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**Vaughn, Harold Edward**

LEGAL ASPECTS OF ASSIGNING TEACHERS OUT OF FIELD IN NORTH  
CAROLINA

*The University of North Carolina at Greensboro*

Ed.D. 1985

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LEGAL ASPECTS OF  
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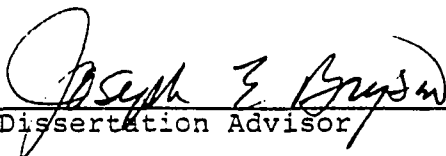
by

Harold E. Vaughn

A Dissertation Submitted to  
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Doctor of Education

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1985

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APPROVAL PAGE

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Vaughn, Harold E. Legal Aspects of Assigning  
Teachers Out of Field in North Carolina. (1985)  
Directed by: Dr. Joseph E. Bryson. pp. 205.

This study was designed to identify and analyze legal aspects of employing teachers out of field in North Carolina. An analysis of the research revealed similar patterns of teacher misassignment throughout the United States. A trend toward more centralized control of certification was made evident by the research. A pattern of higher teacher assignment standards in larger school systems and lower standards in smaller systems was apparent throughout the study. Remoteness of a school system from institutions of higher education was found to be the major geographic factor contributing to lower levels of teacher preparation and higher levels of out of field assignment. Attitudes held by administrators and other local decision makers were found to be the major non-geographic factor contributing to teacher assignment or misassignment decisions.

A profile of the most commonly misassigned teacher was developed in this study. The out of field teacher was most often found to be a beginning health and physical education major, working in a small remote high school where the community had a limited educational expectancy. Out of field teachers display an eagerness to obtain local employment coupled with a strong desire on the part of local school boards to hire local. Administrators in small remote school

systems who make most misassignment decisions have attempted to provide a diverse academic program which could easily have been maintained if the school were large enough, as well as a full sports program. Misassignments were rarely corrected by local school officials. Out of field problems were only corrected after state or federal agencies threatened to withhold funds.

In order to reach conclusions concerning the legal aspects of out of field teacher assignment, appropriate judicial and statutory materials were identified and examined. The findings reported from such materials were intended to offer a legal and educational framework within which all parties concerned with out of field teacher assignment could operate more efficiently.

## ACKNOWLEDGEMENTS

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I would also like to express appreciation to my daughters, Pam and Sherry, who served as dinner companions as I visited the libraries of their campuses. In addition, I must express my gratitude to my sons, Doug and Jeff, for their understanding and cooperation during my protracted absences.

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## Chapter I

### INTRODUCTION

On May 4th, 1983 the North Carolina State Board of Education passed an "in field policy" removing considerable decision making latitude from local boards of education.<sup>1</sup> Prior to the new State Board policy, local boards of education had the right to exercise extremely broad discretion in teacher hiring and assignment. By tightening requirements on teacher in field assignment, the State Board of Education mandated that teachers earn full state certification for the subjects they teach by a stated date, later extended to the beginning of the 1985-86 year.<sup>2</sup>

Before the State Board of Education policy decision, "teaching out of field" was a much discussed subject with very little official action taken in North Carolina. Attitudes concerning out of field teacher assignment were in some ways similar to attitudes about incest. Those not involved in the violation could not believe that anyone would ever do such a thing. Those who were involved were not talking about it. When pressed for explanation or

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<sup>1</sup>Telephone interview with Brock Murray, North Carolina State Department of Public Instruction Office, 27 Feb. 1984.

<sup>2</sup>Ibid.

justification of professional trespass, administrators involved in out of field teacher assignments responded much as one caught in an incestuous relationship might. Availability, cost, adequacy, attitude, and other pressing needs crop up frequently in such conversations.

State legislators, who must submit themselves for re-election in their local districts, had often discussed the "out of field problem" but always failed to take decisive action. The state judiciary, never being presented with a clear cut "out of field" case had not acted. Moreover, local school boards and school administrators acted within the spirit of the state law.

Unfortunately, some local boards of education not only failed to follow the spirit of the law, but they had actively sought ways to circumvent laws and policies requiring teaching in field.<sup>3</sup>

Educational journals have not provided adequate coverage to the growing in field-out of field controversy. There is also a scarcity of published material concerning the legal ramifications of assigning teachers out of field. Court cases directly applicable to the point do not exist. This study will therefore plow new ground in an attempt to crystalize the issues directly related and closely associated with out of field teacher assignment.

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<sup>3</sup>Frederick L. Redefers, "The School Board and Teacher Morale", American School Board Journal (July, 1962), pp. 5-7.

The overall purpose of this study will be twofold - First, to determine the legality of employing teachers out of field within North Carolina's public schools. Second, to provide educational decision makers with appropriate information regarding the educational and legal aspects of employing teachers out of field. This study is being developed in a factual manner and will deal with the legal questions pertinent to the subject. No attempt will be made to directly relate these questions to social or economic factors. It is hoped that this study will aid in the formulation of decisions regarding these issues that are both legally and educationally sound.

#### Statement of the Problem

From the viewpoint of the educator who assigns teachers based on preparation and interest, it is inconceivable that a competent administrator would assign teachers in such a manner that a student could graduate from high school having had an out of field teacher, every year, in any state required subject. From the viewpoint of the educator who routinely assigns teachers out of field, it is inconceivable that such a situation does not exist everywhere. Some administrators look at a given situation and see nothing but insurmountable problems; problems, which can only be treated symptomatically and never directly addressed. Other administrators look at the same situation and see a golden

opportunity to apply hundreds of techniques acquired through years of experience and education. Professional opinions vary at every point along a continuum between the two extremes presented above.<sup>4</sup>

The multifaceted problems faced by educational decision makers today are rarely couched in such dichotomies as questions on a true-false examination. Given all available information about decisions in dichotomous situations, reasonable administrators tend to make choices predicated on workable past practices. Moreover, school administrators often place paramount importance on widely divergent facts.<sup>5</sup> That often is the reason laws and regulations become progressively more specific.

Why do many school administrators employ teachers in academic field(s) for which they have little preparation and interest? Part of the answer lies in the nature of the out of field problem. Placing the best qualified teacher in the classroom is only one of the considerations for an administrator. Other priorities and pressures may bump teacher preparation far down on the hierarchical ladder of consideration.<sup>6</sup>

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<sup>4</sup>David E. Koontz, "Misassignment: A New Teacher's Burden", The Clearing House (January, 1967) pp. 271-272.

<sup>5</sup>Ibid. p. 272.

<sup>6</sup>Van Cleve Morris, Robert L. Crowson, Cynthia Porter-Gehrie and Emanuel Hurwitz Jr., Principals in Action: The Reality of Managing Schools, (Columbus, Ohio: Charles E. Merrill Publishing Co., 1984) pp. 58-65.

State legislatures and pressure groups want teachers to be more accountable for the quality of education received by students. Other pressure groups want other aspects of student life or activities to receive more consideration. The first group often demands demonstrated performance on some measurable scale, such as standardized tests or competency tests.<sup>7</sup> The second group is more humanistic in outlook and demands the same humanistic bent from schools. Too often the second group may show little concern for Scholastic Aptitude tests or Competency tests (or other forms of rigor in the lives of students). Over-regimentation and needless hurdles are perceived by the second group and they want more latitude and choice permitted on the part of students.<sup>8</sup>

Professional opinions about how students can best be motivated to learn, as well as other epistemological concerns, are basic assumptions here. Therefore the personal educational philosophy of an administrator is a highly important factor. Basic assumptions and the philosophical bent of one individual administrator can alter the course out of an entire school system.<sup>9</sup> The educational preparation of

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<sup>7</sup>Guy Benveniste, The Politics of Expertise, (San Francisco, Cal.: Boyd & Fraser Glendessary Publishing Co., 1972) p. 56.

<sup>8</sup>Joseph E. Bryson, Organization and Governance of Public Education, Classroom lecture September 14, 1983.

<sup>9</sup>James B. Macdonald, "A Transcendental Developmental Ideology of Education", Curriculum, eds. James R. Gress & David E. Purpel, (Berkeley, Cal: McCutchan Pub. Corp., 1978) p. 105.

administrators is seen to be of pivotal importance in educational improvement<sup>10</sup> and the reduction of out of field teacher assignments.

At this writing, during the summer of 1985, America seems to be swinging away from humanistic concerns in education and back toward more academic rigor. This concept will be discussed in greater depth in Chapter II of the study.

Administrators failing to notice attitude changes within the community, or clientele they serve, run the risk of being out of step with the times. Obviously personal and professional problems accrue to the administrator who fails to recognize or, having recognized, fails to consider the desires of legislative bodies, pressure groups or the public at large.

#### Questions to be Answered

One of the major purposes of this study is the development of practical, legal guidelines for educational decision makers to have at their disposal when faced with making decisions regarding employing teachers "out of field" in North Carolina public schools. Listed below are several key questions which the writer seeks to answer in order to establish guidelines for school administrators.

1. What are the major educational issues regarding the

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<sup>10</sup>Paul M. Ford, ed. The Assignment and Misassignment of American Teachers, The Complete Report (Washington DC: The National Education Association, 1965), p. 46.



employment of teachers out of field?

2. Which of these issues are likely to be included in court cases related to out of field teacher assignment?

3. Based on recent court cases, what issues related to assigning teachers out of field are currently being litigated?

4. Can any specific trends be determined from the analysis of the court cases?

5. Based on the established legal precedents, what are the legally acceptable criteria for in field-out of field employment decisions?

6. Will administrators continue to use past employment practices for future staffing of teaching positions?

#### Scope of the Study

This is an historical study of the legal ramifications of employing teachers out of field in North Carolina. The research describes the extent to which employment practices have been exercised, challenged and litigated. It also explores the reasons for the litigation, the results of judicial decisions and the effects those decisions have had on employment practices of out of field classroom teachers.<sup>11</sup>

The major thrust of the research is directed toward the legal aspects of employing teachers out of field. Other associated problems such as the educational achievement of

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<sup>11</sup>Morris et al p. 60.

teachers and the educational level or illiteracy of sample populations are compared to out of field teacher assignment to determine if some association or correlation exists between or among these demographic factors.

This study is limited to litigation related directly to judicial decisions having a relationship to the employment of teachers in out of field teaching positions in North Carolina public schools. For example, a recent California case<sup>12</sup> places more emphasis on keeping the teacher who is "certified and competent"<sup>13</sup> in the classroom while more senior but out of field teaching personnel are released due to reduction in force. Numerous other cases related to the topic are also examined in this study.

#### Methods, Procedures and Sources of Information

The basic research technique of this historical legal research study was to examine and analyze the available references concerning the legal aspects of assigning teachers out of field.

In order to determine if a need for such research exists, a search has been made of Dissertation Abstracts for related topics. Journal articles have been sought through use of such sources as Readers' Guide to Periodical Literature,

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<sup>12</sup>William Alexander et al. v. Board of Trustees of Delano Joint Union High School District. (1983) 139 CA3d 567, 188 Cal. Rptr. 705.

<sup>13</sup>Ibid.

Education Index, and the Index to Legal Periodicals. This process of searching was initiated in the fall of 1983 and, to date, (summer 1985) indicates that the topic of out of field teacher assignment has certainly not been overstudied. In fact, the first two computer searches obtained through the Educational Resources Information Center (ERIC) revealed an absolute dirth of information on the topic.

General summaries have been located in various books on school law and school administration. A review of related literature has been compiled through the computer search facilities of the Educational Resources Information Center (ERIC).

Federal and state court cases related to the topic were located through perusal of Corpus Juris Secundum, the National Reporter System, the American Digest System, and American Jurisprudence. The Nolpe School Law Reporter was used for summaries and discussion of the most recent court cases pertaining to the subject. Each case was read and designated to be placed in one or more categories corresponding to the issues and points of law discussed within that case as they apply to the issues explored in the general literature review of this study.

Other supplementary materials related to the topic of assigning teachers out of field were obtained through personal interviews and investigation of information available through sources other than published or printed materials. Examples

of sources contacted are, the United States Office of Education, the National Education Association, the Southern Regional Council, The North Carolina State Board of Education, and the North Carolina Department of Public Instruction. Numerous individuals who have had direct personal involvement with out of field teacher assignment such as teachers, students, administrators, or parents were interviewed. Respected academicians were queried concerning their perception of the situation. Various agencies within institutions of higher education were contacted for information on the subject. The Center for Law and Education at Harvard University and the General Assistance Center (GAC) at Eastern Carolina University, Greenville, North Carolina, are examples of such agencies.

Historical analysis of statistical data reported by the North Carolina Department of Public Instruction and the North Carolina State Board of Education have contributed to an understanding of out of field teacher assignment.

#### Definition of Terms

For the purposes of this study, the following selected terms are defined:

Out of Field Teachers - Certificated personnel who are assigned teaching duties outside proper professional preparation and certification for all or any fraction of an instructional day.

In Field Teachers - Certificated personnel who are assigned teaching duties within major professional preparation and legal state certification.

Preparation and Interest - This phrase includes professional preparation and certification but goes further. It alludes to genuine interest in the academic teaching of subject matter within the field as demonstrated by teaching competency. Other considerations such as graduate study, reading, travel and personal experiences and interests are also perceived as contributing to teacher preparation beyond certification.

Certificate - Certificate is a license granted by the state that enables a teacher to enter into a lawfully binding contract to teach. Because of the diverse usage of the term through the history of certification, certificate is used interchangeably with license.<sup>14</sup>

Teacher Education - Teacher education refers to the process of preparing persons to become qualified to receive a teaching certificate or license.<sup>15</sup>

Provisional Certificate - A temporary license issued to a teacher for a field or area where that teacher has not met minimum state certification requirements. Recommendation of a local board of education is required before provisional

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<sup>14</sup>Richard L. Thompson, "A History and Legal Analysis of Teacher Certification in North Carolina", Diss. University of North Carolina at Greensboro, 1979, p. 3.

<sup>15</sup>Ibid.

certification will be issued. While working out of field under provisional certification, a teacher may earn up to nine semester hours toward full certification. Provisional certification is intended to be used for new programs where higher education has not yet "cranked up"<sup>16</sup> to meet the need. Teachers with provisional certification are not reported as out of field even though they have not met minimum state certification standards. They may teach part or all of their time in the area or field where provisional certification is in effect. Academic work toward full certification is required during provisional certification time.<sup>17</sup>

Endorsement - This is a status just below provisional certification. Teachers may not spend more than half their teaching time in the field or area for which an endorsement is in effect. Endorsements are temporary and lower standards of effort toward certification apply.<sup>18</sup>

Lateral Entry - Subject matter experts from outside the profession of education are to be granted provisional certification to teach in North Carolina while they earn credit toward full certification.<sup>19</sup>

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<sup>16</sup>Murray, Ibid. referring to current requirements in North Carolina.

<sup>17</sup>Ibid.

<sup>18</sup>Ibid.

<sup>19</sup>North Carolina General Statute 115C-296 sec. 6(c) ratified July 6, 1984.

### Significance of the Study

Historically, public education officials have acted as representatives of people who elected them. In education, a major responsibility of school officials is establishing standards to control access to the teacher corps. Public concern for quality education has waxed and waned in the past but two features are always present. The first feature is that teachers have been required to meet certain (ever more specific and strict) requirements before receiving certification to teach.<sup>20</sup>

Secondly, courts have consistently sustained the states' right to require prospective teachers to meet certain standards before assuming teaching responsibilities. In a 1977 South Carolina case a federal court ruled:

for the purpose of protecting the public from incompetency, the State may limit access to a vocation, here teaching by establishing minimum standards of knowledge and acquired skills.<sup>21</sup>

The state of North Carolina requires prospective teachers to achieve an acceptable score on the National Teachers Examination (NTE) in a commons section of the test; where teaching methods, developmental psychology, and other common subject matter areas are evaluated. The state also requires an acceptable score in a field or area portion of

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<sup>20</sup>Harold G. Shane, Curriculum Change Toward the 21st Century, (Washington D.C.: National Education Association of the United States, 1977) p. 37.

<sup>21</sup>United States v. State of South Carolina, 455 F. Supp 1094 (1977) p. 348.

the NTE where the command of specific in field subject matter is evaluated. The trend for the future is more state control over local school districts.<sup>22</sup>

The National Education Association (NEA) has lobbied many state legislatures requesting that the power to certify teachers be relinquished by the several states and vested in the NEA. This proposal has been likened, by the NEA, to licensing procedures in the legal and medical professions, where professional organizations control entry for new personnel. The argument for NEA teacher licensing authority includes a cry for professionalism in education.<sup>23</sup> One of the characteristics of a profession, after all, is self regulation of entry.

To earn teacher certification in North Carolina, the aspiring teacher must complete a teacher education program at a state approved college or university. The approved program approach is the major avenue to certification for new teachers within the state. Prospective teachers are not permitted to deal with the State Department of Public Instruction Division until they are recommended for state certification by one of the more than forty institutions

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<sup>22</sup>Jon Wiles and Joseph Bondi, Principles of School Administration The Real World of Leadership in Schools, (Columbus, Ohio: Charles E. Merrill Publishing Co., 1983) pp. 73-75.

<sup>23</sup>Thompson, p. 7-8.



operating approved teacher preparation programs.<sup>24</sup> Two current exceptions to the above stated policy exist. First, for teachers who possess certification in another state, where reciprocal certification agreements exist.<sup>25,26</sup> In such cases a valid teaching certificate from another state is viewed as evidence that an individual is qualified to teach in North Carolina.

...most states will grant a certificate to a teacher from another state who has graduated from an institution accredited by the National Council for the Accreditation of Teacher Education (NCATE)<sup>27</sup>

Obviously, a teacher who has qualified for certification in one field in another state can only qualify for certification in the same field in North Carolina.<sup>28</sup>

The second exception to the North Carolina approved program approach to teacher certification is the new lateral entry program.

It is the policy of the State of North Carolina to encourage lateral entry into the profession of teaching by skilled individuals from the private sector. To this end, before the 1985-86

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<sup>24</sup>Ibid.

<sup>25</sup>Wiles & Bondi, p. 63.

<sup>26</sup>Murray, Ibid.

<sup>27</sup>Wiles & Bondi, Ibid.

<sup>28</sup>Murray, Ibid.

school year begins, the State Board of Education shall develop criteria and procedures to accomplish the employment of such individuals as classroom teachers. Regardless of credentials or competence, no one shall begin teaching above the middle level of differentiation. Skilled individuals who choose to enter the profession of teaching laterally may be granted a provisional teaching certificate for no more than five years and shall be required to obtain certification before contracting for a sixth year of service with any local administrative unit in this State.<sup>29</sup>

In recent years public education entities, state legislatures, college and university professors, teachers and school administrators and professional education organizations have been clamoring for improvement in teacher preparation. Proposals to improve teacher preparation have suggested longer probationary teaching periods, more student teaching, more methods courses, and more subject area relevant course requirements.<sup>30</sup>

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<sup>29</sup> North Carolina General Statute 115C-296, sec. 6 (c), ratified July 6, 1984.

<sup>30</sup> Recent studies proposing teacher improvement through changes in teacher preparation include:

A Nation at Risk: The Imperative for Educational Reform, United States National Commission on Excellence in Education, Washington D.C.: United States Government Printing Office, 1983.

John I. Goodlad, A Place Called School: Prospects for the Future, (New York: McGraw-Hill, 1984).

John P. Sikula and Robert A. Roth, Teacher Preparation and Certification: The Call for Reform, (Bloomington, Ind: Phi Delta Kappa Educational Foundation, 1984)

Timothy W. Weaver, America's Teacher Quality Problem: Alternative for Reform, (New York, NY: Praeger, 1983).

William Drummond et al. Performance Based Teacher Education: 1975 Commentary/Report of a Task Force, Washington, D.C.: American Association of Colleges for Teacher Education.

Some prominent educators go so far as proposing that teachers not be certified until they obtain the equivalent of a masters degree. This would include a bachelor's degree in a field of academic interest and a masters degree in education with professional preparation in areas commensurate with the teaching level.<sup>31</sup>

The common thread running through all teacher education proposals is a deep seated conviction that increasing preparation requirements will produce a better professional educator. A few educators would like to limit entry to teacher preparation programs so that only the "cream of the crop" need apply. Most of these idealists realize that this plan could never become feasible unless or until major changes in pay and working conditions are made for teachers.<sup>32</sup> A more competitive pay scale and more participative decision making are seen as measures to be taken to attract and keep a better quality young teacher.<sup>33</sup>

Entry into the teacher corps is difficult at present and likely to become progressively more difficult in the immediate future. Declining student achievement and increasing public hostility toward education; coupled with

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<sup>31</sup>Bryson, Ibid.

<sup>32</sup>Charles E. Silberman, Crisis in the Classroom, (New York: Random House, 1970) p. 321.

<sup>33</sup>Ibid.

low pay and low teacher morale combine to create a difficult atmosphere for a new teacher to enter. These problems are compounded when new teachers are assigned to teach courses for which they lack preparation and interest.<sup>34</sup>

A study widely publicized in January 1985 claimed that 95% of North Carolina's 1984-85 college freshmen failed to achieve passing grades on a World Geography test. Out of field teacher assignment was perceived to be a factor contributing to this lack of knowledge.<sup>35</sup> At least two State University systems are taking steps to help correct the problem.

Central to the effort to restore geography education to all grade levels is the retraining of teachers who see geography as little more than memorizing place names. Next summer, the University of Colorado and South Dakota State University will offer geography courses to teachers with little background in the field.<sup>36</sup>

Administrative and educational practices have, on occasion, been found to be unconstitutional in state and federal courts based on the equal educational opportunities doctrine. A school system is bound by the Constitution of the United States to provide equal educational opportunity

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<sup>34</sup>Ford, p. 48.

<sup>35</sup>Lucia Solorzano, "Why Johnny Can't Read Maps Either" U.S. News & World Report, (25 March 1985), p. 50.

<sup>36</sup>Ibid.

to each of its students. In the case Hobson v. Hansen,<sup>37</sup> for example, tracking of students was found to be unconstitutional because poor and black students did not receive equal educational opportunities.<sup>38</sup> In Hobson v. Hansen Judge J. Skelly Wright stated that the school system would have to establish that the educational practice employed, in this case tracking, would provide better educational opportunities for students diagnosed as possessing low academic ability.<sup>39</sup>

Since its inception, the public school has been thought to be the major instrument through which equality and, more specifically, equality of opportunity would be ensured. Indeed, one of the most persuasive arguments for the establishment of the public school was that such schooling would open the gateway to opportunity that would otherwise be closed to many youngsters, and that education would eliminate or dwarf the social inequities which plagued other nations. ...But if public education is to be the vehicle for equality of opportunity in society at large, there must be equality of educational opportunity. This fact has long been recognized and affirmed in principle. It is embedded deep in both American law and the American ethic. It has been espoused repeatedly by advocates of educational practices ranging from bussing and federal aid to education to pleas for state aid to parochial schools. The successful arguments for free textbooks, state equalization funds, and certification of teachers have all been based on this concept.<sup>40</sup>

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<sup>37</sup>Hobson v. Hansen, 269 F. Supp 401 (1967).

<sup>38</sup>Joseph E. Bryson and Charles P. Bentley, Ability Grouping of Public School Students, (Charlottesville, VA: The Michie Company, 1980), p. 3.

<sup>39</sup>Ibid.

<sup>40</sup>Charles A. Tesconi Jr. & Emanuel Hurwitz Jr., Education for Whom? The Question of Equal Educational Opportunity, (New York: Dodd, Mead & Company, 1974), p. 15.

Equal educational opportunity may not be provided if one student has a fully qualified teacher, educated in the field being studied and legally licensed by the state; while another student in the same building, studying the same subject, has a teacher who has neither preparation nor interest.

School officials who fail to consider the constitutional rights of students and the educational merits of any educational practice employed could become involved in litigation resulting in personal financial liability. It is suggested that readers endeavor to avoid the public notoriety which would result from being named defendant in a landmark federal court case which may soon put an end to out of field teacher assignment. Such a case could be filed based on current staffing practices in some school systems.

### Design of the Study

This study is divided into five parts which are presented as chapters. Chapter I is the introduction. Chapter II is devoted to a review of related literature. This section will include the literature dealing specifically with employing teachers out of field and a review of what general educational research exists on out of field assignment. It also traces the development of American attitudes and expectations concerning teacher preparation. Chapter III discusses the major issues relating to assigning

teachers out of field. In this chapter the author draws together the legal issues and other major educational issues previously identified in Chapter II.

Chapter IV contains a discussion of court cases which refer to the topic of employing teachers out of field. Categories are established to aid the readers in understanding. These categories deal with the points of law upon which cases were finally decided. Related issues such as geography, level of certification and degrees held by teachers and administrators are also addressed. Statistical information is presented to support the explanation of demographic factors and add historical background.

The final part of this study is Chapter V which presents a summary, conclusions and recommendations, which are based on the information developed in previous chapters. The questions asked in Chapter I are answered in Chapter V as well. A list of recommendations is made in this final chapter to aid decision makers in formulating plans and procedures to deal with the administrative and legal problems inherent in assigning teachers out of field.

## Chapter II

### REVIEW OF THE LITERATURE

Are all apostles? Are all prophets?  
Are all teachers? Are all workers  
of miracles?

I Corinthians 13:29

### Introduction

To understand the problem of teachers being assigned to work out of field, one must first come to grips with the reality that all teachers are not created equal.

Each teacher preparation program is designed to prepare teacher candidates in two basic ways.

The verb teach has two accusatives. The term is not complete unless you understand that you are teaching something to someone.<sup>1</sup>

"Teaching WHAT to WHOM?"<sup>2</sup> is a double sided question which should receive every teacher's constant attention. Teacher education programs then, are first and foremost designed to prepare teacher candidates to teach some body of knowledge to some group of students. State teacher

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<sup>1</sup>Harold G. Snyder, Director, Asheville Center, University of North Carolina at Greensboro, class lecture, 10 January 1985.

<sup>2</sup>Ibid.



certification laws and administrative regulations are firmly grounded in this dichotomous understanding of teacher preparation.<sup>3</sup>

Methods of teacher preparation are largely left to institutions of higher education where approved programs exist.<sup>4</sup> The mere mention of program approval indicates that states maintain final control over teacher certification. Whether this control is vested in a State Board of Education or a State Department of Education, or some other instrumentality of the state by another name, the state maintains final authority to certify a teacher candidate or withhold certification.<sup>5</sup>

#### Federal or State Government Responsibility

The federal government has traditionally maintained a hands off policy concerning teacher certification in the individual states. Constitutionally, all powers not concentrated at the federal level are reserved to the several states. Education is, constitutionally, a state function under the provisions of the tenth amendment:<sup>6</sup>

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<sup>3</sup>Telephone interview with Brock Murray, North Carolina State Department of Public Instruction Office, 27 February 1984.

<sup>4</sup>Ibid.

<sup>5</sup>Ibid.

<sup>6</sup>Edward C. Bolmeier, The School in the Legal Structure 2d ed. (Cincinnati: The W.H. Anderson Co., 1973), p. 3.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.<sup>7</sup>

Even with this power well understood, none of the states consolidated teacher certification within a statewide structure until well into the nineteenth century.<sup>8</sup> Before that time, education had been largely a commodity consumed by the upper strata of American society.<sup>9</sup>

#### Historical Overview

When the first settlers in the New World educated their children, they did so at home or in connection with their church. Education beyond basic literacy was generally not available to anyone except the children of the elite. Even the most affluent settlers initially had to send their offspring back to the "old country" for higher education.<sup>10</sup>

#### Higher Education in the New World

In 1635, when Harvard was founded, the sons of the rich colonists could, for the first time, obtain higher education without having to travel by ship back to the mother country. The sons of the less well to do and all women were still not

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<sup>7</sup>Constitution of The United States, Amendment X.

<sup>8</sup>Lucien B. Kinney, Certification in Education, (Englewood Cliffs, New Jersey: Prentice-Hall, Inc., 1964), p. 42.

<sup>9</sup>Robert Palinchak, The Evolution of the Community College, (Melachen, New Jersey: The Scarecrow Press, 1973), p. 8.

<sup>10</sup>Ibid.

educated beyond the ability of their parents to teach them the basics of life.<sup>11</sup> Harvard was a private institution, and many other private institutions followed in its footsteps. The first American public institution of higher education was founded in South Carolina in 1790.<sup>12</sup> Still, rich white males were the only group which could attend any institution of higher education. An institutionalized dichotomy between the haves and have nots was firmly established. Young men from the top layer of American society rarely if ever stooped to become school teachers so some source other than university graduates had to be tapped for teacher personnel. (The educational gap between the haves and have nots in contemporary American society is explored in Chapter III.)

#### Education a High Priority

The same Congress which adopted the Constitution of the United States passed the Ordinance of 1787 which carried the egalitarian notion of justice into the American classroom. Congress went on record as being in favor of public education when it stated, in the Ordinance of 1787:

Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools, and the means of education shall forever be encouraged.<sup>13</sup>

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<sup>11</sup>Ibid.

<sup>12</sup>Ibid. (A controversy continues as to which state was first to charter or establish public higher education in the United States. Various authors credit Georgia, North Carolina and South Carolina with "being first.")

<sup>13</sup>Ibid.

