where possible discrepancies have been identified. Most often, candidates will give perfectly acceptable explanations regarding the discrepancies, but occasionally interviews uncover serious problems by a discrepancy review.

Reference Check

If the job candidate has had previous teaching experience and is one of the final candidates being considered for the position, a personal telephone contact with the previous principal or some other school administrator who is acquainted with the candidate is usually helpful. Often, interviewers can obtain more information during a phone call than from a written reference.

Care must be taken, however, in the manner in which questions are asked. Similarly, you must be careful, in answering any questions asked of you regarding a previ-

ous employee. The courts have held that in cases of employee nonreemployment where no charges have been officially brought and where no dismissal hearing has been held, an employer is restricted in the negative comments he or she may make about a previous employee. This is based on the concept that such comments could limit the opportunity of that former employee to obtain employment elsewhere and therefore place a limit on that former employees "liberty," a right that is protected under the amendments to the federal Constitution.³ Therefore, employers must use care in stating opinions regarding former employees' performance.

These court decisions, however, do not prevent you from either asking for references or in answering questions. Nevertheless, they do signal that you must stick to the facts rather than delving into opinion or gossip. Similarly when asking for information from a previous employer, recognize that this individual is under the same limitation, and should hesitate in answering questions of a speculative nature. Ask for factual information about the previous employee. One very telling question that the former employer can answer is: "If the person in question would seek a job in your school again, would you rehire him or her?" If the answer is anything but extremely positive, it should raise a caution flag for you.

The Job Interview

The job interview has several basic functions. It provides an opportunity for the candidate to clarify any apparent discrepancies found in the written job application. The job interview, however, goes beyond the written application by allowing the principal to gather information in greater depth than can be obtained from written materials only.

The interview also allows the principal to gain insights into the personality and interpersonal skills of the applicant. Teaching is a "people" business, and teachers must be able to relate well to other adults and children. Research has shown that good verbal skills are particularly significant in determining the quality of a teacher. These skills call best be assessed through an interview. Whenever possible, an employment recommendation should be based on group interaction with the principal and the existing staff.

Interviews should be arranged to involve teachers, department heads, and team members in the process. This is one additional way to empower teachers. Some will argue that under the concept of site-based management, your local site board should also be involved. It is the authors' belief that staff selection is a task to be delegated to the professional staff based on policy set by the local site board, but that board members should not be involved directly in the selection process. The one exception to this might be if the central office continues to dictate personnel placements for your school. Then the clout of your site-based management might be needed to veto unwanted placements.

When staff members are asked to participate in the interview process, they also are obligated to follow the EEOC guidelines regarding appropriate questions. It is usually wise to hold a short refresher course before staff members interview candidates to remind them of appropriate and inappropriate questions.

Interviews can be conducted using a variety of different formats. Here is an interview agenda that is well accepted:

1. *Establish the atmosphere.* Open the interview slowly and try to create a warm, pleasant relaxed atmosphere that will reduce the candidate's anxiety.

2. *Ask focused questions.* Such questions will elicit the knowledge and information you need about the candidate. You want to learn of his or her perceptions of personal strengths and weaknesses, his or her understanding and philosophy of education, his or her verbal fluency, and his or her ability to project enthusiasm. The use of "what if" questions often works well to get the candidate indirectly to share these beliefs and attitudes with you.

3. *Be an active listener.* Ask open-ended questions rather than yes-no questions. Support the candidate verbally with "uh-huhs," or "tell me more." He or she should be contributing about 70 percent of the conversation to your 30 percent during the interview.

4. *Share school information with the candidate.* Remember the candidate also has a decision to make ("Do I want to come to work for you?"). Tell him or her about the specific job vacancy; with whom he or she may be working, particularly if those individuals met the candidate; the kinds of children enrolled in the school; particular programs that the school may have; and information about the school community if the candidate is not from that area.

5. *Close the interview.* Thank the individual for his or her time and openness. Share the next steps in the selection process including when he or she might expect to hear from you or how he or she might keep up with the decision process.

6. *Write out your notes.* Gather information from the others who participated in the interview process. Often a team discussion works well. If several candidates are to be interviewed before a decision is made, the use of a checklist or some formatted method of recording your perceptions is wise so that later comparison can be more objective.

Employee Probationary Status

The selection process for staff continues through the probationary phase. Most states have a one- to three-year probationary period during which the employee is on a continuing contract before receiving tenured employment. During this period, the principal and department head must reaffirm the original decision to employ a particular staff member. Usually, the contract renews automatically around April 15 unless notification is given to the teacher for nonrenewal. Through the continuation of the orientation phase and evaluation of instructional competence, which is discussed in more detail in a subsequent chapter, the emphasis for staff development is on improving the quality of teaching. The selection process is usually considered complete only when tenure is granted. During this probationary period, the principal must consider the possibility of termination or nonrenewal of the contract when there is reason to suspect that the original selection was not wise.

Teacher Tenure

One of the most misunderstood concepts in education is tenure. It is not, as often believed, a guarantee of a job from which dismissal is all but impossible. Rather, in most

states, tenure is simply a statement of the guarantee of due process assuring exercise of academic freedom for the teacher by allowing dismissal only for specific causes listed in the tenure law. Tenure does not guarantee the right to a job. If the job is abolished or a teacher is found to be incompetent, insubordinate, or guilty of a variety of socially unacceptable behaviors, that teacher can be dismissed, with proper due process.

In the last few years, federal courts have broadened their decisions regarding due process and human rights to the point that due-process guarantees, including many of the guarantees found in the tenure laws, have been extended to most employees. As a result, probationary teachers are now guaranteed many of the same due-process rights afforded tenured teachers in the past.⁴

Involuntary Termination

An extremely poor or incompetent teacher should never be kept on the staff of a school simply because dismissal is difficult. The law establishes definite rights for employer and employee. Procedural due process is guaranteed, but due process does not mean that teachers cannot be dismissed. What it does mean is that teachers have specific rights, such as the right to a hearing, the right to be treated in a fair and nondiscriminatory fashion, and the right to require that just cause be shown for a dismissal action. The law may be more specific about the causes and process of dismissal for teachers under tenure, but dismissal can still be accomplished.

Every dismissal action should be carried out on the assumption that it will ultimately go to court. This attitude is the best way to prevent court action. Rarely will an attorney engaged by a dismissed teacher or provided by a teacher association take a case to court if the school district has prepared its action carefully. When the courts reject the dismissal and order reinstatement of a teacher, it is most often because of improper procedure on the part of the school district and less likely due to teacher behavior.

Preparation for Dismissal

Dismissal decisions should not be made quickly. A tentative decision not to rehire a first-year teacher for the following year should be contemplated three to four months before the deadline for contract renewal. For a tenured teacher, often two or three years are needed to build a case defensible in court to reverse earlier recommendations that were positive enough to have resulted in tenure, even though the recommendations may have been a mistake. Unfortunately, poor personnel records and poor evaluation procedures are common in school districts.

The defense attorney will often demand to see the entire personnel file for a teacher being dismissed. If positive evaluations have been given in the past, even though they were unjustified, a greater collection of data of a negative nature is required to offset them. Evidence that the teacher received specific notice of inadequacy and was offered help is important.

In a hearing, the courts will try to answer the following questions: Was procedural due process used? Is the evidence appropriate and supportive of the case? Was the