Education in the young United States remained a private function for a long time. "Free Schools" began to emerge in the late eighteenth century. "Free" in this case referred to the school being free from religious control. One such school is preserved near Valley Forge, Pennsylvania by a local historical society and is claimed to be the first "Free School" in that state.<sup>14</sup> The issue of religion in education was put in a different context than that with which we are familiar today by President Eliot of Harvard. He called education "The Religion of America."<sup>15</sup> President George Washington, in his Farewell Address (1796) enjoined his countrymen to "promote, then, as an object of primary importance, institutions for the general diffusion of knowledge."<sup>16</sup> Later (in 1816) Thomas Jefferson carried Washington's idea to a logical conclusion when he said:

If a nation expects to be ignorant and free in a state of civilization, it expects what never was and what never will be.<sup>17</sup>

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<sup>14</sup>"Diamond Rock School", Tredyffrin Easttown History Quarterly, (Berwyn, PA Vol. XXI No. 2, April 1983) pp. 51-60.

<sup>15</sup>Palinchak, p. 9.

<sup>16</sup>Ibid.

<sup>17</sup>Ibid.

America was to become a place where most if not all people would be educated. As Chief Justice John Jay put it: "I consider knowledge to be the soul of a Republic."<sup>18</sup> Education then, in the early days of our republic, was important to the people in authority. Some basic questions still remained.

### Early Teacher Selection

Who was teaching what to whom? How were teachers selected? Who selected teachers? Valuable insights are offered in this connection by the following information:

The state concern for certification during the colonial period was limited to religious and political conformity as a precautionary measure to reduce the influence of disloyal elements in key positions. The attitudes developed during this period did crystalize into traditions that definitely affected the development of certification. The individualism of the frontier created an attitude of resistance toward centralized control of the schools and consequently resistance to centralized control of certification.<sup>19</sup>

Thompson indicates that political and religious conformity were more important than the academic preparation of teachers in early America. In a society where only well to do citizens had access to higher education; and few if any university educated people became teachers, teacher preparation must have been a hit or miss proposition.

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<sup>18</sup> Ibid.

<sup>19</sup> Richard L. Thompson, "A History and Legal Analysis of Teacher Certification in North Carolina", Diss. University of North Carolina at Greensboro, 1979, p. 12.

As higher education became more available to more Americans, an expectancy developed. This expectancy was based on first hand observation by millions of Americans.

Attending college meant the raising of one's standard of living. Non attendance meant social deprivation and professional handicap.<sup>20</sup>

### Pressures For Educational Improvement

Educational improvement and changes in American education were usually in response to severe external (to education) pressures from society, environment, and technology, rather than from within.<sup>21</sup> While changes in the American educational process occurred, teacher preparation and certification also underwent an evolutionary process.

The certification of teachers has evolved through a long and diversified process, and the historical accounts have been conflicting. There have been periods in the process which were quite dormant. At other times, controversy, legislative actions and litigation have appeared in flurries.<sup>22</sup>

Viewed from the historical perspective, with emphasis on severe external pressures; educational changes, and the resulting emphasis on tightening certification requirements, can be better understood.

The Morrill Acts and Hatch Act (of 1862 and following) grew out of the great civil strife of a war in our homeland

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<sup>20</sup>Palinchak, p. 9.

<sup>21</sup>Ibid.

<sup>22</sup>Thompson, p. 13.

and the added pressures of immigration, industrialization and the phenomenal growth potential these conditions offered American business and agriculture.<sup>23</sup> No longer would the "natural trial-and-error methods of men carrying on..." farming and industrial activities, depending on their innate "...intellectual capacity to be more often right than wrong." suffice.<sup>24</sup> Men (still not women) were now needed who possessed specific knowledge in the production processes of industry and agriculture.<sup>25</sup> Fortunes could be made (or lost) as more capital was required to meet the growing demand for ever more goods, services and commodities.

As Grant's vast Army of the Potomac swept through the Shenandoah Valley and deep into the Old South, new logistical procedures were developed to keep the troops supplied. Resupply items were forced forward to insure victory while whole new industries appeared, developed and expanded to provide the cannon fodder so essential to any successful military campaign. Food processing and preservation took quantum leaps, from walking cattle into a field encampment

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<sup>23</sup> Calfrey C. Calhoun and Allan V. Finch, Vocational and Career Education: Concepts and Operations (Belmont, Cal: Wadsworth Publishing Company, Inc. 1976) p. 33.

<sup>24</sup> Ibid.

<sup>25</sup> Ibid.

early in the war, to salting meat in barrels, and finally the canning process almost identical to that used today.<sup>26</sup>

Just as the canning industry came of age and served the soldier first, so did a massive apparel industry. Elias Howe's sewing machine was mass produced to mass produce uniforms. Lyman Blake and Gordon McKay adopted Howe's machine to sew shoes and boots just in time to set the shoe industry off at a dead run to cover millions of marching feet. Benjamin Banaker's shoe lasting machine helped develop the shoe manufacturing process still used today, where soles are affixed to shoe uppers by machines, rather than by the hand work of individual cobblers.<sup>27</sup>

These industries grew, developed and spawned still more industries as our nation grew by leaps and bounds. When the United States entered the Civil War most of her citizens were engaged in small scale farming.<sup>28</sup> Family farms were hubs of diversified activities and public education served to meet the educational needs of a nation of farming frontier families.

Industrial development during and after the Civil War demanded changes in education as well. Skilled specialists

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<sup>26</sup> Samuel Eliot Morison, The Oxford History of The American People, (New York: Oxford University Press, 1965) p. 668.

<sup>27</sup> Ibid.

<sup>28</sup> Ibid. p. 743.



in industry were more productive and better remunerated than the diversified farmer who tried to be a jack of all trades but truly never became fully proficient at any.<sup>29</sup>

### Vocational Education

Vocational education became more important as families abandoned their small farms and migrated to industrial centers. Fathers could no longer teach their sons enough to get by in life because the life situation of one generation began to bear less and less resemblance to the next. To help meet the demands of educating students for the future, the National Education Association set up the Committee of Fifteen in 1893. The Committee of Fifteen issued a report in 1895 which stated in part:

The civilization of the age - the environment into which the child is born - should determine the objects of study, to the end that the child may gain an insight into the world in which he lives and command of its resources such as is obtained by helpful cooperation with his fellows.<sup>30</sup>

The past then, with its mostly agrarian bent, was not seen to be as important as the present and future in educating the young.<sup>31</sup>

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<sup>29</sup>Ibid. pp. 668-669.

<sup>30</sup>National Education Association, Addresses and Proceedings, 1895, (St. Paul, Minnesota: National Educational Association, 1895), p. 235.

<sup>31</sup>Ibid.

### Tightening Teacher Credentialing Requirements

The Committee of Fifteen also recommended one of the earliest teacher credentials tightening requirements. This was only a recommendation and certainly not binding but the committee published the opinion "...that grade school teachers be obliged to obtain a high school diploma before they are employed."<sup>32</sup> From that time to today, teacher licensing requirements have slowly but steadily increased. Employment requirements have sometimes not been quite as high as certification requirements during times of teacher shortage (as during the two world wars) but the overall trend has been toward better education through more demanding teacher preparation and certification.<sup>33</sup>

During times when more teachers were available than the schools required, certification requirements were made more strict in order to select the best teachers available to provide the best possible education for students. An example of tightening teacher certification requirements is the situation which existed during the Great Depression.<sup>34</sup>

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<sup>32</sup>Harold G. Shane, Curriculum Change Toward the 21st Century (Washington, D.C.: National Education Association, 1977) p. 37.

<sup>33</sup>Thompson, pp. 67-68.

<sup>34</sup>Ibid. p. 68.

### Academic and Vocational Fields Diverge

At the end of the nineteenth century, the National Education Association had a continuing study of American education underway. The Committee of Ten and the Committee of Fifteen issued their recommendations but the problems of education in America were far from solved. The question of "educating children for WHAT?" surfaced repeatedly.

The Committee of Twelve recommended that secondary schools serve as "schools of the people" in addition to preparing students to meet college entrance requirements.<sup>35</sup>

The same teachers obviously could not perform academic and vocational functions at the same time so a split in teacher field of preparation developed. By the time the United States became involved in World War I, our educators had been taking sides for half a century in a growing educational controversy which persists today. Should secondary schools prepare students for life or for more school?<sup>36</sup>

### Local Control of Teacher Certification

With an unsettled atmosphere concerning what should be taught, central control of who should teach was almost impossible. By 1920, the State Education Commission of North Carolina started to work on standardization of both

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<sup>35</sup>Shane, p. 38.

<sup>36</sup>Palinchak, p. 12.

curriculum and teacher certification. The commission wanted strong central control of teacher certification for standardization and improvement of education for students.<sup>37</sup> Before 1920, local superintendents apparently acted as they saw fit in certifying teachers, thus one city or county school system might have extremely high standards for teacher certification while the neighboring school system might have standards which are functionally undefined. The commission lamented this situation and called for improvement through increased centralization:<sup>38</sup>

...there is not now a single line of law or regulation governing the issuance of [teaching] certificates; that is, laws or regulations prescribing the subjects in which examinations shall be held, periods of validity, and conditions of renewal. Each superintendent is a law unto himself. The result is that certificates of these grades are often handed out by superintendents without even the semblance of an examination. When certificates can be had for the asking, obviously there is little incentive to thorough preparation. Quite properly the holders of such certificates are called the "lost third" of the teaching body and they will doubtless remain "lost" until brought under the supervision of a central board.<sup>39</sup>

Before the state assumed responsibility for the certification of all teachers within its borders, various

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<sup>37</sup>State Educational Commission, Public Education in North Carolina, (Raleigh: Edwards and Broughton Printing Co., State Printers, 1920) p. 50.

<sup>38</sup>Ibid.

<sup>39</sup>Ibid.

methods of teacher selection, preparation and approval had been used in North Carolina.<sup>40</sup>

Churches had been responsible for whatever education took place outside the earliest American homes. Governmental authorities, in each town, village, community, township or small geographic governmental subdivision assumed control as "free schools" were established within walking distance of most of America's pre-automobile children. Counties took over teacher certification responsibility as transportation and communication improved and population density reached the point beyond which the monetary resources of lower governmental entities were severely overtaxed.<sup>41</sup>

#### More Centralized Control Over Certification

In the first fifty years of the twentieth century teacher certification in most states evolved from local, through county and finally to the state level of responsibility.<sup>42</sup>

In the early 1950's Edgar Knight looked back at teacher preparation and certification for the preceding fifty years and outlined the changes which had taken place. When one considers the technological changes which had

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<sup>40</sup> Benjamin W. Frazier, Development of State Programs for the Certification of Teachers, U.S. Office of Education Bulletin 1938, No. 12 (Washington, D.C.: Government Printing Office, 1938) pp. 17-20.

<sup>41</sup> Ibid.

<sup>42</sup> Thompson, P. 56.

occurred in the same time frame, it is reasonable that such vast changes in education took place in that half century. Knight's comments on teacher certification and the changes in responsibility are most enlightening:<sup>43</sup>

...only in the twentieth century did certification come to be assumed as a function of the state. Localism in this activity long resisted the intrusion by the state and made for a wide variety of confusing practices. There was little uniformity of practice in a given state, and often certificates in one county would not be considered good in another in the same state.<sup>44</sup>

Americans were not nearly so mobile in 1900 as they are today, so the lack of transfer of teacher certification from one county to another might not have been so terrible a problem as we would encounter if a similar situation presently existed. Before the transportation boom which began in the 1870's the great majority of Americans would be born, educated, employed, married, live out their lives, die and be buried within a few miles of the same small community. Westward migration and military service were two of the few exceptions to this rule.<sup>45</sup> Although job mobility might not have been high on a teacher's priority list in 1900, equal educational opportunity for students through uniformity in

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<sup>43</sup>Edgar W. Knight, Fifty Years of American Education 1900-1950 (New York: The Roland Press Company, 1952) p. 330.

<sup>44</sup>Ibid.

<sup>45</sup>Morison, p. 743.

teacher training and certification was becoming an issue in educational planning for most states. Knight continues:

In 1898 only three states issued all teaching certificates. The number of states that did so was five in 1903; fifteen in 1911; twenty-six in 1921; thirty-six in 1926; thirty-nine in 1933; and in 1950 all states except Massachusetts seemed to do so. In that state certificates were generally issued by local educational authorities. That state in 1951 began a program which provided for the state certification of teachers and for the gradual upgrading of certificates, so that by 1954 all teachers in Massachusetts would be required to hold a bachelor's degree. But even at mid-century the many ways of getting and keeping in force certificates to teach school were generally manifold if not mysterious.<sup>46</sup>

#### Subject Area Specialization for Teachers and Students

As teachers became increasingly more specialized in their fields of preparation, they could impart more information of a higher quality to students. If only the "best" students were grouped together, that particular segment of the student population could excel. Specialized education is seen as a way to provide more of what each student needs at his or her "level." Some educators disdain the practice of student "tracking" where the fast students take the high road to success and the slow students take the low road to failure.<sup>47</sup> Mortimer Adler takes a position against tracking when he says:

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<sup>46</sup> Knight, Ibid.

<sup>47</sup> Mortimer J. Adler, The Paideia Proposal An Educational Manifesto (New York: MacMillan Publishing Co., Inc. 1982) p. 15.

AT THE VERY HEART of a multitrack system of public schooling lies an abominable discrimination. The system aims at different goals for different groups of children. One goal, higher than the others is harder to accomplish. The other goals are lower - and perhaps easier, but ironically, they are all too frequently not attained.<sup>48</sup>

If the lower track students are in a situation where teachers lack minimum certification requirements, one can quickly understand Adler's dismal interpretation of the situation.

A recurring theme of student tracking runs throughout history from the post Civil War time frame to the present. This discussion is aimed primarily at secondary schools. Should schools be cultural or utilitarian? Academic or vocational? Basic or practical? Should they emphasize scholarship or training?<sup>49</sup>

With the 1917 Smith-Hughes Act, the Congress of the United States officially split students into at least two tracks. Vocational Education funds were made available for secondary education and Agriculture, Trade and Industrial Training funds were also made available at the same level.<sup>50</sup>

The attempt was being made to teach basic educational requirements for all students then prepare the upper group

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<sup>48</sup> Ibid.

<sup>49</sup> Palinchak, p. 12.

<sup>50</sup> Calhoun et al., p. 33.



to go on to college while the lower group was prepared to enter the world of work. Aside from Adler's warning about the injustice of tracking, many educational scholars caution that it simply will not work.<sup>51</sup>

Tracking and grouping, regardless of the controversy described above, have established some facts directly related to this study. One of those facts deals with federal or state oversight.

#### Certification Strings on Federal and State Programs

When federal or state programs bring money into schools, the programs bring along the baggage of strictly enforced regulations. Many of those regulations deal with teacher preparation and certification. A rule of thumb emerges from consideration of federal, state and locally originated programs: The higher the program originates, the tighter the certification requirements for teachers involved.<sup>52</sup> For this reason, some local educational leaders decide to forego the benefits of certain federal programs simply because the restraints involved are too great.<sup>53</sup>

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<sup>51</sup>Lawrence A. Cremin, The Transformation of the Schools: Progressivism in American Education 1876-1957 (New York: Vantage Books 1964) pp. 332-333.

<sup>52</sup>Percy Burrup, Financing Education in a Climate of Change, 2nd ed. (Boston: Allyn Bacon, 1974) pp. 164-165, 170.

<sup>53</sup>Ibid.

### Extreme Examples of Central Control

Between the two world wars, secondary education in America became increasingly more subservient to the central government. This was a phenomenon all too familiar in other countries. Prussia used schools as "an instrument for promoting the interest of the state."<sup>54</sup> In Napoleon's France, every effort was made to use schools as:

...instruments of policy, power and government in an attempt to conserve the accepted social order, nationalism and the empire.<sup>55</sup>

To varying extents Fascist Italy, Nazi Germany, Soviet Russia, and Imperialist Japan used the same tactics.<sup>56</sup>

Total central governmental control of education has obvious drawbacks. Real fears exist that if some highly placed but unresponsive governmental official dictates who may teach; then that same individual might soon dictate what can be taught and to whom.<sup>57</sup> These fears are gross exaggerations of the present situation in the United States.

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<sup>54</sup>Palinchak, p. 9.

<sup>55</sup>Ibid., p. 13.

<sup>56</sup>Ibid.

<sup>57</sup>Marilyn Gittell, "The Balance of Power and the Community School", Community Control of Schools, ed. Henry M. Levin, (New York: Simon and Schuster, 1970) p. 117.

### Central Control of Certification

Virtually anyone who has the academic acumen to read, speak in public, and respond adequately in testing situations can become a certified teacher. Access to the teacher corps is not limited by race, sex or national origin. The best interests of the students who may eventually fall under the influence of any given teacher are of paramount importance. Protection of students and their educational opportunities, is the reason for limiting access to the teacher corps. The pupil benefit theory, as discussed in Guthrie v. Taylor is explained in Chapter IV.<sup>58</sup>

Content preparation for prospective teachers is often considered more important than professional preparation in common methods or general education courses. Madeline Hunter, highly respected by individuals interested in increasing instructional effectiveness, is extremely methods oriented, prescribing methods to be employed or withheld in given situations. Even so, the entire basis of her views on instructional improvement is that teachers must first know what they are talking about before presuming to teach students.<sup>59</sup> According to Hunter, everything starts from the "Basic content decision"<sup>60</sup> where the teacher must be firmly grounded.

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<sup>58</sup>Guthrie v. Taylor, (North Carolina 1971) 279,NC,703, p. 714.

<sup>59</sup>Madeline Hunter, Mastery Teaching (El Segundo, CA: TIP Publications, 1982) p. 4.

<sup>60</sup>Ibid.

The first professional decision to be made is the answer to the question, "What will be taught?" You may be thinking that decision has already been made. You're to teach English I, History of the United States, French II, Computer Science. Those subjects merely label the content area in which you, the teacher, need to make the critical decision about the particular part of that content you will teach TODAY.<sup>61</sup>

Further discussing the concept of subject matter content, Dr. Hunter writes that a teacher should constantly strive to keep attention focused on the subject at hand, avoiding "...nonessential or tangential matters."<sup>62</sup>

It is tempting to spend class time on vivid "bird walks" that may distract attention from, rather than enhance understanding of more important issues.<sup>63</sup>

Following Dr. Hunter's advice would be most difficult for those out of field teachers who lack even the most rudimentary preparation in an assigned subject area.<sup>64</sup>

Jack Miller was concerned about the teacher misassigned outside his or her field(s) of preparation when he wrote a numerous guide for out of field teachers. Miller drew an analogous relationship between content knowledge and methodology when he wrote:

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<sup>61</sup>Ibid.

<sup>62</sup>Ibid.

<sup>63</sup>Ibid.

<sup>64</sup>Jack E. Miller, "A Guide for those Teaching 'OUT OF THEIR FIELDS'", The Clearing House (December, 1968) p. 213.

Just as knowledge of content offers no guarantee that a person will be able to teach his content, knowledge and skill in methodology and technique cannot guarantee that an individual can impart knowledge that he does not have.<sup>65</sup>

#### Lateral Entry

The state of North Carolina is in the process of taking a bold step in the direction of bringing subject matter experts into the classroom where they can impart their wealth of knowledge to students. In that connection, a lateral entry policy has been authorized by the legislature.<sup>66</sup> The North Carolina State Board of Education has been tasked to work out the details of the plan but the legislature's intent is clearly to use available expertise to the advantage of students, even if normal teacher certification procedures must be circumvented. On July 6, 1984 the legislature of North Carolina approved the following policy:

It is the policy of the State of North Carolina to encourage lateral entry into the profession of teaching by skilled individuals from the private sector. To this end, before the 1985-86 school year begins, the State Board of Education shall develop criteria and procedures to accomplish the employment of such individuals as classroom teachers. Regardless of credentials or competence, no one shall begin teaching above the middle level of differentiation. Skilled individuals who choose to enter the profession of teaching laterally may be granted a provisional teaching certificate for no more than five years and shall be required

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<sup>65</sup> Ibid.

<sup>66</sup> North Carolina General Statute 115C-296 Section 6(c) as amended 6 July 1984.

to obtain certification before contracting for a sixth year of service with any local administrative unit in this State.<sup>67</sup>

In North Carolina, at least, subject matter preparation appears to be given a higher priority than the established procedures of teacher certification. In this context then, the term "qualified" equates to the possession of certain subject matter knowledge and skills.

A more complete understanding of the term "qualified" would include both subject matter expertise and a firm basis in teaching methods. Madeline Hunter tries to draw a parallel between the two:

To argue that it is more important for a teacher to know mathematics than to know how to teach it is, we think, like arguing that your right leg is more important than your left leg when you run. Unless you have both you're not going to run anywhere and unless you know both content and methodology you're not very likely to be a successful teacher.<sup>68</sup>

The literature pertinent to in field teacher assignment is replete with references to the term "qualified". The general consensus of the majority of sources is summed up by William B. Castetter:

placing and keeping a qualified individual in every position in the school system is essential to organizational effectiveness.<sup>69</sup>

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<sup>67</sup> Ibid.

<sup>68</sup> Madeline Hunter, Teach More - Faster! (El Segundo, CA: TIP Publications, 1969) p. 5.

<sup>69</sup> William B. Castetter, The Personnel Function in Educational Administration, 2d (New York: MacMillan Publishing Co., Inc. 1976) p. 165.

Castetter, by using the term "qualified" with no reservation, seems to be referring to full qualification under whatever state statutes and regulations are in effect. Teachers should be fully qualified in a field and common teacher subjects as well.<sup>70</sup>

#### Advantages of Expertise in Business

Successful managers in fields other than education become extremely interested in the qualifications of their professional personnel. Recent comparisons between education and the business world, although poor comparisons at best, have been part of the challenge for educators to become more accountable. The intention here is not to claim that education is just another business enterprise or that public education could or should ever be run like a business. Certain similarities, however, do exist between business and education. One of those similarities is in expertise and how it is viewed by supervisors, managers or leaders.

The concept of capitalizing on expertise has long been a basic tenet of success in the business world. A manufacturer with extensive experience in the production of one kind of product most often overwhelms a new, inexperienced competitor. Certain advantages accrue to the business organization with more specific preparation.<sup>71</sup> This idea

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<sup>70</sup> Ibid.

<sup>71</sup> J. Paul Peter, James H. Donnelly, Jr., and Lawrence X. Tarpey, A Preface to Marketing Management, (Plano, Texas: Business Publications, Inc., 1982) p. 18-20.

was recently demonstrated in the "shake out" of home computer manufactures.

Numerous Johnny-come-lately home computers have, at this writing, been rejected by consumers resulting in heavy losses for their parent organizations. Among others, Osborne, Texas Instruments, and Coleco have lost in a big way to International Business Machines (IBM), Apple and Commodore. Competition is extremely keen and many factors obviously contribute to the success or failure of any particular model of home computer. Even the leaders of the industry have made costly mistakes such as the discontinued IBM P.C. Junior.

Here the expertise factor will be addressed. Jack Tramiel, who has just begun his reign at Atari, knows full well that he is running the current underdog in the home computer market. Tramiel has spent twenty five years in the calculator and computer business. His greatest career achievement to date has been the building of Commodore "from a tiny manufacturer of calculators into a \$1 billion corporation..."<sup>72</sup>

Tramiel is a tough-talker who was forced out at Commodore partly because of his directness. Commenting on the demise of Coleco's Adam computer, Tramiel zeroed in on the toymaker's lack of expertise in computers when he explained their failure.

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<sup>72</sup>Michael Rogers, "After the Fall of Adam", Newsweek (21 January 1985) p. 58.



"You have to know your business," he said, referring to the toymaker Coleco. "In Europe, if you're a tailor, you stick to sewing."<sup>73</sup>

Tramiel indicates that those manufacturers with the most expertise in their chosen field of endeavor have a distinct advantage. As a highly successful business man, he must compete for his share of available markets, thus his caution about having to "...know your business"<sup>74</sup> has sound, direct application to his and other undertakings. If he were an educator he would certainly not stand for out of field teacher assignment within his sphere of control.

#### Arguments for Expertise In-Field

Expertise in field is seen as a prerequisite for a qualified secondary school teacher by Dean C. Corrigan:

Teachers for today must be scholars in the truest sense of the word. Teachers for yesterday might have gotten along merely as more or less successful collectors of information. They might have been able to memorize and recite and yet not really have understood the significance of these things to their lives or the lives of those around them. They might have been able to survive in classrooms even though they failed to see how ideas held together and were unable to identify material that was important from that which was trivial.<sup>75</sup>

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<sup>73</sup> Ibid

<sup>74</sup> Ibid.

<sup>75</sup> Dean C. Corrigan, "Teachers For a Dynamic Age", Journal of Secondary Education, (January 1962) p. 34.

Corrigan goes on to bring his focus to in-field preparation for teachers of his day as compared to the teachers of yesterday described above:

In contrast, teachers of today must have the ability to bring personal meaning to ideas as they investigate, interpret and integrate their thoughts. They must possess their own unique conceptual frameworks on which to hang ideas. They should be able to select, and build upon, significant ideas, observe relationships, and distinguish essential matters from irrelevant and incidental ones. They must have depth and breadth in their major subject field and be acquainted with the intrinsic features of the other principal fields of inquiry.

As a result of the ever-increasing amount of new knowledge and the rapid changes which characterize modern-day living, teachers must have an active interest in the continuous acquiring of knowledge. They must be enthusiastic, and remain alert, to the new knowledge in their subject field, as well as the latest research in the discipline of education.<sup>76</sup>

Out of field teachers who start from a knowledge impoverished condition, experience great difficulty catching up, let alone forging ahead to acquire "new knowledge in their subject field",<sup>77</sup> they are having enough trouble acquiring the old knowledge in their subject field.<sup>78</sup> Coupled with the harm done to the out-of-field teacher's progress in his or her original field, this double knowledge deficit is one of the strongest arguments

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<sup>76</sup>Ibid. p. 35

<sup>77</sup>Ibid.

<sup>78</sup>David E. Koontz, "MISASSIGNMENT: A New Teacher's Burden", The Clearing House (January 1967), p. 271.

presented against out of field teacher assignment.<sup>79</sup> In Chapter III this concept will be further developed as well as the implications of extra study and preparation time on other segments of the out of field teacher's life.<sup>80</sup>

What is the greatest single need of the beginning teacher? Time! Time to organize; time to prepare lessons; time to learn how the school functions; time to catch one's breath. Time!<sup>81</sup>

Misassignment (out of field assignment) robs any teacher, but most especially the new teacher of that most precious of all commodities essential to survival: time.<sup>82</sup>

Minimum teacher certification requirements are exceeded by many applicants for teaching positions, therefore:

The chief administrator should not be satisfied with obtaining the services of a teacher with the bare minimum requirements but should secure for the position the best qualified person available.<sup>83</sup>

Being satisfied with nothing but the best is an argument common to most resources advising administrators on teacher selection. Different authors may phrase their advice in a variety of ways but the theme remains the same. The

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<sup>79</sup> Ibid.

<sup>80</sup> Ibid.

<sup>81</sup> Ibid.

<sup>82</sup> Ibid.

<sup>83</sup> Calvin Grieder and William Everett Rosenstengel, Public School Administration (New York: The Ronald Press Company, 1954), p. 184.

paramount importance of teacher staffing demands that administrators place this task at or near the top of their priority list.

Of all the tasks faced by the secondary school administrator, none is more important than the acquisition and maintenance of a highly qualified and productive teaching staff.<sup>84</sup>

The authors here place staff selection no lower than a tie for first place in the emphasis administrators should assign to it.<sup>85</sup> Time spent carefully selecting the best available staff will eventually save more time for the prudent administrator to devote to other productive duties. Poor staffing can eventually require repetitive, inefficient quick fix problem solving by the administrator who has done a poor job of staffing. Like any other important administrative task, if you can't find time to do it right you will always find time to do it over.

In this connection Lipham and Hoeh advise that initial staff selection is the first part of training a teaching staff to the point of maximum productivity.

As the educational leader of the school, the principal is responsible for assisting each staff member, through a carefully planned program of supervision, to realize his ultimate potential. In that respect, the initial selection of a qualified staff is paramount.<sup>86</sup>

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<sup>84</sup> Charles L. Wood, Everett W. Nicholson and Dale G. Findley, The Secondary School Principal: Manager and Supervisor (Boston, Mass: Allyn & Bacon Inc., 1979) p. 77.

<sup>85</sup> Ibid.

<sup>86</sup> James M. Lipham and James A. Hoeh, Jr., The Principalship: Foundations & Functions (New York: Harper & Row, 1974), p. 237.

Professional qualifications are given top priority by these authors. Other considerations such as how the new teacher might "fit in" with present staff members are intentionally given a lower place on the hierarchy of importance.<sup>87</sup>

### Good ol' Boy Staffing

"Good ol' boy staffing" is specifically addressed as a practice to be consciously avoided according to Lipham and Hoeh:

Staffing a school with "my kind of teachers" seems to be a career goal of some principals, and having accomplished this, they pride themselves on a smoothly functioning operation. The negative impact of such an operation, however, is worth consideration...Faculty meetings and curricular councils can become sterile because of the lack of challenge from professionals holding dissimilar value orientations. If only to foster innovation, some degree of philosophic disequilibrium should exist within a school.<sup>88</sup>

Teachers all cut from the same mold or "cookie cutter teachers" have been called "Stepford teachers" by some students because they function as mindless automatons, never asking why, never trying anything new or different and thoroughly boring students to death. Each classroom is just like the one beside it, everything is the same and teachers are interchangeable. As in life, diversity can add spice to teaching.<sup>89</sup>

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<sup>87</sup>Ibid.

<sup>88</sup>Ibid.

<sup>89</sup>William M. Martin, "Role Conflict and Deviant Adaptation as Related to Educational Goal Attainment: A Social System Approach", Diss. University of California, Los Angeles, 1970.

Addressing fatigue in learning, Basil Castaldi refers to some of the pedagogical causes of fatigue experienced by students and teachers alike.

Ill-conceived school curricula contribute significantly to fatigue or a "feeling of fatigue." Textbook-centered programs, together with a multitude of other school conventions, can produce either a psychological or a pedagogical basis for fatigue. Lecture and catechetical methods are instructional techniques that frequently cause fatigue.<sup>90</sup>

Castaldi makes reference to Educational Psychology to back up his views on fatigue.<sup>91</sup>

Martin, Lipham, Hoeh, Wood and Nicholson might all agree that when an administrator hires a teacher because he is a "good ol' boy", the school involved may get a "bad ol' teacher" in the bargain.

Others are not convinced that state certification and degrees conferred are directly related to teacher performance.

The most important thing about hiring a new teacher is attitude. I can tell if a teacher will fit in based on his or her attitude during a face to face interview.<sup>92</sup>

This was a commonly held opinion among administrators who responded to a National Education Association (NEA)

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<sup>90</sup> Basil Castaldi, Educational Facilities: Planning, Modernization, and Management, 2d ed. (Boston, Mass: Allyn & Bacon, Inc., 1982), p. 37.

<sup>91</sup> Robert G. Simpson, Educational Psychology (New York: J.B. Lipincott, 1949), p. 317.

<sup>92</sup> Unnamed superintendent, addressing Future Teachers of America club at a small remote North Carolina high school in April 1983.

survey twenty years ago.<sup>93</sup> One might wonder how many school systems today are staffing based on some vaguely held notion of attitude interpretation rather than professional preparation. Again, these administrators are in the minority. A study completed in mid 1985 at Appalachian State University reported that:

[of the 1,003 principals responding] 72% said teachers with advanced degrees perform better [in the classroom].<sup>94</sup>

#### Perspective and Position

Views or perspectives of any individual tend to be altered by the past and present positions held by that individual. During the NEA survey of educators in 1964 and 1965:

Educators displayed ambivalent thinking concerning the individual or agency that should have principal responsibility for insuring proper teacher assignment. In response to one part of the questionnaire, they indicate emphatically that school principals and superintendents should have this responsibility; elsewhere in the questionnaire, state departments of education are assigned principal responsibility. Ironically, responses from superintendents, principals, and personnel administrators make it clear that these groups do not see misassignment as a major problem which limits quality education. This attitude is contrary to that of general response to the questionnaire which suggests that misassignment occurs frequently and is indeed a problem which limits quality education.<sup>95</sup>

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<sup>93</sup>Paul M. Ford, ed. The Assignment & Misassignment of American Teachers, Summary (Washington, D.C.: The National Education Association, 1965), p. 15.

<sup>94</sup>"Advanced Degrees Help Teachers, Principals Say", The Journal Patriot, North Wilkesboro, NC 13 June 1985, p. B5.

<sup>95</sup>Ford, p. 15.

Countering arguments in favor of assigning teachers without regard to professional preparation John Fischer, President of Columbia Teachers College stated:

I believe that if we assume that possession of a bachelor's degree or an advanced degree is sufficient indication that the holder of the degree has met certain minimum requirements, ...we are making an entirely safe assumption.<sup>96</sup>

Anyone who has ever worked in education in any capacity will readily understand that people who train teachers believe them to be well trained and people who hire teachers might prefer to rely upon their own judgment rather than the judgment of some far away, unknown professor of education or state department of education official. The degree to which teachers are assigned out of field is not consistent among all school districts however. It seems that some administrators tend to trust state certification officials and teacher preparation institutions to a great extent while others do not.

#### Out of Field Employment Trends

Some school administrators follow the dictates of state teacher assignment laws much more closely than others. To detect where misassignment might most often occur

Dr. Ford was again consulted:

Misassignment occurs in almost every type of geographical and educational setting.

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<sup>96</sup>Paul Tractenberg, ed., Selection of Teachers and Supervisors in Urban School Systems (New York: Agathon Publication Services, 1972), p. 512.



According to the respondents, it is more common in rural schools than in urban or suburban schools.<sup>97</sup>

Another twenty year old study reports:

Candidates are required by 85.9% of LPSS [Large Public School Systems] to give evidence of state certification for the position for which they are being considered.<sup>98</sup>

The concern that "outsiders" might somehow pollute the values of the young people in small, rural school systems is alluded to repeatedly. Referred to in the following reference as "cultural isolation",<sup>99</sup> this factor, combined with other pressures on administrators in small isolated rural systems increases the percentage of out of field teacher assignment and decreases the quality of education.<sup>100</sup>

In rural communities misassignments occur most frequently because geographical and cultural isolation, as well as low salaries, tend to create a teacher shortage in both elementary and secondary schools. This isolation is further complicated by the fact that rural school districts often attempt to offer broad educational programs at the secondary level; very frequently they do not have the funds available to hire adequately qualified staff for each subject offered. This means that a

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<sup>97</sup>Ford, Ibid.

<sup>98</sup>Harry B. Gilbert, Isidore Bogen, Gerhard Land, and Perry K. Kalick, Teacher Selection Policies and Procedures in Large Public School Systems in the United States (Board of Education of the City of New York, 1966) p. 12.

<sup>99</sup>Ford, Ibid.

<sup>100</sup>Ibid.

person prepared to teach social studies may find himself also teaching one or more subjects for which he is not prepared; in this way the rural school can offer a broad program.<sup>101</sup>

The tendency of small, remote school systems to "hire local" contributes to the out of field problem to a great extent. "I have never voted to hire an outsider." was the claim made by one schoolboard member who was running for re-election. This statement probably helped him retain his locally powerful position. Conversely:

The larger the school system, the greater the tendency to make an active search for [teacher] candidates [further] outside...the system.<sup>102</sup>

To support this generalization the Board of Education Cooperative Research Project No. S-334 undertaken by the New York City Public School System presents the following findings:

The vast majority (95.9%) of LPSS [Large Public School Systems] recruit teachers beyond a 25 mile radius of their systems.<sup>103</sup>

Not only recruiting activities but selection of teachers is more likely to take place from among more distant applicants, the larger the school system:

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<sup>101</sup>Ibid.

<sup>102</sup>Gilbert & others, p. 11

<sup>103</sup>Ibid., p. 16.

49.1% of LPSS [Large Public School Systems] selected 40% or more of their teachers beyond the 25 mile radius: 64.7% of LPSS selected 30% or more of their teachers beyond this radius.<sup>104</sup>

At the same time, small, remote systems which are culturally isolated, tend to hire local, often without regard to interest or preparation.<sup>105</sup>

Respondents to the National Education Association's 1964-65 survey reported seven types of misassignment. Far and away the most common situation is described as follows:

[Teachers lacking] subject matter competence appropriate to the grade level and/or subject taught (59 percent of the cases reported were of this type.)

EXAMPLE. "A teacher who was prepared in college to teach Health and Physical Education was employed as an athletic coach in a small high school. He was given two classes in Physical Education and one class each in World History, American History, and American Government. His college work in the social studies consisted of six semester credits - three in Western Civilization and three in Sociology."<sup>106</sup>

The current oversupply of fully certified teachers would lead many to believe that out of field teacher assignment is not nearly so prevalent today as it was in 1965 when the National Education Association published its report, The Assignment and Misassignment of American Teachers.

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<sup>104</sup>Ibid., p. 17.

<sup>105</sup>Ford, Ibid.

<sup>106</sup>Ford, Ibid., p. 12.

Nationwide, perhaps the situation has improved, locally however, in small isolated, rural school systems, progress has not made such strides.<sup>107</sup>

Finding the preceding quote was a deja vu experience for this researcher. The situation described above is absolutely identical to a situation existing in at least one small isolated high school in North Carolina. When the principal was asked why he had rejected "outsider" applicants who were fully qualified for a vacancy in favor of a local applicant who possessed no in field certification, the principal responded: "I've just got to have another coach."<sup>108</sup>

Having decided to misassign a teacher, school administrators in small remote school systems are unlikely to exercise the initiative to correct the situation.

According to respondents to the questionnaire, misassignments in rural districts are very often corrected only if the state department of education forces correction.<sup>109</sup>

This situation is more understandable when one recalls that there are no professional educators in supervisory positions between the superintendent of a small remote school system and the State Department of Public Instruction or Education in most states. The further knowledge that

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<sup>107</sup>Annual data from North Carolina Public Schools Statistical Profile for school years 1979-1980 through 1984-1985 addresses this phenomenon in Chapter III.

<sup>108</sup>Personal interview with unnamed principal, small remote North Carolina high school, 7 June 1982.

<sup>109</sup>Ford, p. 17.

personnel assignment decisions are made by superintendents in most small school systems adds more understanding. The same superintendent who would correct a misassignment made by a personnel administrator would be less likely to correct the same misassignment if the original decision had been made by the superintendent.<sup>110</sup>

Shortly after the 1965 study, the National Education Association projected available teaching positions for the year 1970. They estimated a need for 194,150 new teachers to meet the Quality Criterion concept. When only about 36,000 new teachers were hired in 1970, the National Education Association was ridiculed for making such a huge error in projection. Herald Regier came to the defense of the association when he wrote:

Schools failed to staff adequately to meet increased enrollments, to replace teachers due to turnover, to replace those with substandard qualifications, to reduce overcrowded classes and to provide the instructional services suggested to meet the desired level termed "quality" by the NEA.<sup>111</sup>

In North Carolina it has technically been illegal to employ teachers for positions where they have no certification since 1955:

It shall be unlawful for any board of education or school committee to employ or keep in service any teacher who neither holds nor is qualified

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<sup>110</sup>Ford, (complete report) p. 48.

<sup>111</sup>Herald G. Regier, Too Many Teachers: Fact or Fiction? (Bloomington, Indiana: Phi Delta Kappa Educational Foundation, 1972).

to hold a certificate in compliance with the provisions of the law or in accordance with the regulations of the State Board of Education.<sup>112</sup>

Loopholes in the education laws of the state have unfortunately permitted local authorities to bypass the intent of the legislature. Provisional certification and endorsements have been widely used to, in essence, permit anyone who is certified to teach any subject to teach any other subject, regardless of preparation or the absence thereof.

#### Professionalism in Training and Staffing

Perhaps the out of field situation as it presently exists in North Carolina is best summarized as follows:

Sometimes in those small school systems, teachers are hard to get because nobody wants to live there. Those systems may hire a teacher just to get a "warm body" then put those teachers in positions they know nothing about. When those teachers do not perform well the public forms bad opinions about all teachers. This shows up in the remuneration teachers receive. While voters are not well served by some poor teachers, they will be against better pay for all. Compare the remuneration for teachers to that received by physicians.

If we want to be recognized as professionals, we should look at the way a new medical doctor is trained. They have four years of college, four years of medical school, three years of internship and residency and then supervision by experienced physicians. They never stop training and learning, even after they become teachers of other physicians themselves.

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<sup>112</sup>North Carolina General Statutes 115c-295 (b) and 115c-315 (f).

We can not continue to give teachers provisional certificates for just anything and expect people to consider us professionals. Who would go to a physician with a provisional license? We don't have to worry about that because in medicine they do not do such things, they are professionals.

The history of this country does not show much professional teacher training. This is just a recent phenomenon.<sup>113</sup>

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<sup>113</sup> Personal interview with Chiranji L. Sharma, Professor of Education, University of North Carolina at Greensboro, 31 January 1985.

## Chapter III

### ANALYSIS OF THE DATA

Having then gifts differing according to the grace that is given to us, whether prophecy, let us prophesy according to the proportion of faith; Or ministry, let us wait on our ministering: or he that teacheth, on teaching; or he that exhorteth, on exhortation:

Romans 12:6-8a

#### Introduction

At the end of Chapter II out of field teacher assignment was given as one of the justifiable reasons for the growing public criticism of public education.

This chapter discusses the major issues relating to out of field teacher assignment which were identified in Chapter II. Legal issues are also incorporated into this discussion.

Portions of this chapter are devoted to the presentation of statistical information to support the explanation of demographic factors and add historical background.

Statistical information is presented as it appears in sources published by the North Carolina State Board of Education, the United States Department of Commerce, Bureau of the Census, and the National Education Association.

Because this study is historical in nature no statistical data has been gathered other than that available through



previously published sources. Statistical historical trends are presented to illustrate changes which have occurred in various demographic factors related to out of field teacher assignment.

In Chapter II this study was concerned with the writings and comments of individuals within the profession of education who counseled in a common voice that educational professionalism is sorely needed. Specifically, this study has concentrated on teacher preparation and on assigning teachers to instructional duties for which they possess both preparation and interest.

#### Criticism of Public Education

The public perception of education in America has been altered by critical reports discussed in Chapter II. Vociferous critics of public education in general give insight into a mood which is growing increasingly anti-education.

Admiral Hyman Rickover has been an employer of the best product of American public (and private) education for over sixty years. Rickover has often been critical of education in America centering his criticism on educational excellence. Twenty-five years ago he wrote:

It is tragic for our country that few of those to whom we entrust our children will face up to their past errors and join us in seeking ways to make ours the best educational system in the world.<sup>1</sup>

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<sup>1</sup>Hyman George Rickover, Vice Admiral, USN, Education and Freedom (New York: E.P. Dutton & Co., Inc. 1959), p. 190.

Rickover is just as concerned with quality education today as he was two decades ago when he wrote Education and Freedom. In a December 1984 interview, conducted by Columbia Broadcasting System correspondent Diane Sawyer, Admiral Rickover was characterized as follows:

What Rickover admits to caring about is American education. Over the years he has given \$100,000 of his own money to educational projects, and now he's raised some \$200,000 for a foundation of his own, the Rickover Science Institute, which brings 60 gifted students to Washington each summer for intensive study.<sup>2</sup>

Sawyer went on to ask the Admiral: "What is it that you think the gifted children most need that they're not getting in the school system?" And Rickover responded:

They need to exercise their brains. They need not to be kept in apathy.<sup>3</sup>

Looking back at Rickover's 1959 book, Education and Freedom Admiral Rickover seems to have been a kind of prophet. The language employed sounds more 80's than 50's. As an example:

I should like every American to get into the battle for better schools. In all fairness I must warn those who are willing to work actively in their local communities that they do so at their peril. The powerful leaders of American public education who have a vested interest in continuance of the status quo, whose jobs may even depend on it, have so far shown that they

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<sup>2</sup>Diane Sawyer, "The Admiral" 60 Minutes, Columbia Broadcasting System Television Network December 9, 1984 Volume XVII No. 13.

<sup>3</sup>Admiral Hyman Rickover, Ibid.

are more interested in retaining their positions and justifying their practices than in joining the American people in a thorough reorganization of our educational system.<sup>4</sup>

Having fired a broadside at those with whom he found fault in public education, Admiral Rickover was careful to indicate that (from his perception) a faithful remnant of right minded, albeit powerless, people remained in public schools. He identified classroom teachers in favor of progress as those he considered to be right minded:

There are exceptions. Many classroom teachers in particular are on the side of progress. But power is in the hands of a relatively small group of men with strong convictions that they alone know how the child grows, how he learns, what he must be taught. They are adamant in rejecting all lay criticism. They deny the need of real reform. Their every public utterance repeats - as in an incantation - the "truth" as they see it, "our schools are the best in the world, the envy of the world." Since Sputnik [Rickover is writing in 1959] there has been a slight modification in this article of faith: "Our best schools are still unequaled anywhere" is the revised version. They have convinced themselves and, in their righteous conviction, they are impervious to facts that call their faith in question. All they will permit you, the people, to do is to give them more money for more of the kind of education we now have.<sup>5</sup>

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<sup>4</sup>Rickover, Education and Freedom p. 191.

<sup>5</sup>Ibid. p. 191-192.

Perils of Citizen Activism

In the Columbia Broadcasting System program 60 Minutes,<sup>6</sup> Mike Wallace interviewed Clinton County (Kentucky) citizens concerning their schools. They expressed fear of Robert Polston's (superintendent of schools) political power and demonstrated bent toward retribution.

One woman reported:

Everybody's afraid to speak up because the superintendent controls most of the town.<sup>7</sup>

Another woman feared for the employment status of a family member:

I have a sister that's a school teacher over there and I definitely would not like to see her lose her job.<sup>8</sup>

These fears are not just some unthinking phobias harbored by uninformed individuals with no basis in fact. They are based on information substantial enough to draw numerous law enforcement agencies to Clinton County. Mike Wallace introduced the school superintendent segment as follows:

"The Czar of Clinton County" is superintendent of the school system that has been rated near the bottom of all the school systems in this country. His name is Robert Polston, and he and his administration are under investigation

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<sup>6</sup>Mike Wallace, "The Czar of Clinton County" 60 Minutes, Columbia Broadcasting System Television Network, December 9, 1984, Volume XVII, Number 13.

<sup>7</sup>Unnamed Woman #1, Ibid.

<sup>8</sup>Unnamed Woman #2, Ibid.

by the Kentucky State Superintendent of schools, the United States Department of Education and the FBI on allegations ranging from misappropriation of funds to forgery of government documents to voter fraud and payroll padding. Robert Polston was not elected; he was appointed. And he has been running the Clinton County schools for over 30 years.<sup>9</sup>

Mike Wallace found numerous cases of the superintendent's family members or the relatives of local politicians working for the school system. Polston's nephew was a principal, another nephew was assistant superintendent, the mayor's daughter and judge's wife were employed by the school system. Wallace paraphrased Polston's response to charges of nepotism and hiring unqualified relatives of influential local people:

Polston insists that his relatives and those of other politicians who work in the school system are qualified, and he insists that the last-place finish in 1983 by his school district was not because of unqualified teachers but instead because of a mistake in state testing procedures. He points out that in 1984 his district moved up to 127th out of 183 districts. However, the circumstances of that marked improvement are currently under investigation by the state superintendent of education.<sup>10</sup>

Not satisfied to confine his remarks to the superintendent, Mr. Wallace, having attended a regular school board meeting turned to the school board chairman, Mr. Odell Gross, and asked:

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<sup>9</sup>Wallace, Ibid.

<sup>10</sup>Ibid.

I've just sat through a meeting of the school board. There was not one question asked from any of the school board members. They simply sat here and voted yea to everything that was put in front of them by Superintendent Polston and by the school board chairman. Mr. Gross, over the years have you or the other school board members looked at the files, looked at the financial books?<sup>11</sup>

When Mr. Gross responded "No Sir." Wallace asked "Why Not?" and Gross replied:

It's just something that's never been done since I've been on the board 32 years.<sup>12</sup>

Other citizens of Clinton County were more concerned about the value received for each dollar spent on education. The leader of a local grass roots organization, Citizens for Better Education, is Reverend Ernest Harris. Reverend Harris related that he had been looking into expenditures and:

According to what we've discovered, Clinton County rates in the top third in the state of Kentucky. [in the amount of money spent for each child's education] Out of 180-some systems, two-thirds of them have less dollars per student than we have. And that was alarming to me because I've been--been told for six years, when I would ask about education in the county as a pastor, 'we're poor people, we can't do any better because we don't have any money.' When the article revealed that we have more money than two-thirds of the other systems, I had to start saying that's not the real problem. The problem is mismanagement of the money.<sup>13</sup>

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<sup>11</sup>Ibid.

<sup>12</sup>Odell Gross, Chairman, Board of Education, Ibid.

<sup>13</sup>Reverend Ernest Harris, Ibid.

Admiral Rickover writing more than twenty years ago addressed the relationship of quality education to quality of teachers to quality of school board members:

Control of schools is vested in local school boards. If you realize that board members have an extremely difficult and important task, you will campaign for men of superior intelligence, achievement, and character. Average board members will want average teachers who will provide average learning and the result will be average.<sup>14</sup>

Mike Wallace and the 60 Minutes news team visiting Clinton County Kentucky built a convincing case that below average school board members hire below average teachers and the educational achievement of students is below average.

#### Lateral Entry or Complete Preparation

Rickover had ideas dealing directly with teacher preparation and having discussed some of the political factors dealing with teacher employment, launched into an innovative discourse on who should be permitted to teach:

There is, in particular, great need of teachers with thorough knowledge of academic subjects: languages, mathematics, sciences, history, geography, economics, etc. A practical thing you can do now is to canvas your community for people with special competence in any of these subjects who may be able and willing to teach. These will be found primarily among retired people, driven from their lifework by our mechanistic retirement policies but still youthful enough to work. Their experience and wisdom which comes with age would be an extra bonus. Retired professors and experts of all kinds, mothers who in a sense become retired

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<sup>14</sup>Rickover, Ibid. p. 195.

when their children grow up but whose own good college education qualifies them to teach after a short refresher course - there must be people of that sort in every school district. A diligent search would undoubtedly turn up much hidden talent.<sup>15</sup>

Rickover criticized the present system of teacher certification. In summary, he called for more subject matter oriented teacher training and fewer methods courses. Unlike Madeline Hunter's assertion that:

To argue that it is more important for a teacher to know mathematics than to know how to teach it is, we think, like arguing that your right leg is more important than your left leg when you run. Unless you have both you're not going to run anywhere and unless you know both content and methodology you're not very likely to be a successful teacher.<sup>16</sup>

Rickover, a retired naval officer with "impeccable scientific credentials",<sup>17</sup> might be expected to consider special competence in subject matter more important than methods courses. On the other hand, as "the father of the nuclear navy",<sup>18</sup> Admiral Rickover has devoted his life to compiling, interpreting and employing detailed scientific information. Madeline Hunter, a holistic concept educator, might be expected to believe that subject matter knowledge

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<sup>15</sup>Ibid. pp. 199-200.

<sup>16</sup>Madeline Hunter, Teach More - Faster (El Segundo, Cal: TIP Publications, 1969), p. 5.

<sup>17</sup>Sawyer, Ibid.

<sup>18</sup>Ibid.



and methods should be kept on equal footing. Admiral Rickover has never taught in a public school on an extended basis. As a visiting lecturer in public schools, Rickover has been most involved with the brightest and the best of public school students.<sup>19</sup> Dr. Hunter has been directly involved with students at all levels of ability. Methods of instruction therefore are much more important to her than they would ever be to the retired admiral.<sup>20</sup>

Military leaders are not exposed to the full spectrum of American youth while serving as members of the armed forces. Retired military personnel who become involved with public secondary education are often shocked upon initial exposure to the broad spectrum of abilities possessed by students. Young Americans of exceptionally high ability rarely enter the armed forces. Others with very low academic ability are unable to pass entrance examinations. Therefore, military officials see only a limited sample of the total population served by public education.

Typical military officers who retire from the services can be found in Junior Reserve Officer Training Corps (JROTC) programs across the country. An individual with extensive JROTC experience expressed his observations of military

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<sup>19</sup> Ibid.

<sup>20</sup> Linda Hincer Greene, "A Conceptual Framework for Principals' K-12 Involvement in the Evaluation of Teachers", Diss. University of North Carolina at Greensboro, 1984, pp. 73-76.

personnel moving into public school instructional positions during an interview in Winston-Salem, North Carolina.

When retired officers come into the JROTC program they are used to dealing with adults. Some of them just can't adjust to the many levels of ability and motivation of high school students. This is one of the reasons we experience a rapid turnover of instructors.<sup>21</sup>

Admiral Rickover's remarks must be evaluated with the understanding that he, to a much greater extent than the Junior ROTC instructors alluded to above, dealt with military personnel who had academic abilities far above the mainstream of public school students.

#### Teacher Improvement

This background information notwithstanding, Rickover and Hunter are both in the enormous, and growing, group of critics of public education who call for improvement of education through improvement of teachers. Other members of this group include governors, state legislators, congressmen, senators and the President of the United States.

To protect themselves from such powerful groups and individuals, many teachers have joined together into national organizations. The largest two of these teacher organizations are the National Education Association (NEA)

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<sup>21</sup>Personal interview with LTC John Bobbitt, US Army Retired: District Army Instructor, Winston-Salem/Forsyth County School System, Winston-Salem, North Carolina, February 20, 1985.

and the American Federation of Teachers (AFT). Mary Hatwood Futrell, NEA president, told an Associated Press reporter recently:

NEA believes that it is the basic right of the states to determine who's qualified to teach. Successful classroom performance should be determined by a number of criteria. The score of a test might be one aspect of a comprehensive state teacher evaluation program.<sup>22</sup>

Futrell was responding to remarks made by Albert Shanker who, as a union leader, is dedicated to protecting the interests of his members. Paramount among his present priorities for protection are the pay, morale, working conditions and the very jobs of his members.

Shanker fears that many states, presently faced with a severe shortage of qualified teachers, will lower if not abandon their quality standards of teacher preparation. Therefore, these states may, in Shanker's estimation, fill teacher vacancies with anyone they can find. One of his great fears is that... "In the midst of all the talk about excellence, we're actually about to lower standards."<sup>23</sup> In Shanker's view, lateral entry programs may be examples of lowered quality standards.

Shanker's protectionist stance and his call for a national teacher licensing organization, with power to test

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<sup>22</sup>"Back to School?" Winston-Salem Journal 30 January 1985.

<sup>23</sup>Ibid.

and certify teachers, does not sound quite so incongruous as it might at first glance. He does not, after all, propose to test present teachers, 600,000 of whom are counted among his membership. He only proposes to limit access to those individuals who meet all the current standards for teacher certification with the addition of a "tough new national examination."<sup>24</sup>

Shanker said that most current teacher licensing exams "would be considered a joke by any other profession" because they usually are minimum competency tests that seek to bar only the worst candidates from entering the profession.<sup>25</sup>

Mr. Shanker criticizes the teacher licensing process in many states but never criticizes his members who teach with certificates obtained through that process.

In Florida, he said, prospective math teachers are tested at the sixth-grade math level. "This would be the equivalent of licensing doctors on the basis of an exam in elementary biology," or testing accountants on their knowledge of elementary math, he said.<sup>26</sup>

In what may be an attempt to gain power for his organization, Shanker called for a national "Board of Professional Educators" to administer a test much more difficult than the National Teachers Examination (NTE) now administered by the Educational Testing Service. The NTE

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<sup>24</sup>Ibid.

<sup>25</sup>Ibid.

<sup>26</sup>Ibid.

is now used by some states, including North Carolina, as a prerequisite for teacher certification. Shanker's new national board would not, if he gets his way, have any federal governmental control but would be run by teaching professionals, just as "...doctors, lawyers and other professionals are presently licensed."<sup>27</sup>

Yet another source, this time a professional teachers' advocate, calls for more stringent methods to ensure teacher competence by tightening teacher licensing procedures.

#### Highest Degree Held By Professional Personnel

Many of the factors affecting teacher out of field assignment also come into play when the highest degree held by professional personnel is considered. Small remote secondary schools tend to have a higher percentage of out of field teacher assignments.<sup>28</sup> Similarly, small remote school systems seem to have a LOWER level of professional preparation.<sup>29</sup> Geography plays a major part in these findings. Geography alone, however, fails to tell the entire story. Other factors which shall be introduced later

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<sup>27</sup>Ibid.

<sup>28</sup>Paul M. Ford, ed. The Assignment & Misassignment of American Teachers, Summary (Washington, D.C.: The National Education Association, 1965), p. 9.

<sup>29</sup>North Carolina Public Schools Statistical Profile, 1980 through 1984.

in this chapter may be just as important as geography in the professional preparation levels and out of field assignment of teachers.

Table 1 presents the most current information available from the United States Department of Commerce, Bureau of the Census on the percent of adults (over 25) who are high school diploma graduates residing in each of the one hundred counties in North Carolina. The North Carolina State Data Center, Research and Planning Service, Office of State Budget and Management published this data in the 5th edition of North Carolina State Government Statistical Abstract in the summer of 1984 at Table 96.

To compile information for Table 1 it was necessary to restructure some of the figures presented in Table 18 of the North Carolina public schools annual Statistical Profile. Before school year 1981-82 information on teacher preparation was not consolidated in a single table and it had to be compiled from individual county information. Table 18 of the Statistical Profile presents a display of the highest degree held by professional personnel for each school system in the state. Demographic data on such subjects as the education level of the adult population of the state is only available on a county by county basis in reports from The Bureau of the Census, United States Department of Commerce. To permit comparison of various geographic locations within the state, it became therefore

Table 1

Highest Degree Held By Professional Personnel and Education  
Level of Population, 100 North Carolina Counties

COUNTY	HIGH SCHOOL GRADUATES %	ADVANCED TEACHER PREP				COUNTY	HIGH SCHOOL GRADUATES	ADVANCED TEACHER PREP			
		1980-81	1981-82	1982-83	1983-84			1980-81	1981-82	1982-83	1983-84
Alexandria	54.00	30.87	32.78	34.31	33.84	Johnston	46.60	21.69	22.76	23.37	24.91
Alexander	43.90	28.10	26.18	28.78	33.69	Jones	41.80	22.22	27.41	28.33	31.20
Alleghany	38.50	18.53	19.31	18.18	22.01	Lee	56.90	22.81	24.61	26.49	27.03
Anson	46.90	26.55	27.30	29.43	30.20	Lenoir	52.20	26.83	26.62	25.98	26.88
Ashe	41.00	31.92	33.07	35.86	35.85	Lincoln	46.90	28.15	32.16	33.87	36.06
Avery	49.60	21.96	25.14	25.29	28.23	McDowell	46.20	31.34	30.51	30.81	31.00
Beaufort	50.50	29.16	27.35	28.37	30.02	Macon	52.40	44.18	47.08	49.77	50.90
Bertie	37.90	21.85	21.16	24.22	24.52	Madison	41.60	24.41	26.47	29.65	29.59
Bladen	43.90	20.14	21.81	22.18	24.93	Martin	44.80	33.33	34.75	34.33	34.52
Brunswick	51.50	22.84	24.15	27.97	28.02	Mecklenburg	69.30	38.59	40.07	41.58	42.73
Buncombe	59.40	35.42	37.40	38.59	40.43	Mitchell	43.10	24.05	23.71	23.84	26.17
Burke	46.00	31.11	31.10	34.92	35.45	Montgomery	42.30	30.99	33.84	33.85	40.80
Cabarrus	49.00	43.88	46.87	49.13	49.48	Moore	50.30	32.72	34.51	34.78	33.77
Caldwell	44.40	27.87	30.47	31.96	31.97	Nash	50.30	24.19	25.58	27.48	28.17
Camden	44.60	23.07	22.66	21.33	20.48	New Hanover	64.90	24.55	25.98	27.37	28.66
Carteret	57.10	23.71	24.81	26.32	27.02	Northampton	36.00	21.50	21.69	23.99	22.45
Caswell	41.00	26.89	28.26	31.20	34.07	Onslow	66.40	22.88	24.16	26.17	25.85
Catawba	51.80	27.89	31.49	32.93	34.05	Orange	73.60	45.59	46.59	46.54	48.55
Chatham	51.50	26.59	27.61	27.85	29.56	Pamlico	48.00	21.21	24.21	24.39	25.56
Cherokee	43.60	31.80	31.92	32.39	32.11	Pasquotank	51.10	20.06	22.85	22.57	21.69
Chowan	45.10	23.83	23.89	27.39	26.62	Pender	47.40	19.66	20.92	24.91	25.00
Clay	46.40	39.72	39.72	40.84	41.67	Perquimans	41.50	27.82	30.35	31.53	28.21
Cleveland	47.40	38.35	38.64	42.70	39.96	Person	45.40	26.92	27.05	31.02	30.44
Columbus	44.20	22.97	24.13	26.59	27.47	Pitt	56.80	35.28	38.34	38.72	40.08
Craven	60.90	33.51	34.93	38.04	38.95	Folk	58.50	26.53	26.90	28.47	28.67
Cumberland	69.60	27.82	28.99	29.84	30.21	Randolph	46.60	25.67	27.08	28.86	30.83
Currituck	50.40	20.42	25.35	22.07	22.22	Richmond	46.40	24.52	24.05	25.29	26.85
Dare	64.70	20.58	23.18	26.06	24.82	Robeson	44.40	20.81	21.35	24.83	25.96
Davidson	47.20	25.50	27.24	28.83	29.59	Rockingham	44.60	27.98	30.92	32.23	31.98
Davie	50.50	20.00	28.18	30.54	34.33	Rowan	49.40	32.58	34.04	34.91	36.06
Duplin	43.70	26.50	27.11	28.57	29.59	Rutherford	44.90	35.04	36.30	37.83	38.80
Durham	65.10	25.87	40.72	48.96	48.38	Sampson	45.78	20.44	21.65	23.71	25.54
Edgecombe	45.60	20.03	20.51	22.48	22.55	Scotland	47.80	22.83	24.26	25.54	27.21
Forsyth	62.70	32.19	33.32	34.64	35.43	Stanly	46.48	33.82	35.92	41.68	40.07
Franklin	43.20	18.90	21.53	22.99	24.93	Stokes	44.90	20.71	23.41	25.44	27.41
Gaston	46.10	28.56	30.03	31.37	33.60	Surry	41.80	24.21	26.31	27.30	29.38
Gates	42.90	22.48	22.31	22.22	23.68	Swain	44.50	45.37	47.11	44.23	44.44
Graham	40.00	21.27	24.46	25.55	24.44	Transylvania	59.30	31.12	32.43	34.68	36.55
Granville	44.40	23.24	22.89	24.10	23.94	Tyrrell	35.80	21.81	21.62	24.00	27.45
Greene	42.50	30.18	31.62	30.86	30.52	Union	52.80	34.42	35.92	42.14	43.37
Guilford	63.30	38.01	40.08	39.53	41.62	Vance	43.30	22.99	23.37	25.88	27.31
Halifax	42.60	25.44	25.46	28.35	30.56	Wake	72.50	29.32	29.42	30.97	31.95
Harnett	47.40	23.28	25.81	27.19	28.32	Warren	37.40	25.79	25.00	26.44	25.96
Haywood	51.60	36.45	44.81	42.35	43.03	Washington	47.50	25.12	25.51	30.10	30.16
Henderson	61.50	32.23	35.19	36.98	38.39	Watauga	68.18	36.46	37.73	38.36	38.62
Hertford	45.50	21.05	20.99	24.26	25.00	Wayne	56.80	24.97	26.21	27.68	28.99
Hoke	47.50	19.22	20.50	22.58	23.48	Wilkes	43.40	33.58	34.33	35.47	37.30
Hyde	42.50	18.29	17.28	18.98	17.94	Wilson	48.80	25.81	27.34	29.15	28.92
Iredell	50.18	32.16	34.38	35.83	36.12	Yadkin	42.40	21.58	28.75	30.67	36.98
Jackson	52.70	52.47	55.73	58.51	60.17	Yancey	43.08	19.27	21.08	23.03	23.16

Sources; North Carolina Public Schools Statistical Profile,  
North Carolina State Board of Education. 1981-84

North Carolina State Government Statistical Abstract, Research and Planning  
Service, Office of State Budget and Management. 1984

necessary to convert school system figures to county figures. This was accomplished by adding the total degrees at each level for each county and computing a percentage as if only one school system existed in each county. A slight computational bias has been introduced in so doing. More central office staff personnel are required to operate multiple school systems within one county. This would tend to inflate the preparation level listed on Table 1 for counties with multiple systems above the level they would have if only one consolidated system actually existed. It was decided to leave combined figures as they were rather than attempting to introduce a correction equation. Additional personnel are in fact employed in counties with multiple school systems and the benefit of their expertise is presently enjoyed by the students they serve.

Table 1 and all the additional Figures (1 through 12) constructed to amplify it, state the percentage of professional personnel in each county possessing advanced degrees. In some Tables and Figures this statistic is given along with, or compared to, the percentage of adult residents over age 25 in each county who possess a high school diploma. This comparison is made to determine if a relationship exists between the two factors.

By comparing the percentages of advanced teacher preparation shown on Table 1 for the first four school years of this decade the reader can detect trends for any North Carolina county.



Jackson County, for example has a record of steady improvement in professional preparation. Some other counties have lost ground in teacher preparation from time to time. Table 2 presents this information with counties rank ordered based on percentages of adults with high school diplomas and teachers holding advanced degrees. (see page 90)

Figures 1 through 4 are frequency histograms which present a pictorial representation of some of the information reported by Table 1. These figures were prepared to display, in a graphic way, the great and growing disparity between the one hundred North Carolina counties in teacher preparation.

The most outstanding characteristics of the frequency histograms in Figures 1 through 4 are their length and positive skewness. The range between the top and bottom counties in teacher preparation causes these frequency histograms to be so long. The positive skewness of these histograms demonstrates that, aside from the great distance between the counties at the top and bottom of the state in this statistic, the great majority of counties plot at the low end of the scale.

#### Equal Educational Opportunity

Analysis of Figures 1 through 4 demonstrates that a lack of equal educational opportunity may presently exist in North Carolina for students and teachers alike.

Teachers in North Carolina earn an increase in salary when they obtain advanced degrees. Circumstances in some counties foster the improvement of teacher credentials while circumstances in other counties actually preclude teachers from obtaining advanced degrees. Students of those teachers most poorly prepared also lack the educational opportunities readily available to other students in the state.

The vast majority of educators believe that advanced degrees improve classroom performance. Therefore, students in school systems where teachers lack advanced degrees are being shortchanged.<sup>30</sup> Their parents pay federal, state and local taxes, yet educational opportunity is substantially better elsewhere.

Chapter II indicated that every authority in education or teacher preparation agrees that improvement is sorely needed. Unfortunately the teacher preparation which presently exists, in North Carolina, is very similar to Paulo Freire's portrayal of the "haves and the have nots" in Latin America. The rich seem to get richer while the poor get poorer.<sup>31</sup>

Since the beginning of the decade of the 80's the gap has constantly widened between the best prepared teaching

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<sup>30</sup>Personal interview with Kenneth D. Jenkins, Professor of Education, Appalachian State University, Boone, North Carolina, June 1985.

<sup>31</sup>Paulo Freire, Pedagogy of the Oppressed (New York: Continuum, 1983), Chapter 1.

Figure 1

Disparity Between 100 North Carolina  
Counties in Teacher Preparation, 1980-81

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56 WAT]  
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52 JAC]  
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45 SWA]ORA]  
44 MAC]  
43 CAB]  
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39 CLA]  
38 GUI]CLE]MEC]  
37  
36 HAY]  
35 RUT]PIT]BUN]  
34 UNI]  
33 MAR]CRA]WLK]STA]  
32 IRE]FOR]HEN]ROW]MOR]  
31 BUR]TRA]McD]CHE]ASH]  
30 GRE]ALA]MON]  
29 BEA]WAK]  
28 ALE]LIN]GAS]  
27 PEQ]CUM]CAL]CAT]ROC]  
26 DUP]POL]ANS]CHA]LEN]CAS]PER]  
25 WAS]HAL]DAD]RAN]WAR]WLS]DUR]  
24 MIT]NAS]SUR]MAD]RIC]NEW]WAY]  
23 CAM]GRA]HAR]CAR]CHO]  
22 JON]GAT]LEE]BRU]ONS]SCO]COL]VAN]  
21 HER]PAM]GRN]YAD]NOR]JOH]TYR]BER]AVE]  
20 DAV]ROB]EDG]PAS]BLA]CUR]SAM]DAR]STO]  
19 HOK]YAN]PEN]  
18 HYD]ALL]FRA]  
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Source; North Carolina Public Schools Statistical Profile,  
North Carolina State Board of Education, Controller's Office,  
Division of Planning and Research. 1981.

Figure 2

Disparity Between 100 North Carolina  
Counties in Teacher Preparation, 1981-82

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57 WAT]  
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55 JAC]  
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47 MAC]SWA]  
46 ORA]CAB]  
45  
44 HAY]  
43  
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40 MEC]GUI]DUR]  
39 CLA]  
38 PIT]CLE]  
37 BUN]  
36 RUT]  
35 HEN]STA]UNI]  
34 ROW]WLK]IRE]MOR]MAR]CRA]  
33 ASH]FOR]MON]  
32 LIN]TRA]ALA]  
31 BUR]CAT]GRE]CHE]  
30 GAS]PEQ]CAL]McD]ROC]  
29 WAK]  
28 DAV]CAS]YAD]CUM]  
27 PER]RAN]DUP]DAD]ANS]WLS]BEA]JON]CHA]  
26 ALX]WAY]SUR]MAD]LEN]POL]  
25 WAR]AVE]CUR]HAL]WAS]NAS]HAR]NEW]  
24 RIC]COL]BRU]ONS]PAM]SCO]GRA]LEE]CAR]  
23 DAR]VAN]STO]MIT]CHO]  
22 GAT]CAM]JOH]PAS]GRN]  
21 YAN]BER]ROB]TYR]FRA]SAM]NOR]BLA]  
20 HOK]EDG]PEN]HER]  
19  
18 ALL]  
17 HYD]  
16  
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Source; North Carolina Public Schools Statistical Profile,  
North Carolina State Board of Education, Controller's Office,  
Division of Planning and Research. 1982

Figure 3

Disparity Between 100 North Carolina  
Counties in Teacher Preparation, 1982-83

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58 WAT]JAC]  
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49 CAB]MAC]  
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46 ORA]  
45  
44 SWA]  
43  
42 UNI]HAY]CLE]  
41 MEC]STA]  
40 CLA]DUR]  
39 GUI]  
38 CRA]BUN]PIT]  
37 RUT]  
36 HEN]  
35 WLK]IRE]ASH]  
34 ALA]MAR]FOR]TRA]MOR]ROW]BUR]  
33 MON]LIN]  
32 ROC]CHE]CAT]  
31 PER]CAS]PEQ]CAL]  
30 WAS]DAV]YAD]McD]GRE]WAK]  
29 WLS]ANS]MAD]CUM]  
28 JON]HAL]BEA]POL]DUP]ALX]DAD]RAN]  
27 HAR]SUR]NEW]CHO]NAS]WAY]CHA]BRU]  
26 DAR]ONS]CAR]WAR]LEE]COL]  
25 AVE]RIC]STO]SCO]GRA]VAN]LEN]  
24 TYR]GRN]BER]HER]PAM]ROB]PEN]  
23 YAN]JOH]SAM]MIT]NOR]  
22 CUR]BLA]GAT]EDG]PAS]HOK]FRA]  
21 CAM]  
20  
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18 ALL]HYD]  
17  
16  
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Source; North Carolina Public Schools Statistical Profile,  
North Carolina State Board of Education, Controller's Office,  
Division of Planning and Research. 1983.

Figure 4  
 Disparity Between 100 North Carolina  
 Counties in Teacher Preparation, 1983-84

60 JAC]  
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 58 WAT]  
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 50 MAC]  
 49 CAB]  
 48 ORA]  
 47  
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 44 SWA]  
 43 HAY]UNI]  
 42 MEC]  
 41 GUI]CLA]  
 40 STA]PIT]DUR]BUN]MON]  
 39 CLE]  
 38 HEN]RUT]CRA]  
 37 WLK]  
 36 LIN]ROW]IRE]TRA]YAD]  
 35 FOR]BUR]ASH]  
 34 CAT]CAS]DAV]MAR]  
 33 GAS]ALX]MOR]ALA]  
 32 CHE]  
 31 McD]JON]WAK]CAL]ROC]  
 30 RAN]WAS]ANS]CUM]PER]GRE]HAL]  
 29 SUR]CHA]MAD]DUP]DAD]  
 28 BRU]NAS]PEQ]AVE]HAR]NEW]POL]WLS]WAY]  
 27 LEE]CAR]SCO]VAN]STO]TYR]COL]  
 26 MIT]CHO]RIC]LEN]  
 25 PEN]HER]SAM]PAM]ONS]ROB]WAR]  
 24 GRA]BER]DAR]JOH]FRA]BLA]  
 23 HOK]GAT]GRN]  
 22 ALL]YAN]CUR]NOR]EDG]  
 21 PAS]  
 20 CAM]  
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 17 HYD]  
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Source; North Carolina Public Schools Statistical Profile,  
 North Carolina State Board of Education, Controller's Office,  
 Division of Planning and Research. 1984.

faculties in North Carolina and those most poorly prepared. Since 1980 the range between the top and bottom counties in advanced teacher preparation has increased by a factor of over one percent per year.<sup>32</sup> The dichotomy grew by a factor of more than two percent between school years 1982-83 and 1983-84.<sup>33</sup> Those counties at the low end of the teacher preparation continuum have enjoyed some improvement over the first half of this decade, although the last place county has actually lost ground. Substantial improvement has been experienced by the counties already well ahead of the other counties in the state.

Table 1 as well as Figures 1 through 4 illustrate these facts but Figure 5 has been specifically prepared to show the growing disparity between the top and bottom North Carolina counties in teacher preparation.

Analysis of Figure 5 shows that over the first half of the 1980's, North Carolina trends in teacher preparation are up...except for the few counties at the bottom end of the scale. The median of teachers with advanced degrees has improved from just below 26 percent in school year 1980-81 to about 27, 29, and 30 percent each respective school year of this decade. The top counties have passed

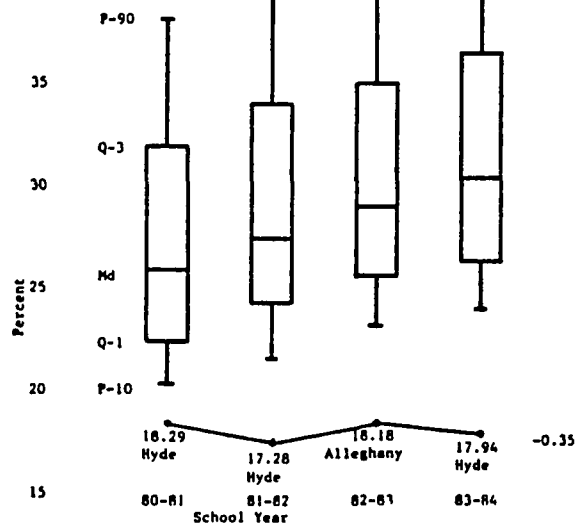
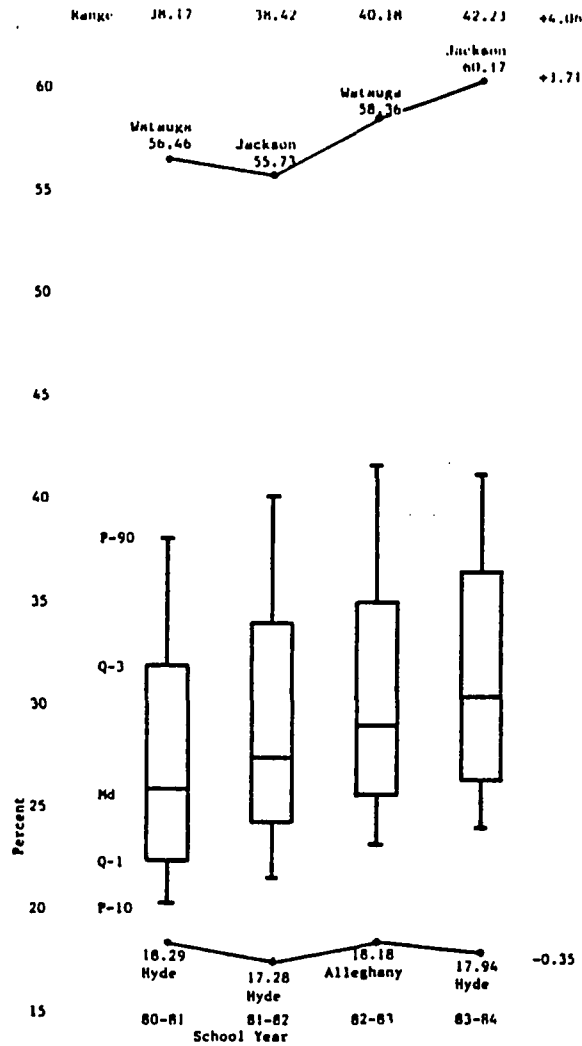
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<sup>32</sup>North Carolina Public Schools Statistical Profile  
(1981 through 1984) North Carolina State Board of Education,  
Controller's Office, Division of Planning and Research.

<sup>33</sup>Ibid.

Figure 5

Trend in Percentage of Professional Personnel Holding Advanced Degrees 1980-1984  
100 North Carolina Counties



Source; North Carolina Public Schools Statistical Profile,  
North Carolina State Board of Education, Controller's Office,  
Division of Planning and Research. 1981-1984



the point of double the state median for teachers holding advanced degrees, and the trend is strongly positive. The bottom counties are just above half the state median. As the state median raises by more than a percentage point per year, the positions of the bottom counties relative to the other counties in the state become comparatively lower.

A wide and growing disparity exists between the best prepared and most poorly prepared teaching faculties in the public schools of North Carolina. A strong case can be argued, based on this historical statistical data, that students in the school systems at or near the bottom in teacher preparation do not presently enjoy equal educational opportunity as guaranteed by the Constitution of the United States and explained in Hobson v. Hansen.<sup>34</sup>

Equalization of educational opportunity through equalization of educational funding has been argued in California.<sup>35</sup> As a result of Serrano v. Priest, state funding procedures had to be revamped to provide a more equal distribution of state educational funds.<sup>36</sup>

The problem of the availability of funds is not perceived to be a major factor in the disparity of teacher

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<sup>34</sup>Joseph E. Bryson and Charles P. Bentley, Ability Grouping of Public School Students (Charlottesville, VA: The Michie Company, 1980), p. 3.

<sup>35</sup>Serrano v. Priest, 5 Cal. 3d584, 96 Cal Rptr. 601,487 P. 2d 1241 (1971).

<sup>36</sup>Percy E. Burrup, Financing Education in a Climate of Change 2d (Boston: Allyn and Bacon, Inc., 1977), pp. 182-186.

preparation in North Carolina school systems. A state salary schedule exists which equalizes teacher pay across the state.<sup>37</sup> The only problem with the present law is that affluent systems may, under the same law, pay salary supplements which serve as inducements to draw more experienced or better prepared teachers.<sup>38</sup>

#### Education Level of the General Population

Sources discussed in Chapter II and thus far in Chapter III contribute to the hypothesis that small, remote school systems have poorly prepared teachers.<sup>39</sup> Those same sources also indicate that large school systems located in close proximity to universities have the best prepared public school faculties.<sup>40</sup> One source indicated that schools located in areas where high educational expectations exist on the part of the general population will have better educated teachers.<sup>41</sup>

Assimilation of the above information, coupled with the announcement in the summer of 1984 of a study of adult

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<sup>37</sup>North Carolina General Statute 115C-316. (b).

<sup>38</sup>Ibid.

<sup>39</sup>Wallace, Ibid.

<sup>40</sup>North Carolina Public Schools Statistical Profile, 1980 through 1984.

<sup>41</sup>Ford (summary), p. 10.

education levels in North Carolina; indicated that a correlation might exist between the percentage of adults with high school diplomas and teachers with advanced degrees. The information on Table 1 was compiled with the possibility of this relationship in mind. Surely the notion that highly educated voters demand highly educated public school teachers has face validity. One might also expect voters with lower educational attainment to be less concerned with the education level of their public school teachers.

To construct Table 2, information from Table 1 was rank ordered within each column to compare the two factors under consideration. At first glance the reader can quickly find that numerous counties with highly educated voters employ highly educated teachers. Similarly, Table 2 illustrates that counties where voters are poorly educated employ poorly educated teachers.

If perfect correlation existed between voter education and teacher preparation the name of each county would appear on the same rank order line straight across Table 2. This is not the case, in fact few counties fall on the same rank order line. Figures 1 through 4 were previously used to illustrate the distribution of counties along a continuum between the bottom and top counties in teacher preparation. A reexamination of those figures at this point illustrates that counties tend to remain in the same part of the continuum.

Rank Order 100 North Carolina Counties  
Highest Degrees and Adult Education Level

COUNTY	H.S. GRAD.	COUNTY	ADV T PHLEP 80-81	COUNTY	ADV T PHLEP 81-82	COUNTY	ADV T PHLEP 82-83	COUNTY	ADV T PHLEP 83-84
1 Orange	73.60 %	Watauga	56.46	Watauga	57.73	Jackson	58.51	Jackson	60.17
2 Wake	72.50	Jackson	52.47	Jackson	55.73	Watauga	58.36	Watauga	58.62
3 Cumberland	69.60	Orange	45.59	Swain	47.11	Macon	49.77	Macon	50.90
4 Mecklenburg	69.30	Swain	45.37	Macon	47.08	Cabarrus	49.13	Cabarrus	49.48
5 Onslow	66.40	Macon	44.18	Cabarrus	46.87	Orange	46.54	Orange	48.55
6 Durham	65.10	Cabarrus	43.88	Orange	46.59	Swain	44.23	Swain	44.44
7 New Hanover	64.70	Clay	39.72	Waywood	44.81	Cleveland	42.70	Union	43.37
8 Dare	64.70	Mecklenburg	38.59	Durham	40.72	Waywood	42.35	Waywood	43.03
9 Guilford	63.30	Cleveland	38.35	Guilford	40.08	Union	42.14	Mecklenburg	42.71
10 Forsyth	62.70	Guilford	38.01	Mecklenburg	40.07	Stanly	41.68	Guilford	41.67
11 Henderson	61.50	Waywood	36.45	Clay	39.72	Mecklenburg	41.58	Guilford	41.62
12 Craven	60.90	Buncombe	35.42	Cleveland	38.64	Durham	40.56	Montgomery	40.80
13 Watauga	60.10	Fitt	35.28	Fitt	38.34	Clay	40.84	Buncombe	40.43
14 Buncombe	59.40	Rutherford	35.04	Buncombe	37.40	Guilford	39.53	Durham	40.38
15 Transylvania	59.30	Union	34.47	Rutherford	37.10	Fitt	38.72	Pitt	40.08
16 Polk	58.50	Stanly	33.82	Union	35.92	Buncombe	38.59	Stanly	40.07
17 Moore	58.30	Wilkes	33.58	Stanly	35.92	Craven	38.04	Cleveland	39.96
18 Carteret	57.10	Craven	33.51	Henderson	35.19	Rutherford	37.83	Craven	38.95
19 Lee	56.90	Martin	33.33	Craven	34.93	Henderson	36.98	Rutherford	38.80
20 Fitt	56.80	Noore	32.72	Martin	34.75	Aahe	35.86	Henderson	38.39
21 Wayne	56.80	Rovan	32.58	Noore	34.51	Iredell	35.83	Wilkes	37.30
22 Alamance	54.00	Henderson	32.23	Iredell	34.38	Wilkes	35.47	Yadkin	36.99
23 Union	52.80	Forsyth	32.19	Wilkes	34.33	Burke	34.92	Transylvania	36.55
24 Jackson	52.70	Iredell	32.16	Rowan	34.04	Rowan	34.91	Iredell	36.12
25 Macon	52.40	Aahe	31.92	Montgomery	32.84	Noore	34.78	Rowan	36.06
26 Lenoir	52.20	Cherokee	31.90	Forsyth	33.32	Transylvania	34.68	Lincoln	36.06
27 Catawba	51.80	McDowell	31.34	Aahe	33.07	Forsyth	34.64	Aahe	35.85
28 Haywood	51.80	Transylvania	31.12	Alamance	32.70	Martin	34.33	Burke	35.45
29 Chatham	51.50	Burke	31.11	Transylvania	32.43	Alamance	34.11	Forsyth	35.43
30 Brunswick	51.50	Montgomery	30.99	Lincoln	32.14	Lincoln	33.87	Martin	34.52
31 Pasquotank	51.10	Alamance	30.87	Cherokee	31.92	Montgomery	33.85	Davie	34.33
32 Davie	50.50	Greene	30.18	Greene	31.62	Catawba	32.91	Caswell	34.05
33 Beaufort	50.50	Wake	29.32	Catawba	31.49	Cherokee	32.59	Catawba	34.05
34 Currituck	50.40	Beaufort	29.16	Burke	31.49	Rockingham	32.21	Alamance	33.84
35 Nash	50.30	Gaston	28.56	Rockingham	31.49	Caldwell	31.96	Moore	33.77
36 Iredell	50.10	Lincoln	28.15	McDowell	30.51	Perquimans	31.53	Alexander	33.69
37 Avey	49.60	Alexander	28.10	Caldwell	30.47	Gaston	31.37	Caston	33.60
38 Rowan	49.40	Rockingham	27.98	Perquimans	30.35	Caswell	31.20	Cherokee	32.11
39 Cabarrus	49.00	Catawba	27.89	Gaston	30.03	Person	31.02	Rockingham	31.98
40 Wilson	48.00	Caldwell	27.87	Wake	29.42	Wake	30.97	Caldwell	31.97
41 Pamlico	48.00	Cumberland	27.82	Waker	28.99	Greene	30.86	Wake	31.95
42 Scotland	47.80	Perquimans	27.82	Yadkin	28.75	McDowell	30.81	Jones	31.20
43 Washington	47.30	Person	26.92	Caswell	28.26	Yadkin	30.67	McDowell	31.00
44 Hoke	47.30	Caswell	26.89	Davie	28.10	Davie	30.54	Salifax	30.86
45 Pender	47.40	Lenoir	26.83	Chatham	27.60	Washington	29.84	Greene	30.52
46 Harnett	47.40	Chatham	26.59	Jones	27.41	Cumberland	29.84	Person	30.44
47 Cleveland	47.40	Anson	26.55	Beaufort	27.35	Madison	29.63	Cumberland	30.21
48 Davidson	47.20	Polk	26.53	Wilson	27.34	Anson	29.63	Union	30.20
49 Lincoln	46.90	Duplin	26.50	Anson	27.30	Wilson	29.15	Washington	30.16
50 Anson	46.90	Durham	25.87	Davidson	27.24	Randolph	28.84	Randolph	30.03
51 Johnston	46.60	Wilson	25.81	Duplin	27.11	Davidson	28.83	Beaufort	30.02
52 Randolph	46.60	Warren	25.79	Randolph	27.08	Alexander	28.78	Davidson	29.59
53 Richmond	46.40	Randolph	25.67	Person	27.05	Duplin	28.57	Duplin	29.59
54 Clay	46.40	Davidson	25.50	Polk	26.90	Polk	28.47	Madison	29.59
55 Stanly	46.40	Salifax	25.44	Lenoir	26.82	Beaufort	28.47	Chatham	29.55
56 McDowell	46.20	Washington	25.12	Madison	26.47	Salifax	28.35	Surry	29.38
57 Gaston	46.10	Wayne	24.97	Surry	26.31	Jones	28.33	Wayne	28.99
58 Burke	46.00	New Hanover	24.95	Wayne	26.11	Brunswick	27.97	Wilson	28.92
59 Sampson	45.70	Richmond	24.52	Alexander	26.18	Chatham	27.85	Polk	28.67
60 Edgecombe	45.60	Madison	24.41	New Hanover	25.98	Wayne	27.68	New Hanover	28.66
61 Hertford	45.50	Surry	24.21	Harnett	25.81	Nash	27.44	Harnett	28.32
62 Person	45.40	Nash	24.19	Nash	25.58	Chowan	27.39	Avery	28.23
63 Chovan	45.10	Mitchell	24.05	Washington	25.51	New Hanover	27.37	Perquimans	28.21
64 Stokes	44.90	Chowan	23.83	Salifax	25.46	Surry	27.30	Nash	28.17
65 Rutherford	44.90	Carteret	23.71	Currituck	25.35	Harnett	27.19	Swain	28.02
66 Martin	44.80	Harnett	23.28	Avery	25.00	Columbus	26.59	Columbus	27.47
67 Rockingham	44.60	Granville	23.24	Warren	25.00	Lee	26.49	Tyrrell	27.45
68 Camden	44.60	Camden	23.07	Carteret	24.81	Warren	26.44	Stokes	27.41
69 Swain	44.50	Vance	22.99	Lee	24.61	Carteret	26.32	Vance	27.31
70 Robeson	44.40	Columbus	22.97	Graham	24.46	Onslow	26.17	Scotland	27.21
71 Caldwell	44.40	Scotland	22.93	Scotland	24.26	Dare	26.06	Carteret	27.09
72 Granville	44.40	Onslow	22.88	Pamlico	24.21	Lenoir	25.98	Lee	27.03
73 Columbus	44.20	Brunswick	22.84	Onslow	24.16	Vance	25.88	Lenoir	26.88
74 Alexander	43.90	Lee	22.81	Brunswick	24.13	Graham	25.55	Richmond	26.85
75 Bladen	43.90	Gates	22.48	Columbus	24.13	Scotland	25.54	Chowan	26.82
76 Duplin	43.70	Jones	22.22	Richmond	24.05	Stokes	25.47	Mitchell	26.17
77 Cherokee	43.60	Avery	21.96	Chowan	23.89	Richmond	25.29	Warren	25.96
78 Wilkes	43.40	Bertie	21.85	Mitchell	23.71	Avery	25.29	Robeson	25.96
79 Vance	43.30	Tyrrell	21.81	Stokes	23.41	Fender	24.91	Anslow	25.85
80 Franklin	43.20	Johnston	21.69	Vance	23.37	Robeson	24.83	Pamlico	25.56
81 Mitchell	43.10	Northampton	21.58	Dare	23.18	Pamlico	24.39	Sampson	25.54
82 Yancey	43.00	Yadkin	21.58	Granville	22.89	Hertford	24.26	Hertford	25.00
83 Gates	42.90	Graham	21.27	Pasquotank	22.85	Bertie	24.22	Pender	25.00
84 Salifax	42.60	Pamlico	21.21	Johnston	22.76	Granville	24.10	Bladen	24.93
85 Hyde	42.50	Hertford	21.05	Camden	22.66	Tyrrell	24.00	Franklin	24.93
86 Greene	42.50	Stokes	20.71	Gates	22.31	Northampton	23.99	Johnston	24.91
87 Yadkin	42.40	Dare	20.58	Bladen	21.81	Mitchell	23.84	Dare	24.82
88 Montgomery	42.30	Sampson	20.44	Northampton	21.69	Sampson	23.71	Bertie	24.52
89 Jones	41.80	Currituck	20.42	Sampson	21.65	Johnston	23.37	Graham	24.44
90 Madison	41.60	Bladen	20.42	Franklin	21.53	Yancey	23.03	Granville	23.94
91 Perquimans	41.50	Pasquotank	20.06	Tyrrell	21.42	Franklin	22.99	Gates	23.68
92 Surry	41.00	Edgecombe	20.03	Robeson	21.35	Hoke	22.58	Hoke	23.48
93 Aahe	41.00	Robeson	20.01	Bertie	21.16	Pasquotank	22.57	Edgecombe	23.55
94 Caswell	41.00	Davie	20.00	Yancey	21.08	Edgecombe	22.49	Northampton	22.45
95 Graham	40.00	Fender	19.66	Hertford	20.99	Gates	22.22	Currituck	22.42
96 Alleghany	38.50	Yancey	19.27	Fender	20.92	Bladen	22.18	Yancey	22.16
97 Bertie	37.90	Hoke	19.22	Edgecombe	20.51	Currituck	22.07	Alleghany	22.01
98 Warren	37.40	Franklin	18.90	Hoke	20.50	Camden	21.33	Pasquotank	21.69
99 Northampton	36.00	Alleghany	18.51	Alleghany	18.51	Hyde	18.98	Camden	20.48
100 Tyrrell	35.80	Hyde	18.29	Hyde	17.28	Alleghany	18.18	Hyde	17.94

Sources; North Carolina Public Schools Statistical Profile  
North Carolina State Board of Education. 1981-84

North Carolina State Government Statistical Abstract,  
Research and Planning Service, Office of State Budget  
and Management. 1984

Further comparison of voter education and teacher preparation has been accomplished by construction of scatterplot diagrams.

Information from the 1980 census, showing the percentage of adults (over twenty five years of age) who possess a high school diploma makes up one axis of the scatterplot diagrams shown in Figures 6 through 9. The other axis is taken from data published in the North Carolina Public Schools Statistical Profile reflecting the percentage of professional personnel with advanced degrees.

The scatterplot diagrams show no highly linear correlation between these two variables. Two immediate conclusions present themselves; first no correlation may exist between teacher preparation and the education level of the population employing those teachers. Second, a number of other variables may be present which mask the degree to which the two variables under consideration actually correlate. Perusal of all available data indicate that the latter conclusion might be more accurate.<sup>42</sup>

The subject of out of field teacher assignment is in truth a hydra headed dilemma, replete with multiple causation to the extent that a full and complete understanding may never be reached.

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<sup>42</sup>Ibid.

On scatterplots for each school year the counties within the top and bottom ten percent of the state are listed in each category. Counties between the eleventh and eighty ninth percentage rating in each category are simply represented by a dot.

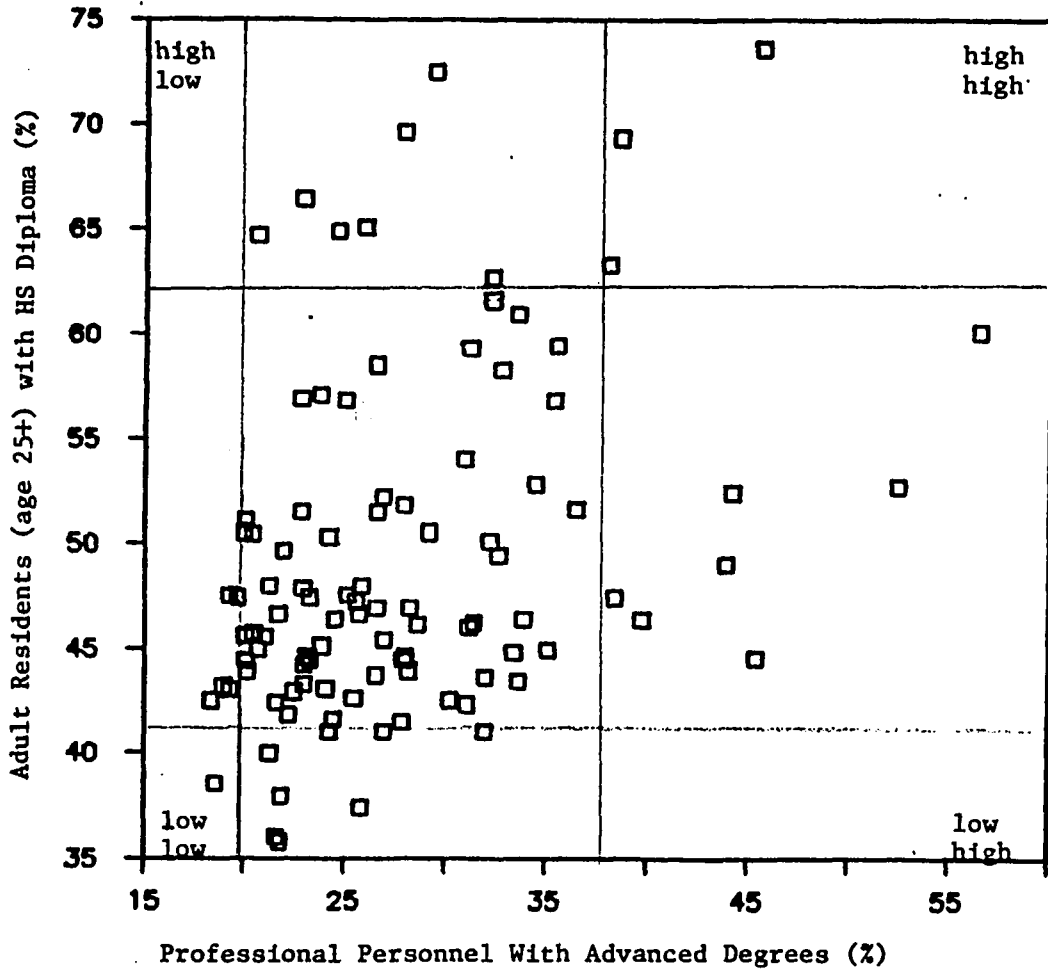
Although no highly linear correlation was established between the two variables, some extremely significant information can be detected from any one of the four annual scatterplots. In no case does a county plot in the top ten percent of population education and the bottom ten percent of advanced degrees for professional personnel. Similarly, in no case does a county plot in the top ten percent for advanced degrees for professional personnel and the bottom ten percent for educational attainment of that county's adult population.

#### Best Educated Faculties

Only Orange County consistently plots in the high-high category and only Alleghany County consistently plots in the low-low category. Counties just on the edge of permanent residence in the high-high category include Mecklenburg, Durham, Guilford, and Watauga. No surprises exist at the top end of these scatterplots. These counties are, for the most part, metropolitan areas where high technology industries and other discriminating employers draw well educated employees who value education for

Figure 6

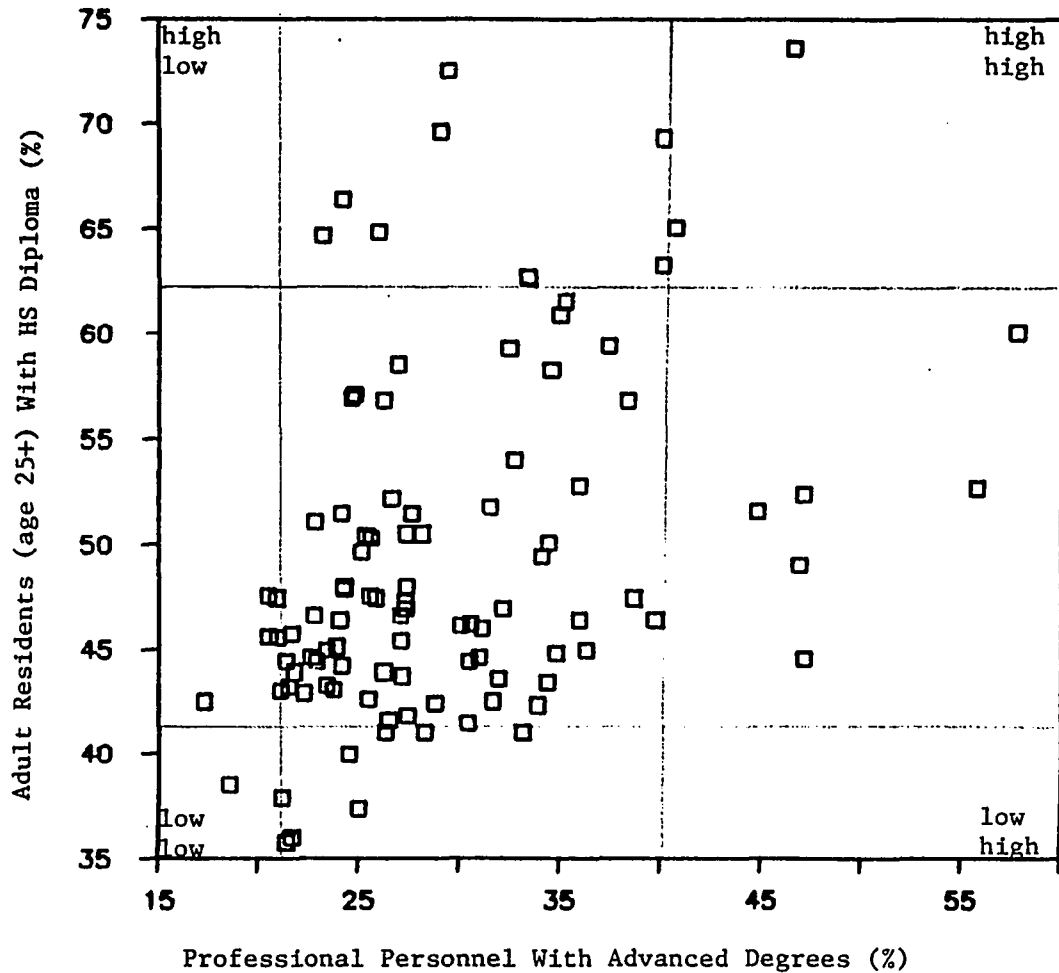
Professional Preparation Compared to Adults  
Possessing High School Diplomas,  
100 North Carolina Counties. 1980-81



Sources; North Carolina Public Schools Statistical Profile,  
North Carolina State Board of Education. 1981  
North Carolina State Government Statistical Abstract,  
Research and Planning Service, Office of State  
Budget and Management. 1984

Figure 7

Professional Preparation Compared to Adults  
Possessing High School Diplomas,  
100 North Carolina Counties. 1981-82

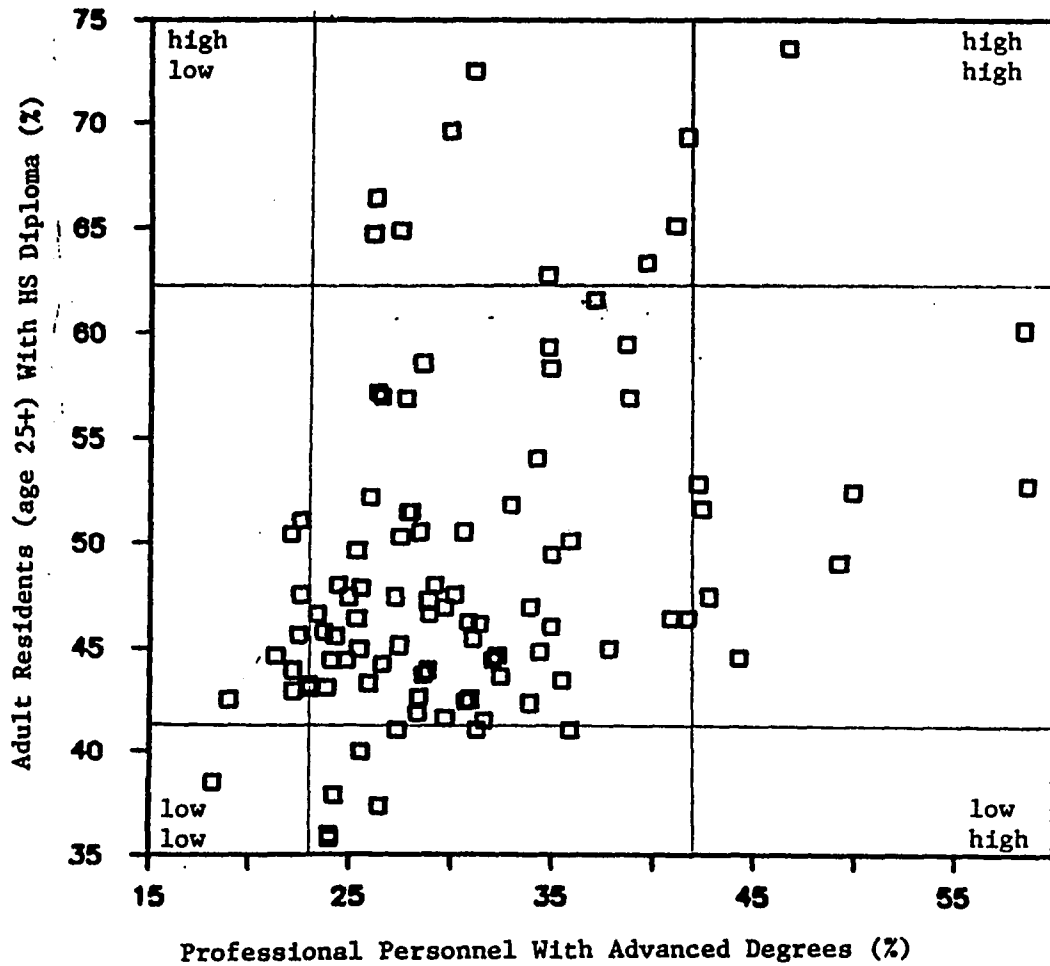


Sources; North Carolina Public Schools Statistical Profile,  
North Carolina State Board of Education. 1982  
North Carolina State Government Statistical Abstract,  
Research and Planning Service, Office of State  
Budget and Management. 1984



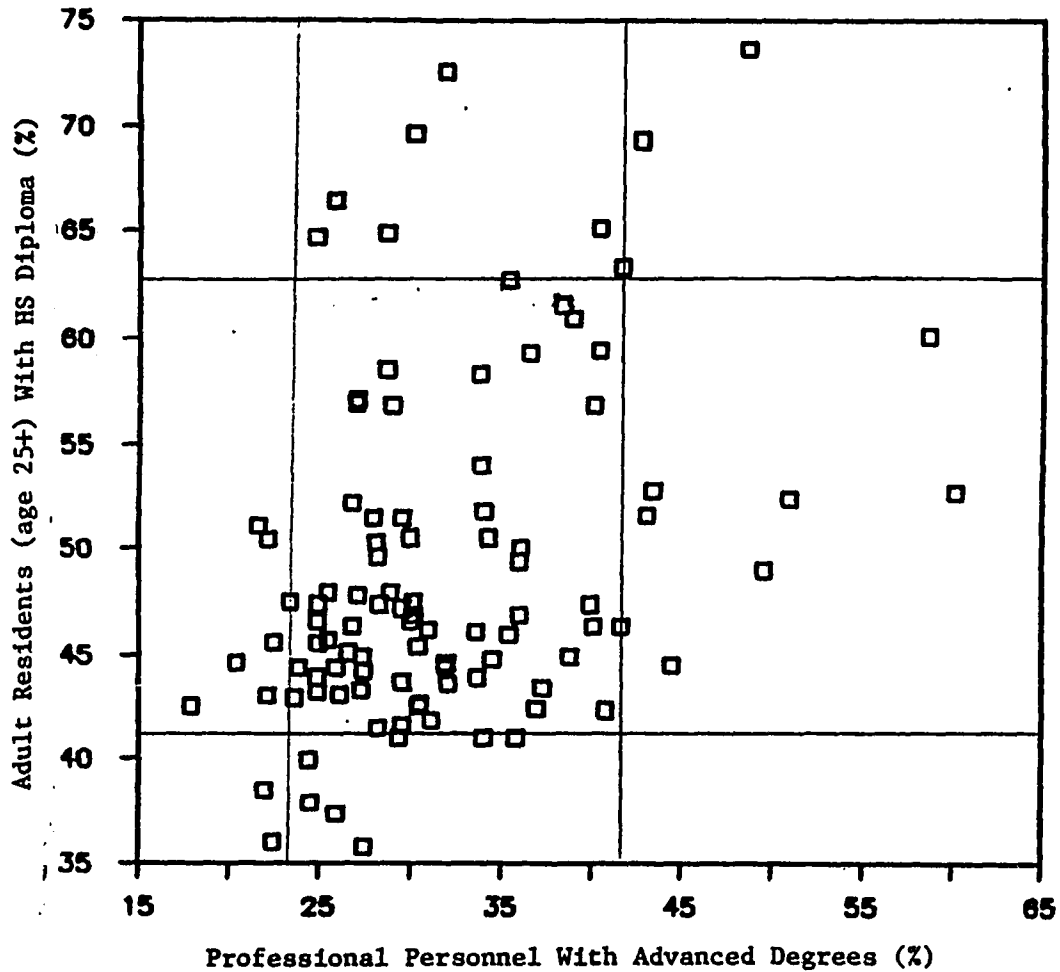
Figure 8

Professional Preparation Compared to Adults Possessing High School Diplomas,  
100 North Carolina Counties. 1982-83



Sources; North Carolina Public Schools Statistical Profile,  
North Carolina State Board of Education. 1983  
North Carolina State Government Statistical Abstract,  
Research and Planning Service, Office of State  
Budget and Management. 1984

Figure 9  
 Professional Preparation Compared to Adults  
 Possessing High School Diplomas,  
 100 North Carolina Counties. 1983-84



Sources; North Carolina Public Schools Statistical Profile,  
North Carolina State Board of Education. 1984  
North Carolina State Government Statistical Abstract,  
Research and Planning Service, Office of State  
Budget and Management. 1984

themselves, their children and the teachers employed in their schools.<sup>43</sup> All share one common factor, advanced degree programs are readily available for professional education personnel. This one factor, geographical proximity to a branch of the state university system, is the most important factor in the achievement of high levels of teacher preparation. Throughout this decade, every county to plot in the top ten percent for teacher preparation in the state of North Carolina has been within a fifty mile radius of a public university offering advanced degree programs in education.

Of the 1,003 North Carolina principals who responded to a spring 1985 survey, sponsored by The Council of Education Associations,

...72 percent said teachers with advanced degrees perform better and 92 percent said salary incentives for degrees should be retained. The survey was conducted after the North Carolina Board of Education urged the North Carolina General Assembly to remove salary incentives for teachers who earn master's and doctor's degrees.<sup>44</sup>

The twenty eight percent of responding principals who saw no better performance from teachers with advanced degrees notwithstanding, the overwhelming majority of:

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<sup>43</sup>Kenneth D. Jenkins, A Survey of Principals Regarding Career Ladder and Advanced Degrees, North Carolina Council of Educational Associations, (unpublished) 1985.

<sup>44</sup>"Advanced Degrees Help Teachers, Principals Say" The Journal-Patriot, North Wilkesboro, NC 13 June 1985, p. B5.

Educators believe that continued learning is every bit as critical for educators as it is for students. Just as major corporations such as IBM take continued training seriously, public schools should do everything they can to encourage continued education for teachers.<sup>45</sup>

#### Lowest Counties in Teacher Preparation

More movement in and out of the bottom ten percent takes place than position jostling in the top ten percent. One reason for the changes at the low end is the definite positive skewness exhibited by the frequency polygons presented in Figures 1 through 4. The counties which plot above the median, in advanced degrees held by professional personnel, cover more than twice as much area at less than half the density as those which plot below the median. A similar situation exists for the education level of adult populations in each county, although the range here is somewhat less (37 vs 42 in 1983-84). When half the counties in the state are crammed together in less than one third of the range, greater mobility across any arbitrary dividing line is to be expected.

Just as the top ten percent of the counties in the state for teacher preparation fall within a fifty mile radius of one or more public institutions offering advanced degrees in education, Most of the counties in the bottom ten percent for professional preparation are located over fifty

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<sup>45</sup> Ibid. quoting Dr. Kenneth D. Jenkins, Professor of Education, Appalachian State University, Boone, North Carolina.

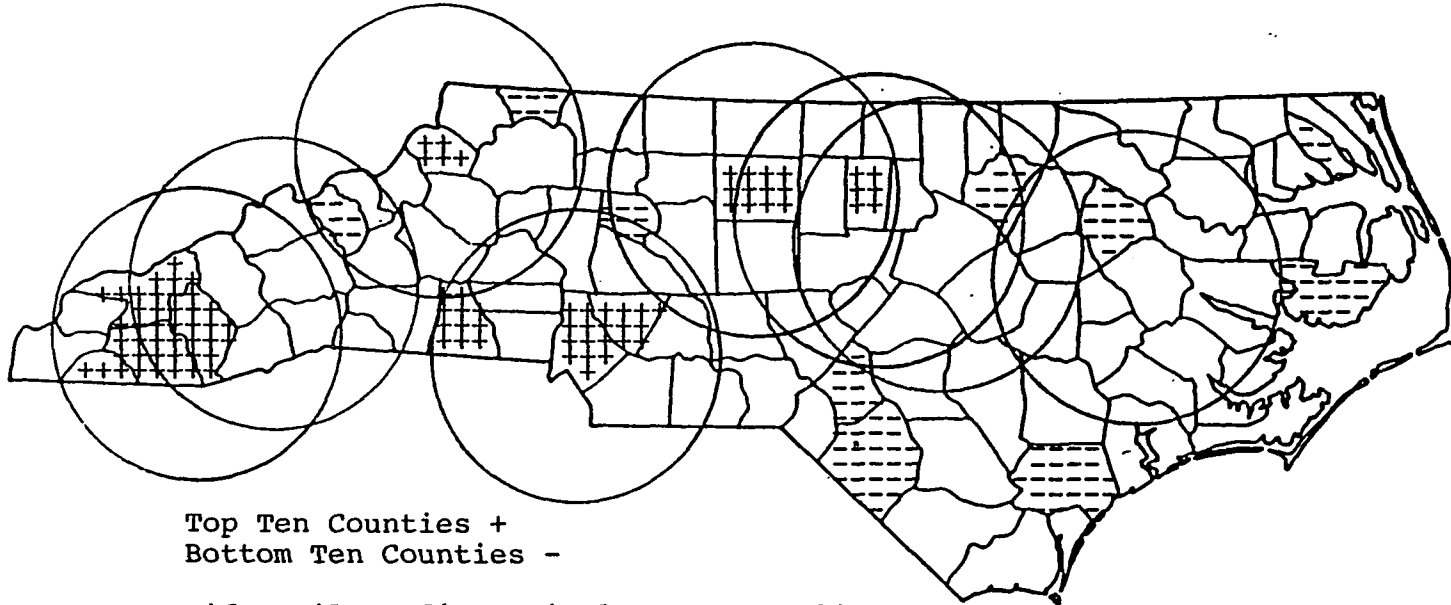
miles from said institutions. Geography explains a large part of the story here. Figures 10 through 13 are maps of the state of North Carolina showing where the top ten and bottom ten counties are located with fifty mile radius circles superimposed over public institutions offering advanced degrees in education. These maps are provided to demonstrate the remoteness of counties with lower teacher preparation and to aid the non-North Carolinians who might read this study.

A general statement can be made that the more remote a school system from institutions offering advanced degrees in education; the lower the percentage of professional personnel with advanced degrees will be. Another geographic factor contributing to the actual isolation of a county is the road network serving that area. Figure 14 provides a map of North Carolina showing road networks which have been designed to provide the maximum safe routes of access and egress for the greatest number of people at the lowest possible cost.

Analysis of highway patterns in conjunction with the fifty mile radius circles, again superimposed, indicate two striking facts. First, professional personnel working in highly populated areas have a double advantage: advanced degree programs are close and the present road system makes driving relatively fast and easy. Second, professional personnel working in sparsely populated, isolated areas

Figure 10

Location of Top Ten and Bottom Ten  
North Carolina Counties in Professional  
Preparation. 1980-81



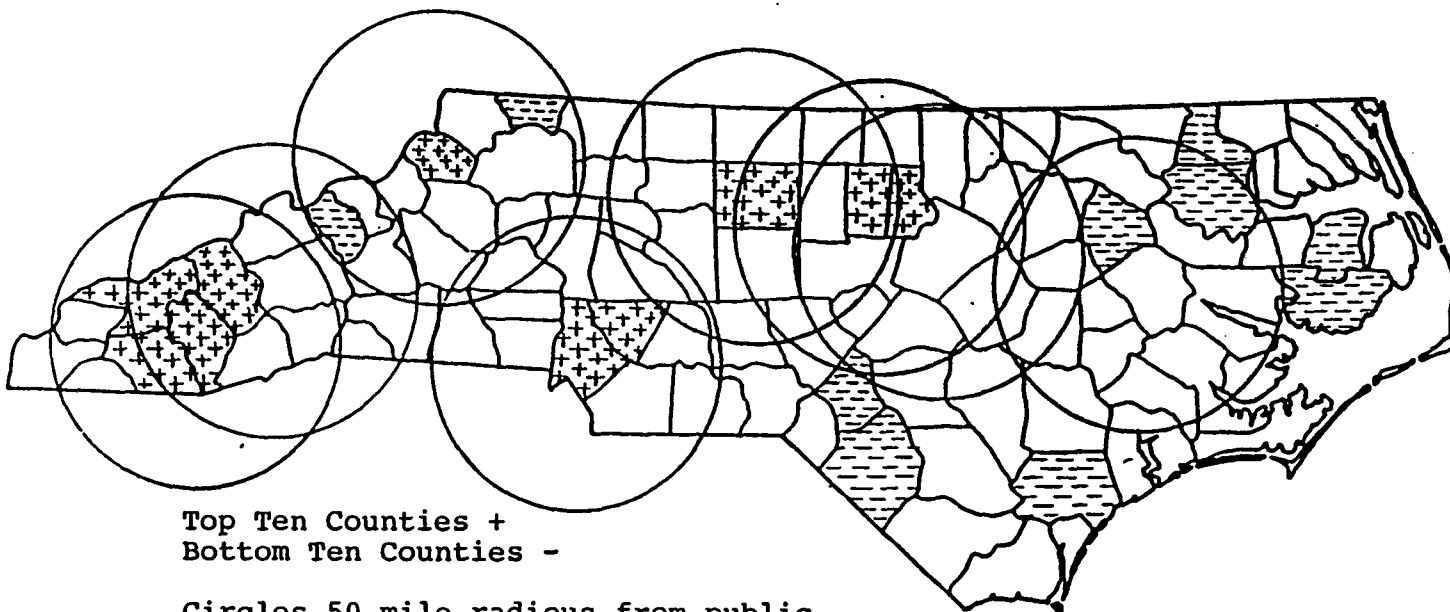
Top Ten Counties +  
Bottom Ten Counties -

Fifty mile radius circles from public  
advanced teaching degree programs.

Source; North Carolina Public Schools Statistical Profile.  
North Carolina State Board of Education, Controller's  
Office, Division of Planning and Research. 1981

Figure 11

Location of Top Ten and Bottom Ten  
North Carolina Counties in Professional  
Preparation. 1981-82



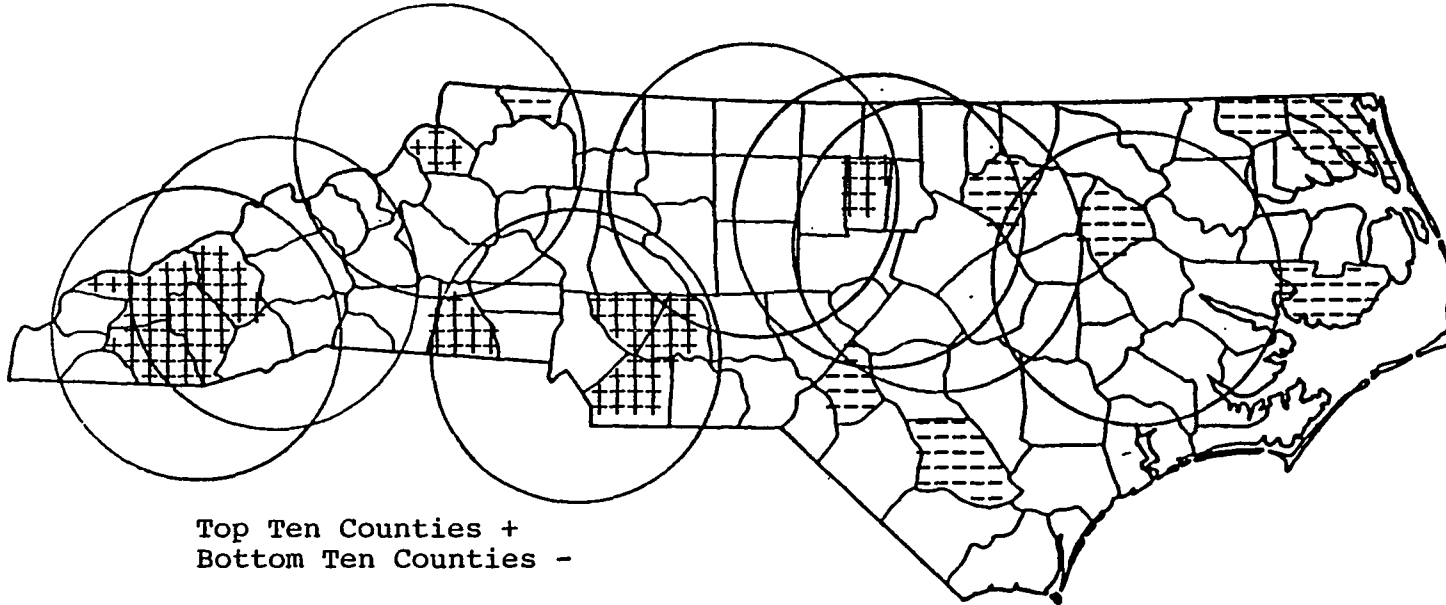
Top Ten Counties +  
Bottom Ten Counties -

Circles 50 mile radius from public  
advanced teaching degree programs.

Source; North Carolina Public Schools Statistical Profile.  
North Carolina State Board of Education, Controller's  
Office, Division of Planning and Research. 1982

Figure 12

Location of Top Ten and Bottom Ten  
North Carolina Counties in Professional  
Preparation. 1982-83



Top Ten Counties +  
Bottom Ten Counties -

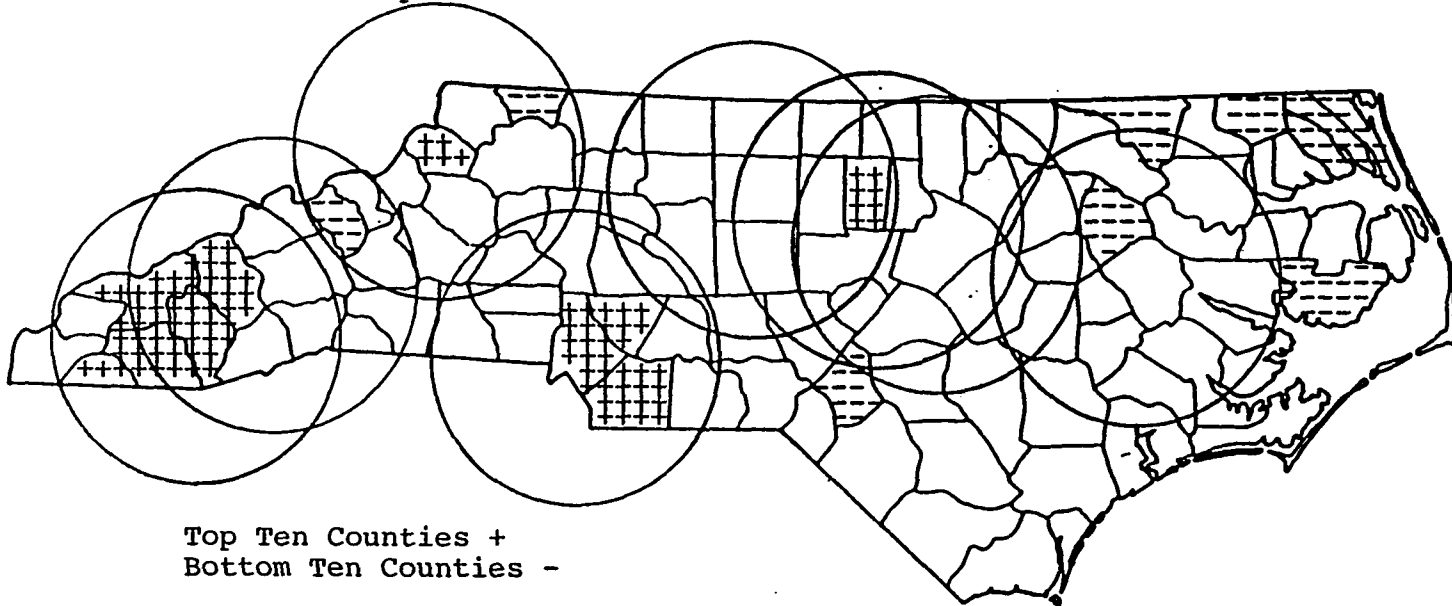
Fifty mile radius circles from public  
advanced teaching degree programs.

Source; North Carolina Public Schools Statistical Profile.  
North Carolina State Board of Education, Controller's  
Office, Division of Planning and Research. 1983



Figure 13

Location of Top Ten and Bottom Ten  
North Carolina Counties in Professional  
Preparation. 1983-84



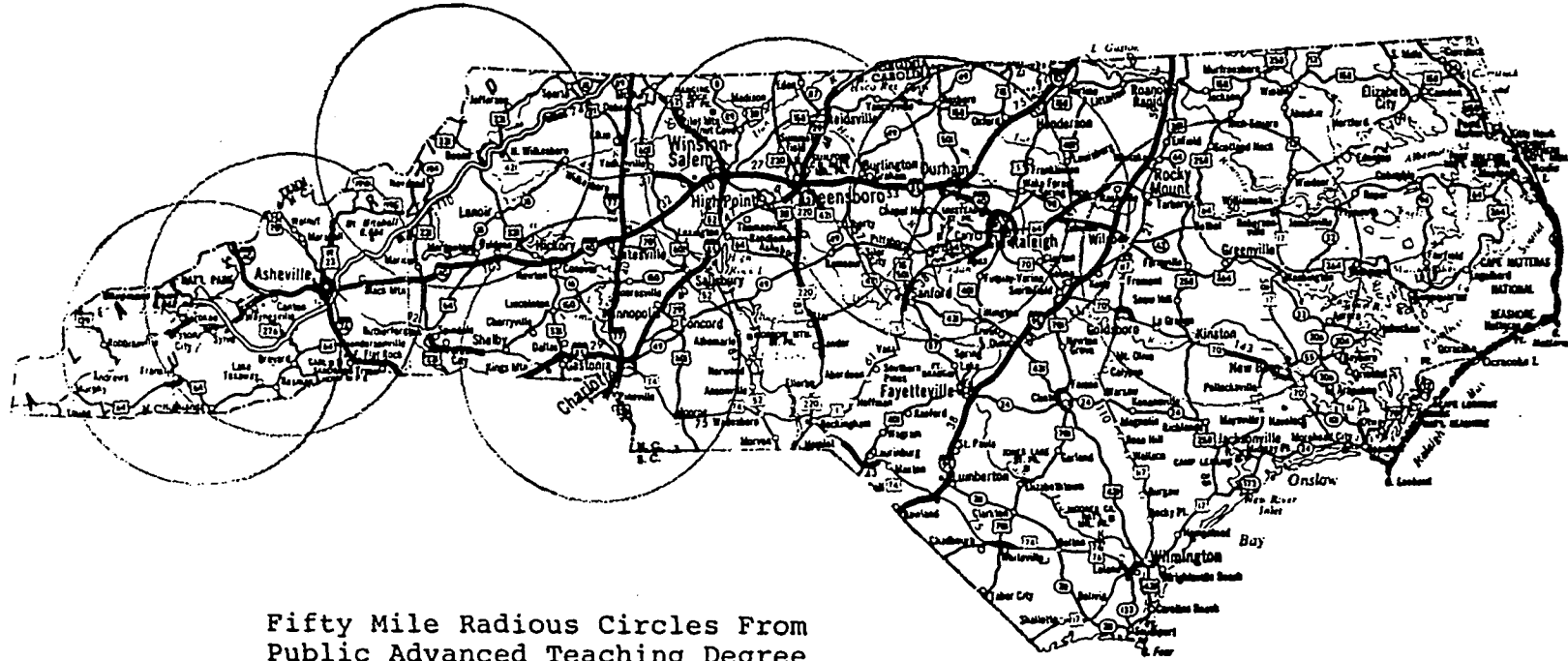
Top Ten Counties +  
Bottom Ten Counties -

Fifty mile radius circles from public  
advanced teaching degree programs.

Source; North Carolina Public Schools Statistical Profile.  
North Carolina State Board of Education, Controller's  
Office, Division of Planning and Research. 1984

Figure 14

North Carolina Road Network.



Fifty Mile Radius Circles From  
Public Advanced Teaching Degree  
Programs.

Source; Hugh T. Lefler and Patricia Stanford. North Carolina 2d ed.  
New York: Harcourt Brace Jovanovich, Inc. p. iiv.

suffer a double geographic barrier: advanced degree programs are far away and road networks compound the problem. Narrow winding roads which may even go in the wrong direction (east-west rather than north-south), ferries and weather related problems are common. Geographic considerations then are far and away the most important factor contributing to the professional preparation of personnel in service to education in North Carolina.

#### Educational Expectations

Other factors which relate to the size and location of a school system as well as the prevailing attitudes of the professional and lay leadership in that system are also important. The leaders of a school system can institute policies which rapidly change the entire complexion of professional preparation within that system. These changes can, of course, be for the betterment or the detriment of the system.

Tyrrell County, North Carolina is extremely remote with a small, thinly spread population. In the fall of 1980 two teachers in Tyrrell County stepped into a position of leadership when they with the help of the National Education Association (NEA) and the North Carolina Association of Educators (NCAE), filed suit against the board of education, superintendent and principal. One of the teachers alleged that teachers in general and she in particular were being subjected to transfers, "dismissals or other sanctions for

having exercised constitutional rights."<sup>46</sup> She further alleged that her "suspension and that of her father from his job as a maintenance employee was in retribution for her criticism of scheduling, curriculum, and personnel assignments in the schools."<sup>47</sup> Another teacher, also a plaintiff:

contended that he was summoned to a meeting by his principal and a representative of the superintendent and told he had free speech, but that he was on the payroll of the Tyrrell County Board from 8:00 a.m. until 4:00 p.m. He says he was told he had a hostile attitude because he sat in the back of the room during faculty meetings, and that his behavior was detrimental to the school. He also charged that he had been told by a supervisor that he "talks too much in public, and keeps the wrong company..."<sup>48</sup>

The plaintiffs further charged the superintendent with personally working to prevent teachers from joining the North Carolina Association of Educators and telling teachers they could not publicly endorse candidates running for the Tyrrell County Board of Education.<sup>49</sup>

John Dorman, Executive Secretary of NCAE reported that he was well pleased with the out of court settlement reached in the case.

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<sup>46</sup>North Carolina Association of Educators, NCAE Settles Suit in Tyrrell County, Facts sheet, March 1982.

<sup>47</sup>Ibid.

<sup>48</sup>Ibid.

<sup>49</sup>Informational Note: North Carolina teachers are prohibited, by law, from bargaining collectively at any level. They are not, however, prohibited from joining professional associations.

With a total [county] faculty of 48 and a membership of only 26, Tyrrell County's action proves what can be done when Association members say 'I've had enough' and stand up for fair play.<sup>50</sup>

"In too many schools," Dorman continued, "people live under a cloud of fear knowing Constitutional rights of free speech are being taken away, knowing people are being treated unfairly. With Association backing, it just takes one person to stand up and say this is wrong."<sup>51</sup>

The \$14,000 in legal fees paid out by NCAE in this case was considered worth while, Dorman continued:

...the outcome was worth every penny. We can't put a price tag on upholding the Constitutional rights of educators.<sup>52</sup>

Dorman spoke further of the accomplishments of NCAE members in Tyrrell County as well as his hopes for their future involvement in education policy making.

...a beginning, not an end. Hopefully, Association members in Tyrrell County will redouble their efforts to be involved in school board races and continue to work with the school board to establish fair and decent treatment through better school policies.<sup>53</sup>

Dorman praised the co-plaintiffs in the suit, Fara Jarmon and David Anderson, saying:

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<sup>50</sup>NCAE, Ibid.

<sup>51</sup>Ibid.

<sup>52</sup>Ibid.

<sup>53</sup>Ibid.

Their courage has freed educators throughout Tyrrell County. Their willingness to stand up and be counted for fair play should be an example to NCAE/NEA members across the state.<sup>54</sup>

The Executive Secretary released the terms of the out of court settlement between the Tyrrell County Board of Education and the plaintiffs as follows.

#### Settlement

1. Plaintiffs who have been assigned out of field teaching positions are to be returned to in field positions.
2. In the future, changes in assignments or transfers must be discussed with plaintiffs prior to the action; this prior notification opens up an avenue for appeal.
3. Adoption of a grievance policy for the county.
4. RIF policies are rewritten to provide protection to individuals who have been transferred out of field.
5. Adoption of a policy guaranteeing access to personnel files.
6. A no reprisal guarantee for any educator involved in the filing of the law suit.
7. The school district has established a policy recognizing membership in professional organizations (i.e. NCAE) as a means of continued staff development of professional skills.
8. The Association can meet on school property on days agreed upon; except in the event of an extraordinary situation, administrators cannot schedule faculty meetings on those days.
9. The local NCAE president or a designee may attend during-school-hours Board of Education meetings.
10. The agreed to policies are not to be rescinded after the legal action has been withdrawn.<sup>55</sup>

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<sup>54</sup> Ibid.

<sup>55</sup> Ibid.

At the time of the out of court settlement referenced above, Tyrrell County was in the low-low category of the scatterplot diagram on Figure 7. The location of the county, at the eastern (right) end of the state as shown on Figure 11 and the absence of a good road network, as illustrated on Figure 14, would indicate that Tyrrell County should be expected to stay in the bottom ten percent for teacher preparation in the state. Tyrrell County is not only among the most remote counties in the state, it is the county with the smallest population and the smallest county school system in North Carolina.<sup>56</sup> It also has the lowest (over 25) high school graduate percentage in the state (35.8 from Table 1), not to be confused with the highest adult illiteracy rate which is found in another county.

With all these factors working against it, Tyrrell County might easily be expected to take up permanent residence in the bottom ten percent of counties for professional personnel with advanced degrees. This has not been the case.

After the problems described in the NCAE lawsuit and the settlement discussed earlier were put behind them, the people of Tyrrell County apparently started to pull together to improve the educational setting for the students and working conditions for teachers.

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<sup>56</sup>Table 18, NC Public Schools Statistical Profile, 1984, shows that one city school system is slightly smaller. The Tryon City system, in Polk County is more compact, less remote, and has relatively greater financial resources.

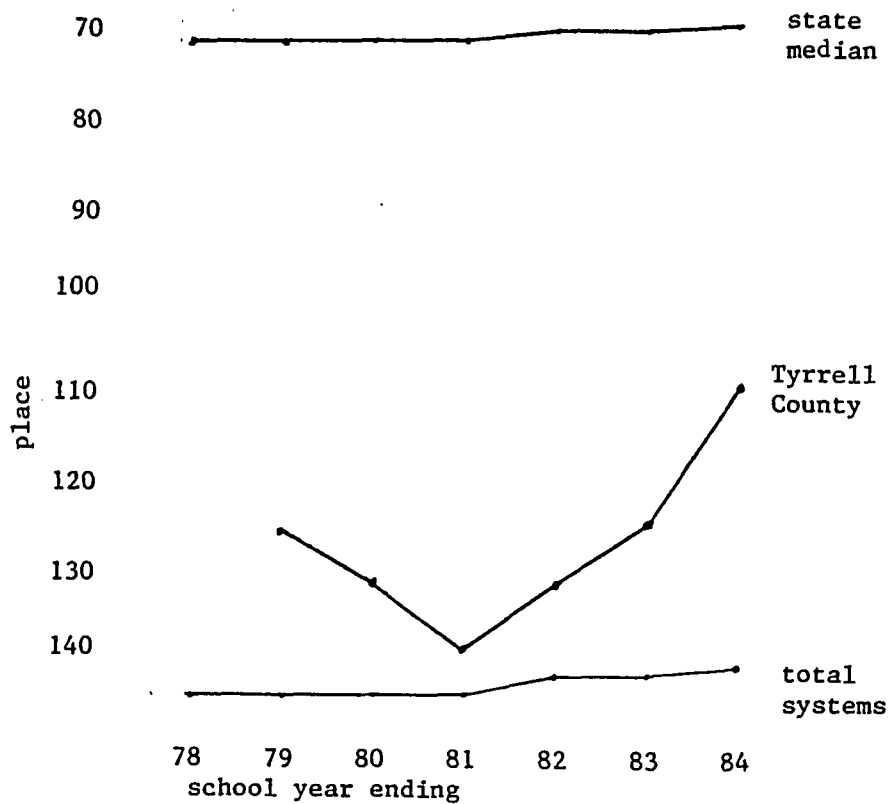
When the educational leaders of the county pledged to reassign out of field teachers so they would be working in the fields for which they had preparation and certification, these teachers no longer had to spend a large portion of their time trying to obtain additional certification at the same level. Since that change (in March 1982) Tyrrell County has had all the same demographic problems with which to deal but their teaching staff has shown steady improvement in professional preparation.

Table 2 (1981-82) shows Tyrrell County in position ninety one for teacher preparation. Table 2 (1982-83) shows an improvement to position eighty five. Table 2 (1983-84) shows another quantum leap to position sixty seven. Few other counties in the state display such drastic improvement in advanced degrees for professional personnel. This phenomenal improvement is displayed in Figure 15 which shows the status of teacher preparation in Tyrrell County from 1979 through 1984. No other county in the state had to adjust to such a direct challenge to the indiscriminate assignment of professional personnel without regard to their preparation or interest. Geographic considerations then, are not the only factors at work determining teacher preparation and out of field assignment.

Another example of a county improving the education level of teachers can be seen in Davie County, North Carolina. This time no court cases were involved. The



Figure 15  
 Professional Preparation  
 in Tyrrell County 1979-84



Source; North Carolina Public Schools Statistical Profile, North Carolina State Board of Education, Controller's Office, Division of Planning and Research. 1979-84.

catalyst for change in Davie County seems to have been new leadership.

Analysis of Table 2 indicates a tremendous improvement in the level of teacher preparation immediately following the assignment of a new principal. Mr. John N. Norton became principal of Davie High School in 1980<sup>57</sup> when the county was in the bottom ten percent of the state for teacher preparation. (see Table 2 1980-81 teacher prep.) Davie High School has twice as many teachers as the next largest school in the county<sup>58</sup> and Mr. Norton's staffing practices seem to have had a positive effect.

Dr. Joe Sinclair and Dr. Jack Ward who served as superintendent during the time of improvement must also be credited for their staffing procedures.<sup>59</sup>

Figure 16 shows the phenomenal improvement in teacher preparation which took place between school years 1980-81 and 1983-84 in Davie County.

Mr. Norton was contacted to determine if something radical had been done to make such a leap compared to other county school systems in the state. Some very basic and simple techniques were revealed. When asked how he could

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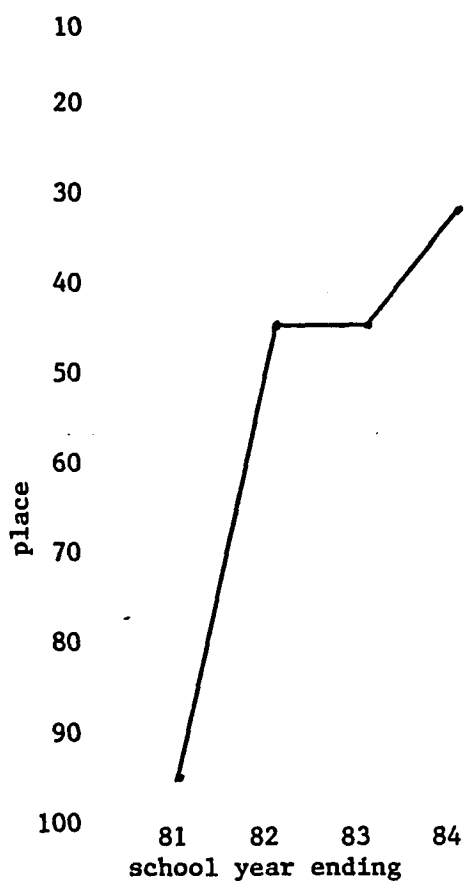
<sup>57</sup>North Carolina Educational Directory (1980-81 through 1983-84), State Department of Public Instruction, Raleigh, North Carolina.

<sup>58</sup>Ibid.

<sup>59</sup>Ibid.

Figure 16

Professional Preparation in  
Davie County, 1981-84



Source; North Carolina Public Schools Statistical Profile, North Carolina State Board of Education, Controller's Office, Division of Planning and Research. 1981-84.

explain the improvement illustrated on Figure 16 Mr. Norton responded:

Any time we have had a resignation or retirement I have looked for a replacement with a masters degree who can teach.<sup>60</sup>

When asked how he could tell if an applicant can teach

Mr. Norton responded:

Before I interview an applicant I go over transcripts with a fine tooth comb. I check to make sure they have had appropriate courses for the position as well as grades and activities. I always do direct reference checks and make it a point to check schools where an experienced teacher has worked but did not provide a reference.<sup>61</sup>

Later in the conversation Mr. Norton was asked if his athletic program had suffered as he emphasized upgrading the level of preparation of his teaching staff. The principal responded:

There is no reason on God's green earth that a coach can't be a good teacher. I won't hire a coach if I can't put him in field. I think we have a better sports program along with a stronger academic program because coaches know I expect them to do their job right in the classroom or in athletic activities.<sup>62</sup>

Davie County is on the way up in many ways.

Administrators who come into the county have exceptional records elsewhere and those who leave move on to positions

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<sup>60</sup>Telephone interview with Mr. John N. Norton, Principal, Davie High School, Mocksville, North Carolina, 8 July 1985.

<sup>61</sup>Ibid.

<sup>62</sup>Ibid.

of higher pay and responsibility.<sup>63,64</sup>

The two examples presented demonstrate that although geography is the major factor determining teacher preparation and out of field assignment, other more human factors are also active.

Negative examples are readily available, such as the county which plummeted from a highly respectable 38th place out of 148 systems, down more than one hundred places to dead last in the state for teacher preparation in seven years. Specific examples of "good ol' boy" staffing are omitted to keep this study in a positive vein. It is sufficient to point out that positive action on the part of individual leaders has led to substantial improvement as illustrated earlier. Negative individual action obviously generates negative results.

#### Effect of Leadership Decisions

In many cases, the actions taken by educational leaders were far more important in determining the present level of preparation for professional personnel than the combined effect of all other demographic or geographic factors. These extreme examples are not representative of the state at large, if they were top ten and bottom ten

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<sup>63</sup>Ibid.

<sup>64</sup>Educational Directory, Ibid.

counties would be spread in random disarray across the state. The present pattern of higher professional preparation located in close proximity to the source of programs and decreasing levels of professional preparation as distance increases, identifies geography as the major contributing factor in professional preparation.

#### Geographic Location and Governmental Action

Understanding the tremendous importance of geographic considerations to the professional preparation level of teachers, this researcher is left puzzled as to why nothing is being done by the state to help professional personnel working in remote systems. No funds are presently available from the State Department of Public Instruction or the State Board of Education to help upgrade the degree or certification level of professional personnel in remote systems. For the most part, the more remote a school system, the lower the population density and the lower the level of available local discretionary funds. Most remote systems need state aid if they are to help their teachers improve their level of professional preparation. Without state or federal aid only dramatic, traumatic changes in policies or personnel will lead to improvement.

One such dramatic change in local policy was brought about by the law suit, settled out of court in Tyrrell County. Other drastic changes could be brought about by an

election where school board members come to power who possess views diametrically opposed to the views of former members. Or when incumbent school board members decide that the time for change has come. Professional school administrators who attempt to make drastic changes while "old guard" board members holding "good-old boy" attitudes are still in the majority may find themselves unemployed.

#### Positive Leadership

Superintendents can exercise their instructional leadership and help boards become better informed. Members of boards of education could be encouraged to become better informed and better prepared to execute the duties of the office they hold. Attendance at training sessions and seminars as well as exposure to other board members with more progressive views will help local incumbents better understand what is being done elsewhere. A full understanding of the legal responsibilities of their office as well as their vulnerability in certain legal actions should also help board members execute the duties of their office. The superintendent is more than a teacher of teachers and principals. He or she must be a teacher of board members as well.

#### Trends in Teacher Preparation

Throughout the decade of the eighties teacher preparation has slowly but surely improved in the state of

North Carolina. Improvement on the top end of the scale has progressed at a rate much faster than the improvement at the bottom end of the scale. Hyde and Alleghany Counties, both small and remote, have been the only counties in last place for teacher preparation during this decade in North Carolina. The percentage of professional personnel with an advanced degree, for the last county in that category, has actually decreased between school years 1980-81 and 1983-84. At the same time, Watauga and Jackson Counties have alternated in first place for teachers holding advanced degrees. Between school years 1980-81 and 1983-84 a net gain of nearly four percentage points has been made at the top of the scale, concurrently a loss of about one half of one percent has been experienced at the bottom end. Each year between 1981-82 and 1983-84 the range between the top and bottom county in teacher preparation has increased by over one percentage point per year. This story of the rich getting richer and the poor getting poorer was illustrated in Figure 5.

Paulo Freire, a politically active priest in Latin America, writing in his book Pedagogy of the Oppressed addresses the problem of an increasing disparity between the haves and have nots. According to Freire, when the dichotomy between the rich and the poor increases at a rate greater than a given percent, that country is ripe for revolution. Governments which ignore the plight of the have nots and



permit the range between the top and bottom of the economic scale to continually increase are, according to Freire, asking for trouble.<sup>65</sup>

The unfairness of a banana republic government permitting some population segments to sink deeper into poverty while others steadily become richer is obvious. The unfairness of the situation illustrated in Figure 5 is just as obvious. The rest of the state moves slowly but surely into the future while a few small, remote counties remain, floundering around in the mire of the past.

#### Equalization

Inequity in various facets of life have been accepted with resignation in the past. Improvements in communication during the twentieth century have raised expectations on the part of people at the lower end of society. Concurrently, new understandings of legal matters have helped solve the situation described by Burrup:

For years knowledgeable people had observed and deplored the disparities, the inequities, and the injustices that existed in American society in terms of unequal wealth, unequal incomes, and unequal opportunities. Similar inequities in educational opportunities and in sharing the costs of education seem to have been accepted with the same feeling of frustration and an inability to change the existing situation.<sup>66</sup>

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<sup>65</sup>Freire, Chapter One.

<sup>66</sup>Burrup, p. 223.

Along with increasing state money in the form of equalizing grants one might expect increasing central control of budgeting. This is not always the case. The trend is toward local discretion in the use of equalization monies.

Nineteen states increased the percentage of total aid that was distributed by equalizing grants in the period between 1953-54 and 1967-68. Most of the state funds allotted to local districts take the form of nonrestrictive general-purpose grants. While some standards or guidelines are usually provided for the districts receiving these grants, it is intended that their use be determined by the local school boards, with little or no restriction by the state.<sup>67</sup>

Often, the residents of remote areas, left to their own devices, will choose a known past, albeit one of limited opportunity, to an uncertain future which offers greater opportunities. Local politicians must reflect the views of their constituents or find some other field of endeavor.

#### Political Considerations

Recent political developments in Madison County, North Carolina paint a vivid picture of politics as usual in isolated, sparsely populated areas. The good-ol'-boy network in Madison County is presently in open conflict with the forces of the present. The outcome of that battle, and the political future of the county, remain highly in doubt at this writing.

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<sup>67</sup>Ibid. pp. 221-222.

...Betty Jean Wild, a Detroit native who surprised a lot of people when she defeated Lawrence Ponder in the mayor's race here [in Marshall, NC] in 1983, is determined to break up what she sees as the Ponder-dominated good-old-boy network in the sparsely populated county.<sup>68</sup>

Mrs. Wild is outspoken about her desire to see changes made in the political system of Madison County, North Carolina. She speaks of the "Ponder family's 30-year-old grip on Democratic politics in Madison County," and of the open opposition she has encountered during her campaign and since assuming her duties as mayor of Marshall.

"The Ponder family has ruled this domain since the early '50's and I just have the feeling that is one of the reasons that our administration is being fought so strongly, because we don't represent their way of thinking," Mrs. Wild said recently. "I hate the good-old-boy syndrome."<sup>69</sup>

The Ponders seem to hold strong opinions about Mrs. Wild as well, although they are not nearly so outspoken as she in expressing those opinions. Zeno Ponder, chairman of the Madison County Democratic Party, uncle of the former mayor, Lawrence Ponder, whom Mrs. Wild defeated, and brother of Sheriff E.Y. Ponder, spoke of Mrs. Wild's political naivete when he said:

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<sup>68</sup>Michael Wade, "Yankee Woman Is Taking On a Good-Old-Boy Network", Winston-Salem Journal, Winston-Salem, NC, Sunday, 7 April 1985, Page A-1.

<sup>69</sup>Ibid.

She doesn't understand Madison County,...You just need to know your people, and you need to know how to get things done. I just don't believe the lady knows how to go about getting things done.<sup>70</sup>

So far the most public battlefield in the games of political oneupmanship being played by Mrs. Wild and the Ponder supporters who control a majority of the town alderman seats, has been the police department. In the seventeen months since Mrs. Wild took office she or the aldermen opposing her have fired two chiefs of police and a half dozen police officers, this in the Marshall police department of THREE. "Both ex-chiefs sued the town to protest the firings."<sup>71</sup>

Thus far this is a battle on the town front alone and the Ponders remain in control of county politics. The recent high rate of turnover among school superintendents in North Carolina may be in some way connected with local political battles as reported by Michael Wade in the Winston-Salem Journal.

The direct tie in of this story with the theme of teacher preparation has to do with the attitudes described by Wade as he explained the views of the opposing forces.

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<sup>70</sup> Ibid.

<sup>71</sup> Ibid. p. A-14.

Betty Wild was portrayed as "A Yankee outsider"<sup>72</sup> by Wade. The Ponders were portrayed as the old guard "good-old-boy network"<sup>73</sup> by Wade. The story is told so well that the reader might expect members of the "good-old-boy network" in isolated localities to require a local conception certificate as proof that a person is worthy of employment. In this case the literary art of Michael Wade is a true reflection of the real life situation in many isolated, sparsely populated areas, not only in North Carolina but in the entire nation as well. In societies such as those described above being an "outsider" is often an unpardonable offense. No matter how much the outsider does for the local people the social distance remains, perhaps out of prejudice, perhaps out of self protection but for whatever reason, the social distance remains.

Theoretically kinship can be founded in long association and shared tradition.<sup>74</sup>

Where a closed society exists with long associations and shared traditions, outsider, intruder and enemy may be functional synonyms. Where such attitudes and practices exist, state mandated certification requirements mean little or nothing to decision makers.

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<sup>72</sup>Ibid. p. A-1.

<sup>73</sup>Ibid. p. A-1.

<sup>74</sup>Leonard Broom & Philip Selznick, Sociology, A Text With Adapted Readings (New York: Harper & Row, 1968 4th), p. 32.

Is it any surprise then, that many good teachers who are well trained, fully certified, and willing to work, have been shunted aside while good-old boys have been hired to teach subjects for which they have neither preparation nor interest?

#### The Other Side of Teacher Assignment

To argue that out of field assignments are routinely made based on good-old-boy factors with no consideration given to the needs of students would be not only unfair but untrue as well.

A well articulated reason can be quickly given for each and every out of field assignment, regardless of how many fully qualified teachers were available at the time the misassignment was made. In many cases, even if the misassigned teacher proved to be an embarrassment to the administrator making the out of field assignment decision, justification will be given in such a way as to indicate that similar out of field assignments will be made in the future. One principal, when questioned about yet another out of field assignment responded: "I've just got to have another coach."

"The other side of education," so heavily advocated by the National Collegiate Athletic Association (NCAA) in halftime or timeout promotional spots, so common during college playoff and championship games, is a positive

portrait of sport as an integral part of education. The "I've just got to have another coach." mentality may be the most negative use of sport as part of education. When sport, or any other activity supported by a school, becomes an end rather than a means to the end of improving education, something is wrong.<sup>75</sup>

When booster clubs, parents, school board members and administrators twist priorities to the point that students perceive a heavier emphasis on athletics than academics; something is wrong.

When out of field teachers are hired, not to make a significant contribution to some other facet of the instructional program, but because "I've just got to have another coach.", something is wrong.<sup>76</sup>

#### The Hidden Curriculum

School board members and school administrators who believe, deep down in their heart of hearts, that they are over emphasizing athletics in the best interest of their students may still be doing something dead wrong. Students quickly perceive where educational leaders place major emphasis. Thousands of students are learning, from the hidden curriculum of their school, that athletes are

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<sup>75</sup>Ford (Complete Report), p. 61.

<sup>76</sup>Ibid.

somehow more worthy or more valuable than non-athletes.<sup>77</sup>

Perhaps even worse, athletes who hold such a perception are taught that they need not apply themselves to academic matters.

No matter, how much trouble I had understanding things in class, I always figured I would make a good living playing ball for the pros... Football was going to make me famous. And I knew I wasn't just dreaming because everyone told me I was good.<sup>78</sup>

Millions of other young athletes, nationwide, are misled by school officials at the high school and college level. Each year a new crop of would be professional athletes "have received heavy doses of reality therapy."<sup>79</sup> upon coming face to face with the cold, cruel fact that they will not ever earn a living, good or otherwise, as professional athletes. Against all reason many of these young people are led down the primrose path fully believing that they will someday be sports living legends.

Close to a million [students] play high school football; some 30,000 play in college, with about 15,000, or less than 2 percent of those who played in high school, receiving scholarships. In a good year, a hundred rookies

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<sup>77</sup>Richard Lapchick, Broken Promises (New York: St. Martin's/Marek, 1984), p. 200-201.

<sup>78</sup>Ibid., p. 202 (quoting Fred Butler, a non reader who carried a C+ average at Cal-LA State until his athletic eligibility ran out and he flunked out in his senior year.)

<sup>79</sup>Ibid.



might make the NFL roster;...The odds on making the pros are 10,000 to one...<sup>80</sup>

Dr. Richard Lapchick, a sociologist, whose father, Joe Lapchick coached basketball at St. Johns, gives more precise odds as far as the National Basketball Association (NBA) is concerned.

About fifty players will join the NBA each year. Thirty-five of those (70 percent) will be black. In other words, the odds against a black college ballplayer making the NBA are 183 to 1. The odds against a black high school basketball player making the NBA are approximately 11,380 to 1. Jimmy the Greek wouldn't call that a good bet. Yet so many continue to place it with the highest stakes of all, their own futures.<sup>81</sup>

Dr. Lapchick, a white man, is deeply involved in the continuing struggle of equality for Blacks in America. He is pro-sport and pro-equality but his work referenced here describes what amounts to a national scandal in the abdication of academic leadership in favor of activities oriented "education."

#### The Typical Misassigned Teacher

One main point to keep in mind, concerning the main thrust of this study, is that 59 percent of the cases of misassignment reported in the 1965 NEA report concerned:

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<sup>80</sup>Ibid. p. 204.

<sup>81</sup>Ibid.

A teacher who was prepared in college to teach health and physical education [and] was employed as an athletic coach in a small high school. He was given two classes in physical education and one class each in World History, American History and American Government. His college work in social studies consisted of six semester credits—three in Western Civilization and three in sociology.<sup>82</sup>

A second major point to remember, from the same report, is that 70 percent of the misassignments involved schools outside urban areas.<sup>83</sup>

A third and final important point stressed by the NEA report was that 72 percent of the reported misassignments took place in high schools, 53 percent in senior high school grades 10-12 and 19 percent in junior high school grades 7-9.<sup>84</sup>

The typical misassigned teacher was a beginning health and physical education major, working in a small, remote high school where the community had limited intellectual expectancy. The administration, conversely, attempted to provide a diverse academic program which could have easily been maintained if the school were large enough, as well as a full sports program. Coupled with these constraints were the eagerness of the teacher(s) to obtain employment and an

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<sup>82</sup>Paul M. Ford, (Summary), p. 13.

<sup>83</sup>Ibid., (Complete Report), p. 9.

<sup>84</sup>Ibid.

equally strong desire on the part of local school officials to "hire local."<sup>85</sup>

In both the case where political pressures are used and the case where the seniority system prevails, the result may be the misassignment of a second teacher who has neither political influence nor seniority.<sup>86</sup>

In urban and suburban schools the percentage of out of field teachers in 1965 was very low, as it remains today. Shortages of mathematics and science teachers as well as unexpected resignations account for most misassignments in these larger school systems. Political pressure and seniority account for a small percentage of urban and suburban teacher misassignments.<sup>87</sup>

respondents indicated that corrective action in cases of misassignment occurs much less frequently in rural and small-town schools than in urban-suburban systems. Where correction does take place, it is not generally the result of internal pressures from parents, a principal or a superintendent. Rather, it is forced by a state accrediting agency.<sup>88</sup>

As evidence of this fact the NEA report presents the following statistics:

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<sup>85</sup>Ibid. Consolidated from information presented throughout the report.

<sup>86</sup>Ibid., p. 11.

<sup>87</sup>Ibid., pp. 12-13.

<sup>88</sup>Ibid., pp. 13-14.

in rural areas corrective action was taken in only 27 percent of [misassignment cases]...it was forced in 80 percent of the cases by agencies external to the local school district. In most instances a state accrediting agency threatened to withdraw accreditation and/or financial support.<sup>89</sup>

Frequency and duration of teacher misassignment in urban and suburban school districts are miniscule when compared to rural districts. Of the few instances of urban misassignment noted, "only 15 percent were allowed to extend more than one year."<sup>90</sup> Corrective action was almost always (90% of the cases) initiated locally.<sup>91</sup>

In an age when there is a continual need to recruit excellent individuals for teaching, it seems inappropriate to recruit such individuals and then through careless assignment to drive them from teaching.<sup>92</sup>

Unfortunately, that is exactly what is being done today in small, remote systems in North Carolina, and possibly across the nation as well.

#### Who Suffers From Out of Field Assignment

[Out of field teacher assignment]...adversely affects the lives of thousands of teachers and countless numbers of children. While the problem

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<sup>89</sup>Ibid. p. 14.

<sup>90</sup>Ibid.

<sup>91</sup>Ibid.

<sup>92</sup>Ibid.

cannot be eliminated immediately and without parallel attacks on related problems, many things can be done which will reduce dramatically the incidence of misassignment.<sup>93</sup>

Out of field teacher assignment harms everyone concerned. Students and teachers suffer most of all and it is a suffering which, once inflicted, scars students especially, for the rest of their lives. The harm that keeps on doing damage...the "unpardonable sin"<sup>94</sup> which can be avoided. How can it be avoided? See Chapter V for recommendations.

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<sup>93</sup>Ford, (Complete Report), p. 61.

<sup>94</sup>Dr. Joseph E. Bryson, Classroom Lecture, 14 September 1983.

## Chapter IV

REVIEW OF COURT DECISIONS AS THEY RELATE TO THE TOPIC OF  
OUT OF FIELD TEACHER ASSIGNMENT

For rulers are not a terror to good works, but to the evil. Wilt thou then not be afraid of the power? Do that which is good, and thou shalt have praise of the same: For he is the minister of God to thee for good. But if thou do that which is evil, be afraid; for he beareth not the sword in vain:

Romans 13:3-4a

## Introduction

The Constitution and statutory laws of the United States and the fifty states possess all the power necessary to assure employment of fully qualified and properly certified teachers for most if not all classes.

Compelling teachers to comply with directives of state or local educational authorities is a simple matter. Over the past three decades this kind of forced compliance has been exercised in numerous cases. Some of those cases, such as Guthrie v. Taylor<sup>1</sup> and Adler v. Board of Education<sup>2</sup> will be discussed here.

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<sup>1</sup>L.G. Guthrie et al v. H. Pat Taylor et al, Members of the State Board of Education and the Burlington City Board of Education and Robert Morgan, Attorney General of the State of North Carolina (1971), 279, NC, 703.

<sup>2</sup>Adler v. Board of Education (NY 1952), 342 U.S. 485.

More central to the subject at hand is the type of forced compliance where school boards and/or administrators are compelled by courts, to comply with statutes and/or school board policy in the proper assignment of teachers. In the 1983 Alexander v. Board of Trustees<sup>3</sup> case the court addressed this issue. This is a landmark case in teacher assignment which will be referred to by judges and justices of the future. It is expected that just as other landmark cases have been expanded and fine tuned over the years, the affects of Alexander v. Board of Trustees will be broadened to bring sharp focus to educational administrators' understanding of in field teacher assignment.

#### In Field Takes Precedence over Seniority

In Alexander v. Board of Trustees<sup>4</sup> the Supreme Court of the State of California established a precedent that employment in field takes priority over seniority. This is even more significant because California is a state where teacher seniority is granted statutory sanction.

Under section of Education Code enumerating layoff procedures, a district may move upward from bottom of seniority list, "skipping over and retaining junior employees who are

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<sup>3</sup>William Alexander et al v. Board of Trustees of Delano Joint Union High School District. (1983) 139 Ca 3d567, 188 Cal. Rptr. 705.

<sup>4</sup>Ibid.

certificated and competent to render services which more senior employees are not." West's Ann. Cal. Educ. Code 44955.<sup>5</sup>

It would appear then, that out of field "tenured teachers who possess vested rights in being retained"<sup>6</sup> have less job security than less experienced, even non-tenured personnel who are fully certified to perform the services required by the instructional program of the school system where they are employed.<sup>7</sup>

Teachers who rendered their first service to the system on different dates may not be dealt with differently simply based on "the needs of the district and students"<sup>8</sup> for this manner of establishing priorities was considered to be far too vague by the court.

In this case, teachers with more seniority were terminated, as teaching positions were lost due to declining enrollment, while junior teachers were retained because they "possessed Spanish language skills..."<sup>9</sup> However, some of the junior teachers who were retained, due to linguistic

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<sup>5</sup>Ibid., p. 705.

<sup>6</sup>Ibid.

<sup>7</sup>Ibid.

<sup>8</sup>Ibid., p. 706.

<sup>9</sup>Ibid.



abilities, were not actively engaged in bilingual education. The court found this particular action on the part of the Board of Trustees to be improper.<sup>10</sup> However, the court found that those junior teachers who were actively using both the Spanish and English languages as part of the instructional program had been properly retained, even though more senior personnel, who were not bilingual, had been terminated.<sup>11</sup> California, having a high proportion of students who use Spanish as a primary language, had instituted procedures to award a "certificate of competency in Spanish."<sup>12</sup> Possession of this certificate was used by the Board of Trustees of Delano Joint Union High School District to make decisions on which teachers would be retained.<sup>13</sup>

Associate Justice Mr. Woolpert, writing the majority opinion for the court, repeatedly referred to the competency of teachers to render the services required by the instructional program. Quoting Thompson v. Modesto City High School District<sup>14</sup> Justice Woolpert wrote:

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<sup>10</sup> Ibid., p. 707

<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

<sup>13</sup> Ibid.

<sup>14</sup> Thompson v. Modesto City High School District (1977) 19 Cal. 3d620, 628, 139 Cal. Rptr. 603, 566 P2d 237.

...the services of no permanent employee may be terminated under the provision of this section [44955 Cal. Educ. Code] while any probationary employee, or any other employee with less seniority is retained to render a service which said permanent employee is certified and competent to render.<sup>15</sup>

The Justice then launched into a discussion of the proper procedure for the selection and notification of employees who are to be terminated from employment during a reduction in force. He concluded with the following statement:

Senior employees are given "bumping" rights in that they will not be terminated if there are junior employees retained who are rendering services which the senior employee is certified and competent to render. Conversely, as in this case, a district may move upward from the bottom of the seniority list "skipping" over and retaining junior employees who are certified and competent to render services which more senior employees are not.<sup>16</sup>

#### Certified and Competent

Moving on to tie in the legal precedent of another previous decision, Mr. Justice Woolpert further addressed the doctrine of competence taking precedence over seniority.

In a recent case it was held that a junior employee "having the ability to serve the needs of a program may be retained by the school district even though it may result that the senior employee lacking competence must be

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<sup>15</sup>Alexander, p. 707.

<sup>16</sup>Ibid., p. 708.

terminated." (Moreland Teachers Assn. v. Kurze, supra, 109 Cal. App. 3d 648,655,167 Cal Rptr. 343, emphasis added.)<sup>17</sup>

The emphasis in Moreland, as in Thompson and Alexander, is consistantly on putting the best qualified teacher available in the classroom. One of the most reliable methods to determine who the best qualified teacher might be, given many applicants and/or incumbents for the ever dwindling teaching positions available in any school system is the state certification process.<sup>18</sup> Justice Woolpert alludes to this fact when he further quotes the Moreland Teachers Association case:

The court observed it would be an absurdity to follow seniority alone and to "fire the needed employee upon reducing staff only to thereupon be compelled to rehire him or someone else with the needed skill."<sup>19</sup>

The Justice then shifted his focus slightly to consider not only the matter of who might be certificated but how competence should be uniformly judged. Certification and competency seem to be synonyms as far as the California Supreme Court is concerned, but the following standard seems to be offered as evidence of minimum competency:

To maintain the separate treatment of teachers with different seniority dates, we perceive the problem to be one of identifying "competency"

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<sup>17</sup>Ibid., p. 709.

<sup>18</sup>Ibid.

<sup>19</sup>Ibid.

in a traditional manner, which is concerned with courses and programs generally listed in job descriptions or course outlines... With respect to teachers having different seniority dates, "needs" are considered only in relation to the program requirements.<sup>20</sup>

To further illustrate that the academic preparation of the teacher for the teaching tasks assigned should be given paramount consideration, Justice Woolpert cited a negative example.

The teacher on the bottom of the seniority list who was skipped and caused the most controversy taught mathematics on an emergency credential. He was bilingual. His college major was physical education. Others with considerably more college units in math and teaching experience were discharged because they were not bilingual. This was an abuse of discretion.<sup>21</sup>

One can only wonder whether the teacher referred to above was retained due to bilingual abilities or simply because the administrators involved in the decision just had to have another coach. The 1965 National Education Association profile of the teacher most often assigned out of field duties fits the individual mentioned by Mr. Justice Woolpert.<sup>22</sup> The 1965 NEA study identified the most common teacher misassignment as follows:

[Teacher assignment made without proper consideration given to] Subject matter competence

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<sup>20</sup>Ibid. p. 710.

<sup>21</sup>Ibid. p. 711.

<sup>22</sup>Paul M. Ford, Editor, (Summary) The Assignment & Misassignment of American Teachers (Washington D.C.: National Education Association, 1965).

appropriate to the grade level and/or subject taught (59 percent of the cases reported were of this type).

Example. "A teacher who was prepared in college to teach health and physical education was employed as an athletic coach in a small high school. He was given two classes in physical education and one class each in World History, American Government and American History. His college work in social studies consisted of six semester credits - three in Western Civilization and three in Sociology."<sup>23</sup>

Justice Woolpert's reference to the stated out of field assignment as "an abuse of discretion" is even more relevant to this case because, when Alexander was decided, California was one of only eleven states mandating bilingual education.<sup>24</sup>

The situation reported by the National Education Association in 1965 seems to have been fairly common. The situation cited by Justice Woolpert was in California in the mid 1980's. Identical misassignments presently exist in some of North Carolina's small remote high schools. One glaring difference distinguishes between these situations. When the California incident reached a well informed and impartial tribunal, in this case the Supreme Court of the state, corrective action was initiated. Conversely, the North Carolina Department of Public Instruction and State Board of Education, having full knowledge of such local

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<sup>23</sup>Ibid., p. 12.

<sup>24</sup>Jerry R. Fee, "Bilingual Education: Legal Aspects and Imperatives for Public Schools", Diss. University of North Carolina at Greensboro, 1982, p. 124.

abuses, have failed to act decisively. Correction was permitted to drag on until the beginning of school year 1985-86 for teachers previously out of field.

The North Carolina State Board of Education has taken a step in the right direction by passing an In Field Teaching Policy.<sup>25</sup> The vigor with which this policy will be enforced remains an unknown factor. Whether compliance will actually be enforced or whether dates will be slipped and exceptions permitted is yet to be seen. The prevention of new out of field assignments in North Carolina is also a questionable matter.

California, widely recognized as a "bellwether state" in school law matters, may be blazing a trail for other states to follow where Alexander v. Board of Trustees and associated cases are concerned. Everything related by Mr. Justice Woolpert in Alexander is consistent with the concept that the best qualified teachers available should lead, guide and direct the education of each and every student. The best qualified teacher available also demonstrates, through example, that the pursuit of academic excellence is important. Only through setting an appropriate example for students can teachers expect to earn the respect of those students.

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<sup>25</sup>Telephone interview with Brock Murray, North Carolina State Department of Public Instruction Office, 27 February 1984.

The Teacher as a Role Model

An interesting case concerning the example set by the teacher came out of Nebraska recently. In Clarke v. Board of Education,<sup>26</sup> Clarke's dismissal from a teaching position in Omaha was upheld by the Nebraska Supreme Court on the grounds of immorality. The immorality charge grew out of Clarke's repeated use of a derogatory racial term referring to black students. Chief Justice Krivosha, writing for the majority of the court, commented on the negative example set for the students who repeatedly heard Clarke's racial slurs:

Clarke was teaching white students present in the classroom that it was not inappropriate to refer to black's as "dumb niggers."<sup>27</sup>

The Chief Justice paints a vivid picture of the awesome responsibility carried by a teacher in setting the example for his or her students.

To "teach" means to show how; to accustom to some action or attitude; to direct, to instruct; to train by precept, example, or experience.<sup>28</sup>

Chief Justice Krivosha continues with information from an oft quoted California case, now over three decades old.

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<sup>26</sup>James Clarke v. The Board of Education of the School District of Omaha, In the County of Douglas, In the State of Nebraska, (1983) 338, NW 2d, 272.

<sup>27</sup>Ibid., p. 275.

<sup>28</sup>Ibid.

A teacher...in the public school system is regarded by the public and pupils in the light of an exemplar, whose words and actions are likely to be followed by the children coming under her care and protection.<sup>29</sup>

The tenor of the Chief Justice's remarks is that of the hidden curriculum. Whatever goes on in a school teaches students something. The actions of some teachers affect students in a positive way and the actions of other teachers, as in the Clarke case, affect students in a negative way.<sup>30</sup>

#### The Hidden Curriculum

The concept of a hidden curriculum as it applies to this study is useful in illustrating negative connotations of assigning teachers out of field. Teachers who do not possess the interest and preparation prerequisite for the classes to which they are assigned often affect students in a negative manner. Students learn, through observation, that it is acceptable adult behavior to be unprepared for a job.

...there are methods that a teacher can use if he should be assigned to teach a course for which he has no college hours or is temporarily unprepared. Basically, the teacher should broadcast confidence, be very kind, give high grades, and effectively evade all questions that students ask.<sup>31</sup>

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<sup>29</sup>Ibid. from Board of Education v. Swan, 41 Cal. 2d546, 552, 262 P. 2d 262, 265 (1953).

<sup>30</sup>Ibid., pp. 274-275.

<sup>31</sup>Jack E. Miller, "A Guide for those Teaching 'OUT OF THEIR FIELDS'", The Clearing House, December 1968, p. 215.



Students learn that, as far as their school administration is concerned, some subjects or tasks are more important than others. The student who is never assigned to study under the tutelage of a qualified history teacher, for example, receives the message that history is not important. Such attitudes are quickly transferred to the quality of effort students put forth for out of field teachers.<sup>32</sup>

When the misassigned teacher goes one step further and actually degrades himself and the subject matter he has been improperly assigned to teach, dismal results can be fully expected.<sup>33</sup>

The Court of Appeals of the state of California termed this sort of assignment "an abuse of discretion."<sup>34</sup> It should be noted that the court did NOT make adverse comments about the teacher concerned. Although teachers must share in whatever blame might be assessed in misassignment decisions, teachers do not make teacher assignment decisions; administrators do. The court in the Alexander case places the entire responsibility for "abuse of discretion" at the doorstep of decision makers.

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<sup>32</sup>Ibid., pp. 214-215.

<sup>33</sup>Ibid.

<sup>34</sup>Alexander v. Board of Trustees, p. 711.

Teachers Bear the Burden of Misassignment

In North Carolina, on the other hand, misassigned teachers are being forced to bear the burden of misassignment alone. When the time limit set by the State Board of Education finally runs out, no principals or superintendents will be fired. Teachers who fail to meet state mandated minimal competencies may however lose their jobs.<sup>35</sup>

This was not the case in Tyrrell County, North Carolina when the National Education Association worked out a settlement in a legal dispute involving out of field teacher assignment. Teachers were to be reassigned within their fields of qualification; mandatory firings for working out of field did not occur.<sup>36</sup>

Certainly, the state has every right to enforce compliance with established rules and regulations. In this case, where the victims of misassignment (teachers) are being required to bear the entire burden of correction, charges of unfairness are bound to be made. The discussion of Guthrie<sup>37</sup> explores this line of reasoning.

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<sup>35</sup>Murray, Ibid.

<sup>36</sup>North Carolina Association of Educators, Settles Suit in Tyrrell County, Facts Sheet, March 1982.

<sup>37</sup>Guthrie v. Taylor, Ibid.

Certification Authority

Repeated reference to the concept of a qualified teacher or competent teacher in the case law relevant to this study requires specific attention to pinning down just who has the authority to identify which teachers are qualified or competent to perform given teaching tasks. The understanding of this concept strikes directly to the heart of this study.

In Guthrie v. Taylor the Supreme Court of North Carolina outlined certain legal guidelines about where the power to certify teachers lies. Regulation of teacher certification and changes to the process are also decided in this case.<sup>38</sup>

Mr. Guthrie held a graduate (G) certificate to teach in the North Carolina public schools. He was employed to teach history and act as assistant principal of Walter Williams High School in the Burlington City system. A new state regulation was passed which required all teachers to renew teachers' certificates through one of five optional procedures at their own expense. Salary deductions were required for teachers failing to renew certificates.<sup>39</sup>

Guthrie alleged in his complaint that teachers were being unfairly singled out for certificate renewal, in that

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<sup>38</sup>Ibid.

<sup>39</sup>Ibid. p. 704.

superintendents and employees of the State Board of Education were not required to renew certificates.<sup>40</sup>

He also alleged that he was being improperly deprived of summer employment by being forced to pursue more professional preparation.<sup>41</sup>

He further alleged that he should not be required to undergo further preparation since he already far surpassed the requirements for his teaching position. In this connection Guthrie pointed out that a beginning teacher with a bachelor's degree, an "A certificate", and no experience could teach for five years under the new regulation without having to earn any renewal credit. Teachers with more preparation and experience, in his own case a master's degree, a "G certificate" and vast classroom experience, were being required to obtain additional training. This situation seemed, to Guthrie, to be incongruous with the stated aims of the new certificate renewal regulation. If the State Board of Education wanted better prepared teachers why not concentrate their efforts on those least prepared?<sup>42</sup>

Guthrie's final complaint dealt with the financial ramifications of the State Board's decision that certified

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<sup>40</sup>Ibid., p. 704.

<sup>41</sup>Ibid., p. 704.

<sup>42</sup>Ibid., p. 705.

and experienced teachers should seek further preparation. Teaching in a small system, not in close proximity to a university, Guthrie had undertaken, at his own initiative, a master's degree program. The time and distance involved required him to attend summer school rather than evening classes to complete his master's degree program. Now that his master's degree was complete and his "G certificate" granted, Guthrie was being forced to return to a university setting (or substitute in service training or one of the other available options) to earn even more credit for certificate renewal. This at his own personal expense; over and above his master's degree which had already required considerable expenditure of personal funds.<sup>43</sup>

The final complaint made by Guthrie was that the punitive nature of the State Board of Education's policy was abusive to teachers and beyond the authority of the State Board as explained in stated articles of the State Constitution.<sup>44</sup> The part of the regulation referred to here is the stipulation that certificates would not be renewed for teachers failing to obtain the required number of credits and that a monthly pay deduction would be made to penalize teachers who failed to conform.<sup>45</sup>

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<sup>43</sup>Ibid., p. 705.

<sup>44</sup>Ibid., p. 706.

<sup>45</sup>Ibid.

One can imagine Guthrie's dilemma. He had gone through considerable expense in time and money to meet the requirements for a master's degree. At the time he filed his court case he was teaching, working as an assistant principal and worrying about missing out on his summertime employment. From his point of view the state had put him in an unfair situation so he sued.

The trial court decided in favor of the State Board of Education on all points of contention. Their conclusions were as follows:

1. That in adopting the rules and regulations pertaining to renewal of teachers' certificates, the State Board of Education acted legally within the authority vested in it by Article 9, Sec. 9 of the North Carolina Constitution and by G.S. 115-153 that said rules and regulations in no way exceed the lawful authority of the State Board of Education.
2. That the authority vested in the State Board of Education to formulate such rules and regulations is constitutional and lawful.
3. That the rules and regulations of the State Board of Education pertaining to renewal of teachers' certificates comport with the requirements of equal protection of both the North Carolina and United States Constitutions.
4. That such rules and regulations are in compliance with the requirements of the due process clauses of the Fourteenth Amendment to the United States Constitution and of Article I, Sec. 19 of the North Carolina Constitution.
5. That such rules and regulations of the State Board of Education are neither arbitrary nor unreasonable.<sup>46</sup>

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<sup>46</sup>Ibid. p. 708.

Having gone down to defeat in the lower court Mr. Guthrie appealed and fought the case to the North Carolina Supreme Court. Attorney General (later U.S. Senator) Robert Morgan assigned staff attorney Lloyd to the case and the stage was set for a constitutional battle. Having followed all the proper procedural steps in the preparation and defense of their case, Morgan and Lloyd had purely legal and constitutional arguments to pursue.

Justice Lake writing for the majority of the State Supreme Court, pointed out that the powers conferred upon the State Board of Education by the legislature were indeed "subject to limitation and revision by acts of the General Assembly."<sup>47</sup> The Justice went on to point out that:

The Constitution, [of the state of North Carolina] itself, however conferred upon the State Board of Education the powers so enumerated, including the powers to regulate the salaries and qualifications of teachers and to make needful rules and regulations in relation to this and other aspects of the administration of the public school system.<sup>48</sup>

Justice Lake pointed out that certain provisions of the state constitution gave the general assembly authority to pass laws affecting the powers of the State Board of Education. Specifically Article IX, Section 5, as revised July 1st 1971 states:

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<sup>47</sup>Ibid., p. 710.

<sup>48</sup>Ibid.

Sec. 5 Powers and duties of Board. -- The State Board of Education shall supervise and administer the free public school system and the educational funds provided for its support, except the funds mentioned in Section 7 of this Article, and shall make all needed rules and regulations in relation thereto, subject to laws enacted by the General Assembly.<sup>49</sup>

None of the acts of the legislature limited the power of the State Board of Education in these matters according to Justice Lake.<sup>50</sup>

Justice Lake was not content to simply find that the state or its agencies had the power and authority to regulate teacher certification. The point was made that the state has a compelling interest, a duty, an obligation to treat teachers and schools in a special way. Justice Lake made reference to the Adler case,<sup>51</sup> which by the time of his writing (December '71) had been overturned by the decision of the Keyishian case.<sup>52</sup> But even when Adler became outmoded, the language used by Justice Minton, of the United States Supreme Court, writing the Adler decision still rang true:<sup>53</sup>

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<sup>49</sup> Ibid.

<sup>50</sup> Ibid.

<sup>51</sup> Adler v. Board of Education (NY 1952), 342 US 485, 492, 72 S.Ct. 380, 96L. Ed. 517.

<sup>52</sup> Keyishian v. Board of Regents (NY 1967) 385 U.S. 589, S.Ct. 675, 17L. Ed. 2d 629.

<sup>53</sup> Guthrie v. Taylor p. 715.



It is clear that such persons [teachers in the public schools] have the right under our law to assemble, speak, think and believe as they will. [Citation omitted.] It is equally clear that they have no right to work for the State in the school system on their own terms. *United Public Workers v. Mitchell*, 300 U.S. 75. They may work for the school system upon the reasonable terms laid down by the proper authorities of [the State]. If they do not choose to work on such terms, they are at liberty to retain their benefits and associations and go elsewhere. A teacher works in a sensitive area in a schoolroom. There he shapes the attitude of young minds toward the society in which they live. In this, the state has a vital concern. It must preserve the integrity of the schools. That the school authorities have the right and the duty to screen the officials, teachers, and employees as to their fitness to maintain the integrity of the schools as a part of ordered society, cannot be doubted.<sup>54</sup>

#### Teacher Improvement

Justice Lake brought the focus of his remarks to dead center of this study when reference was made to the reasonable justification for the action taken by the State Board of Education requiring ALL teachers to meet certain standards prior to approval of certification renewal.<sup>55</sup>

It is equally clear that there is a reasonable basis for the belief that the quality of a teacher's classroom performance will be improved if the teacher, by taking further courses in a college or university, or by one or the other means of earning credits permitted by the regulation in question, broadens or refreshes his or her own knowledge. Not only is there a constant discovery of new truth, even in fields

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<sup>54</sup> *Ibid.*, quoting from still applicable portion of *Adler v. Board of Education*.

<sup>55</sup> *Ibid.*, p. 714.

to which instruction in the public schools relates, but there is also constant change in teaching skills, methods and techniques. It cannot be deemed arbitrary for the State to insist that the teachers in its public schools keep their own knowledge abreast of such changes. Nor is it arbitrary to require that this be done by one or more procedures, which may reasonably be deemed likely to produce the desired result, to the exclusion of other procedures which might also be deemed reasonably likely to do so. Such choice between possibly effective procedures is for the rule making authority, not for this Court.<sup>56</sup>

Even though the Adler case had become outmoded in some aspects it was still appropriate for an understanding of the special sensitive nature of the relationship between teacher and student. For this reason, the state must by all means possible, strive to place the best qualified teachers available in the classrooms of public schools. To help students become involved with better teachers the state has the right to regulate teacher certification.<sup>57</sup>

Simply regulating certification is useless unless some enforcement power and authority are available. This power is vested, in North Carolina, in the State Board of Education. The best interests of the students must be protected by the state and Justice Lake recognized this in making the connection between the still applicable parts of Adler with the Guthrie case.<sup>58</sup>

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<sup>56</sup>Ibid.

<sup>57</sup>Ibid.

<sup>58</sup>Ibid., pp. 714-715.

the above quoted statements of Mr. Justice Minton in the Adler case have not been rejected by the Supreme Court of the United States in regard to the general right of the State, as employer, to prescribe qualifications to be met by those seeking to teach in its schools.<sup>59</sup>

Guthrie had argued that his continuous teaching in the public schools of North Carolina qualified him at a higher level of expertise than other teachers with less experience.<sup>60</sup> Justice Lake responded to this assertion by commenting:

There being a reasonable basis for the requirement that a teacher periodically renew his or her certificate by further study or by educational travel, as the regulation in question provides, it is immaterial whether the plaintiff be correct in his contention that experience gained by continuous teaching in the public schools is an equally efficacious method for maintaining and improving the quality of instruction. There being a reasonable basis for the opinion reached and expressed by the State Board of Education, in the exercise of the legislative power conferred upon it by the Constitution of North Carolina, this Court is not authorized to substitute its judgment for that of the State Board of Education and to declare the regulation, adopted by the Board, invalid on the ground that, in our opinion, some other method for earning the required credits for renewal would be equally as satisfactory in result.<sup>61</sup>

Just as the current regulation of the North Carolina State Board of Education, requiring teachers out of field to get themselves certified places the burden on teachers,

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<sup>59</sup> Ibid., p. 715.

<sup>60</sup> Ibid., p. 704.

<sup>61</sup> Ibid., pp. 715-716.

Mr. Guthrie had to forget about his summer employment and work his way back into a graduate classroom to satisfy the state requirement.<sup>62</sup>

In both cases (Guthrie and current out of field teachers) the teachers involved could have done as they were told and tried as best they could to do the best job of educating young people that they were capable of doing. In both cases, when adjustments or sacrifices had to be made it was the teachers who were called upon to make them. In both cases financial coercion was used on the teachers involved. The teachers did not create the situations singled out for solution by the State Board of Education but the teachers were the only group required to take steps to correct the situation.<sup>63,64</sup>

#### The Cost of Teacher Improvement

The State Board of Education has the full constitutional and legal authority to impose new requirements on teachers, the question remaining to be answered is whether it is morally right for one group to suffer all the burden of change. No argument is being made here to return to past policies or to in any way degrade improvements which have

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<sup>62</sup>Ibid.

<sup>63</sup>Ibid.

<sup>64</sup>Murray, Ibid.

been made in teacher preparation requirements. On the contrary, higher requirements for teacher licensing would no doubt benefit students as Justice Lake speculated in the above quote. The only point of contention raised here is one of the moral correctness of any state, in this case North Carolina, repeatedly singling out one group, in this case teachers, to pay the full price of improvement.

If a teacher is required, by the state, to return to an institution of higher learning for additional preparation after he or she is under contract to perform a given function, especially if that teacher is considered "certified and competent" to perform that function prior to the change, Koontz suggests that the state should provide funds to cover at least part of the expenses involved.<sup>65</sup> This is one of the points Mr. Guthrie attempted to make.<sup>66</sup> Unfortunately, for teachers, the court rejected this argument.

Certification (Preparation) Takes Precedence over Conduct

Teacher certification, although difficult to attain and renew<sup>67</sup> has been treated with great respect by American courts at all levels. A teacher's certification is seen as

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<sup>65</sup>David Koontz, "MISASSIGNMENT: A New Teacher's Burden", The Clearing House, January 1965, pp. 271-272.

<sup>66</sup>Guthrie v. Taylor, p. 704.

<sup>67</sup>Ibid.

an article of property protected by the United States Constitution.<sup>68</sup>

Recently teachers have been able to retain their certification and employment after admitting to or being found guilty of all kinds of behavior once considered automatic grounds for dismissal. In general, if a teacher is certified and competent to deliver classroom instruction, behavior outside the confines of the school is not considered an appropriate reason to revoke certification or terminate employment. In the absence of a logical nexus between the behavior and the teacher's duties the teacher must be retained.<sup>69</sup>

The point of law here is that certified and competent teachers do not automatically become incompetent if they trespass some law or community mores while not associated in school activities.<sup>70</sup>

In Erb v. Iowa State Board of Public Instruction, the Supreme Court of that state held, in an opinion written by Justice J. McCormick:

...that teacher's [admitted] adultery was not grounds for revocation of teaching certificate in absence of evidence that the isolated

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<sup>68</sup>United States Constitution, Amendment IV.

<sup>69</sup>Richard Erb v. Iowa State Board of Public Instruction (Iowa 1974) 216 NW2d 339.

<sup>70</sup>Ibid.

occurrence in an otherwise unblemished past would have an adverse effect on fitness to teach.<sup>71</sup>

The court identified a certain portion of the state code which set qualifications for teachers. Specifically:

Code 260.2 empowers the examining board to issue teaching certificates "to applicants who are eighteen years of age or over, physically competent and morally fit to teach, and who have the [required] qualifications and training."<sup>72</sup>

Eventually, the Iowa State Supreme Court overturned the State Board of Educational Examiners' decision to revoke Erb's teaching certificate on a procedural technicality. The language of the court quoted above and the general tenor of the decision seems to say that a teacher's preparation, certification, experience and ability to teach assigned subject matter is more important than certain stated conduct away from the school setting.<sup>73</sup> The Erb case is over a decade old at this writing but the general rule has not changed. Teacher preparation (certification) is more important than conduct outside the school in teacher assignment.

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<sup>71</sup>Ibid. p. 340.

<sup>72</sup>Ibid.

<sup>73</sup>Ibid.

The Rights of Applicants for Employment

The same point was made concerning a different type of conduct in another state, this time concerning another public sector of employment.

California, a bellwether state in legal education matters as well as other public work legal concerns decided a case in 1979, at the State Supreme Court level, which takes the Erb case a step further in the employees' rights direction.<sup>74</sup>

In Gay Law Students Association v. Pacific Telephone and Telegraph Company the plaintiffs lodged:

a complaint which alleges an employment policy by a public utility which arbitrarily discriminates against homosexuals is sufficient to state a cause of action under provision.<sup>75</sup>

After pages of discussion and argument the California Supreme Court stated:

As we shall explain, however, we have concluded that, contrary to PT & T's assertions, the equal protection clause of the California Constitution (art. I 7, subd. (9)) places special obligations on a state-protected public utility, such as PT & T, to refrain from all forms of arbitrary employment discrimination.<sup>76</sup>

This reference to Pacific Telephone and Telegraph is not directly related to public school hiring but PT & T,

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<sup>74</sup>Gay Law Students Association v. Pacific Telephone and Telegraph Company, (1979) 595 P 2d, 592.

<sup>75</sup>Ibid., p. 592.

<sup>76</sup>Ibid., p. 597.



operating as a public utility and controlling all access to all jobs of a certain type in the area it serves, has similarities with public schools. The findings of the court may, therefore, be directly applicable to public school staffing. In fact, direct reference is made to several school law cases in the State Supreme Court decision. Among those cases are Morrison v. Board of Education<sup>77</sup> and Erb v. Iowa.<sup>78</sup>

The California Supreme Court went on to establish that the equal protection guarantee of the California Constitution did in fact protect qualified homosexuals from being arbitrarily denied employment opportunities afforded other individuals.<sup>79</sup> The court stated:

In analyzing this constitutional contention, we begin from the premise that both the state and federal equal protection clauses clearly prohibit the state or any governmental entity from arbitrarily discriminating against any class of individuals in employment decisions.<sup>80</sup>

The court went on to state:

Under California law the state may not exclude homosexuals as a class from employment opportunities without a showing that an

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<sup>77</sup>Morrison v. Board of Education (Cal, 1969) 461 P2d 375.

<sup>78</sup>Erb v. Iowa Board of Public Instruction Ibid.

<sup>79</sup>Gay Law Students v. Pacific Telephone & Telegraph Ibid.

<sup>80</sup>Ibid.

individual's homosexuality renders him unfit for the job from which he has been excluded. (See e.g., Morrison v. Board of Education (1969) / Cal. 3d 214, 82 Cal. Rptr. 175, 461 P2d 275.)<sup>81</sup>

In making reference to other courts in other jurisdictions, the California Supreme Court mentions Erb v. Iowa State Board of Public Instruction. Even though the principle of law may be the same, the affect in Gay Law Students is greater than Erb in that it advances rights previously held by tested and true employees to job applicants. In Erb, a teacher who had done a good job in the past could not be dismissed if some sort of behavior practiced by that employee away from the job (school) setting, and considered inappropriate by the employer, did not directly affect job performance.<sup>82</sup> In the Gay Law Students case job applicants can not be excluded from consideration based on behavior or life style, unless the employer can demonstrate that that behavior renders the applicant unfit.<sup>83</sup>

In both cases, whether hiring or retention is under consideration, the most important factor in selecting individuals to work in government jobs is the individual's

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<sup>81</sup>Ibid.

<sup>82</sup>Erb v. Iowa, Ibid.

<sup>83</sup>Gay Law Students v. Pacific Telephone and Telegraph Company, Ibid.

job qualifications. Other considerations, such as behavior (Erb) or life style (Gay Law Students) may not be used to exclude qualified individuals except in cases where job interference is involved.<sup>84</sup>

#### Teacher Behavior and Example

The problem of behavior outside the school interfering with a teacher's performance was addressed by Justice Neeley in a dissenting opinion to the West Virginia Supreme Court of Appeals opinion in Golden v. Board of Education.<sup>85</sup>

The majority held with the rules presented above (Erb and Gay Law Students cases) and even gave a reason for requiring some connection between the "immoral conduct"<sup>86</sup> and detrimental job performance:

One reason for requiring a showing that the alleged immoral conduct has a resulting impact upon the teacher's fitness to teach or upon the school community is that to examine only the conduct itself would result in a statute that would be void for vagueness under substantive due process constitutional standards.<sup>87</sup>

Justice Neeley, dissenting, voiced concern about the example a teacher's performance would set for students. He

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<sup>84</sup>Ibid.

<sup>85</sup>Arlene Golden v. Board of Education of the County of Harrison. (W.Va) 285 S.E. 2d 665.

<sup>86</sup>Ibid., p. 669.

<sup>87</sup>Ibid.

was not prepared to distance behavior outside the school setting from the detrimental affect such behavior might have on students. Rather, he considered ALL teacher behavior to have some effect, good or bad, on students.<sup>88</sup>

Referring to the example set by Ms. Golden, a tenured teacher employed as a high school guidance counselor in his dissent, Justice Neeley stated:

I can hear the dialogue now in the guidance office of this particular counselor: "Excuse me teach, but is this the right size booster drawers for a girl my height?" or, "Say, Miss Golden, do you know a good fence for some clean, hot jewelry?"...Certainly a reasonable person is justified in experiencing outrage when his child is involuntarily subjected to the influence of an authority figure and rold model who advocates at least by example, crime as a legitimate way of supplementing her income. It is this type of situation that justifies the low regard in which many persons hold the public schools.<sup>89</sup>

Justice Neeley did not stop with a verbal attack on the affects of Ms. Golden's behavior. He applauded the efforts of the Harrison County Board of Education in trying "to rid its school system of the appellant."<sup>90</sup> He further decried the action of his colleagues in deciding for Golden when he stated,

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<sup>88</sup> Ibid., p. 670.

<sup>89</sup> Ibid.

<sup>90</sup> Ibid.

The people who suffer most from this Court's largess, as always are the children and parents.<sup>91</sup>

Who Suffers From Out of Field Assignment?

As in all situations where administrators fail to select the best qualified available teacher for a given teaching position; Justice Neeley identified the students as the individuals who suffer most. What the Justice did not recognize was the suffering of out of field teachers.<sup>92</sup>

In North Carolina, teachers are not just suffering along with parents and students through misassignments. Teachers are being singled out to bear the burden of correcting the problems caused by their misassignment.<sup>93</sup>

In general contract law, if a change is made after the contract is agreed upon, the party requesting the change bears the expenses involved. For example: If a school system contracts with a builder to construct a new educational facility and desires to change or upgrade materials or equipment to be used, the school system must complete a change order and pay whatever the additional cost might be.<sup>94</sup>

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<sup>91</sup>Ibid.

<sup>92</sup>Ibid.

<sup>93</sup>Murray, Ibid.

<sup>94</sup>Basil Castaldi, Educational Facilities (Boston: Allyn and Bacon, Inc., 1982), p. 341.

The same situation does not exist in a contract between a teacher and a school system.<sup>95</sup>

Legal Stature of Teachers and Boards of Education

Perhaps the difference between a contract and a covenant should be discussed here. When a contract is made between two parties the underlying assumption is that these two parties are of equal stature, power or authority.<sup>96</sup> Conversely however, when a covenant is entered into the understanding is often that one party is superior to the other. This superiority can be to such magnitude that the law formally recognizes that one party to this type of agreement has a legal right to dictate, mandate and stipulate to the other party.<sup>97</sup>

Just as Random House defines covenant:

3. the conditional promises made to man by God, as revealed in the Scripture.<sup>98</sup>

It is clear that in the case of Guthrie v. Taylor, Mr. Guthrie was analogous to man and the State Board of Education was analogous to God. As long as the courts recognize such a formal difference between the rights of

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<sup>95</sup>Guthrie v. Taylor, p. 705.

<sup>96</sup>Black's Law Dictionary, Revised Fourth Edition (St. Paul, Minn.: West Publishing Co., 1968).

<sup>97</sup>The Random House College Dictionary (NY: Random House, Inc., 1982), p. 309.

<sup>98</sup>Ibid.

teachers and the rights of the instrumentalities of the state employing those teachers; teachers will continue to bear the burden of all or most of the cost in time, effort and personal treasure involved in teacher improvement.<sup>99</sup>

The power of the state in dealing with teachers is far from absolute however. Other court cases indicate that the God - man analogy alluded to in Guthrie v. Taylor is not always the case.

#### Teachers' Rights

Teachers have all the rights possessed by any other citizen. In Tinker, Mr. Justice Fortas wrote:

The Fourteenth Amendment, as now applied to the States, protects the citizen against the State itself and all its creatures - Boards of Education not excepted. These have, of course, important, delicate, and highly discretionary functions, but none that they may not perform within the limits of the Bill of Rights. That they are educating the young for citizenship is reason for scrupulous protection of Constitutional freedoms of the individual, if we are not to strangle the free mind at its source and teach youth to discount important principles of our government as mere platitudes.<sup>100</sup>

Justice Fortas was quoting Mr. Justice Jackson in West Virginia v. Barnette, 319 U.S., 637. Continuing, Justice Fortas wrote:

On the other hand, the Court has repeatedly emphasized the need for affirming the

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<sup>99</sup>Guthrie v. Taylor, p. 705.

<sup>100</sup>Tinker v. Des Moines School District, 393 U.S. 503, p. 507.

comprehensive authority of the States and of school officials, consistent with fundamental constitutional safeguards, to prescribe and control conduct in the schools. See Epperson v. Arkansas, *supra*, at 104; Meyer v. Nebraska, *supra*, at 402.<sup>101</sup>

Perhaps the most memorable portion of the Tinker decision was penned by Mr. Justice Fortas when he wrote that:

...students and teachers [do not] shed their constitutional rights...at the schoolhouse gate.<sup>102</sup>

The Justice then went on to support this legal premise with reference to other earlier cases where the constitutional rights of teachers and/or students were upheld.<sup>103</sup>

See also Pierce v. Society of Sisters, 268 U.S. 510 (1925); West Virginia v. Barnette, 319 U.S. 624 (1943); McCollum v. Board of Education, 333 U.S. 203 (1948); Wieman v. Updegraff, 344 U.S. 183, 195 (1952) (concurring opinion); Sweezy v. New Hampshire, 354 U.S. 234 (1957); Shelton v. Tucker, 364 U.S. 479, 487 (1960); Engel v. Vitale, 370 U.S. 421 (1962); Keyishian v. Board of Regents, 385 U.S. 589, 603 (1967); Epperson v. Arkansas, *ante*, p. 97 (1968).<sup>104</sup>

The Tinker case is one where the right to free speech on the part of students is supported by the Supreme Court

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<sup>101</sup>Ibid.

<sup>102</sup>Ibid., p. 506.

<sup>103</sup>Ibid., pp. 506-507.

<sup>104</sup>Ibid.



of the United States.<sup>105</sup> Beyond the protection of freedom of speech is the concept that citizens of this nation possess certain constitutional rights whether they are in their homes, walking in a forest or teaching or attending public schools.<sup>106</sup>

On the other hand, Mr. Justice Fortas stated that school officials could and should prohibit certain actions on the part of teachers or students which "would materially and substantially interfere with the requirements of appropriate discipline in the operation of the schools."<sup>107</sup>

The Justice pointed out later in his opinion that the Des Moines School District had not in fact acted to prevent substantial or material disruption of appropriate discipline. In fact other symbols which were potentially disruptive had not been prohibited by the district:<sup>108</sup>

It is also relevant that the school authorities did not purport to prohibit the wearing of all symbols of political or controversial significance. The record shows that students in some of the schools wore buttons relating to national political campaigns, and some even wore the Iron Cross, traditionally a symbol of Nazism. The order prohibiting the wearing of armbands did not extend to these. Instead, a

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<sup>105</sup>Ibid., p. 507.

<sup>106</sup>Ibid., p. 506.

<sup>107</sup>Justice Fortas quoting from *Burnside v. Byars*, 363 F 2d 744, p. 749 in the majority opinion of *Tinker v. Des Moines School District*, 393 U.S. 503, p. 509.

<sup>108</sup>*Tinker v. Des Moines School District*, 393 U.S. 503, pp. 510-511.

particular symbol - black armbands worn to exhibit opposition to this Nation's involvement in Vietnam - was singled out for prohibition. Clearly, the prohibition of expression of one particular opinion, at least without evidence that it is necessary to avoid material and substantial interference with schoolwork or discipline, is not constitutionally permissible.<sup>109</sup>

Most directly appropriate to this study is the comment by Mr. Justice Fortas that:

In our System, state-operated schools may not be enclaves of totalitarianism.<sup>110</sup>

It seems then that in the Tinker and Burnside decisions, students and teachers have the right to openly and freely express themselves in public schools...as long as their self-expression is not disruptive to the educational process to a substantial and material degree.<sup>111</sup>

The constitutional rights of teachers and students stay with them as they go through the schoolhouse gate.<sup>112</sup> But yet teachers do not seem to enter into a contract with a school system on an equal basis.<sup>113</sup> A definite line of senior and subordinate is legally sanctioned all the way to the Supreme Court.<sup>114</sup>

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<sup>109</sup>Ibid.

<sup>110</sup>Ibid., p. 511.

<sup>111</sup>Ibid., pp. 506, 510-511.

<sup>112</sup>Ibid., p. 506.

<sup>113</sup>Guthrie v. Taylor, p. 705.

<sup>114</sup>Ibid.

The language of Justice Minton in his writing of the majority opinion of the 1952 Adler case makes it clear that teachers work at the pleasure of the state by which they are employed.<sup>115</sup>

[Teachers] may work for the school system upon the reasonable terms laid down by the proper authorities of [the State].<sup>116</sup>

In North Carolina at least, the reasonable terms of teacher employment can apparently be changed without notice as long as the objective of any change is to improve instruction.<sup>117</sup> Teachers do not have an absolute claim on continuous employment for life under the provisions of their original contract.<sup>118</sup>

This discussion seems to have taken a nasty turn as far as the viewpoint of the teacher is concerned. Herein lies a gross misconception. Some educators may labor under the misconception that public schools should be operated with the benefit of teachers and administrators uppermost in mind. This is a fairly comfortable concept if one is a school employee but it should not be looked upon for

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<sup>115</sup>Adler v. Board of Education (NY 1952) 342 U.S. 485, p. 492.

<sup>116</sup>Guthrie v. Taylor, p. 715 where Associate Justice Minton of the United States Supreme Court is quoted from Adler v. Board of Education.

<sup>117</sup>Ibid., p. 716.

<sup>118</sup>Ibid., p. 115

security. If public schools are not operated for the benefit of employees for who's benefit are they to be operated? Obviously, they must operate for the benefit of students.

#### Out of Field Teacher Assignment Analogous to Racial Segregation

A digression at this point is necessary to explore the analogous relationship between out of field teacher assignment and dejure segregation.

The connection here is that, left to their own devices, local boards of education more accurately reflect the opinions, beliefs and prejudices of their own communities than what is fair, legal, moral or constitutional. State legislators, though to a much lesser degree, have been staunch defenders of the status quo as well.<sup>119</sup>

By the late 1960's and early 1970's the situation in the Old South concerning compliance with the 1954 Brown v. Board of Education of Topeka, Kansas<sup>120</sup> decision was fairly clear. Local school systems had, in many cases, adopted "freedom of choice" plans with no teeth in them. Racial segregation remained intact in many localities and little or nothing was being done about it. What was being done

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<sup>119</sup> Personal interview with Kenneth D. Jenkins, Professor of Education Administration, Appalachian State University, Boone, North Carolina, 20 June 1985.

<sup>120</sup> Brown v. Board of Education, (Ks., 1954) 347 U.S. 483.

was often more in the form of perpetuation of de jure segregation than alleviation.<sup>121</sup>

To alleviate the problem of segregation which was being supported by locally powerful educational leaders, who may in many cases be the same individuals fostering the continuation of out of field teacher assignment today, the courts devised and imposed remedies of their own choosing.

Numerous cases across the South, most noteworthy among them, Green v. School Board,<sup>122</sup> Raney v. Board of Education<sup>123</sup> and Monroe v. Board of Commissioners<sup>124</sup> only because they were the last "freedom of choice" cases of the Warren era, were decided in various ways. District courts had to guess at what freedom of choice plan might pass Supreme Court muster and no definitive guidelines were ever clearly established.<sup>125</sup>

Gradualism and one shot Supreme Court decisions ended with the Green decision when the court declared:

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<sup>121</sup>Edward C. Bolmeier, School in the Legal Structure 2d (Cincinnati: The W.H. Anderson Company, 1973, Third Printing), pp. 74-76.

<sup>122</sup>Green v. County School Board of New Kent Co. (Va., 1968) U.S. 430.

<sup>123</sup>Raney v. Board of Education of Gould School District (Ark., 1968), 391 U.S. 443.

<sup>124</sup>Monroe v. Board of Commissioners of Jackson (Tenn., 1968), 391, U.S. 450.

<sup>125</sup>Bolmeier, Ibid.

whatever plan is adopted will require evaluation in practice, and the court should retain jurisdiction until it is clear that state-imposed segregation has been completely removed.<sup>126</sup>

Mr. Justice Tom C. Clark, Associate Justice of the Supreme Court of the United States gave some insight into the self perception of a Supreme Court Justice when he spoke publicly in 1967. Justice Clark, speaking to the National Council for the Social Studies in Cleveland, at their 46th annual meeting stated:

In short, my view is that the judiciary is one - if not the most - powerful instrument in our governmental machinery. I ask you, reflect tonight, what force in American government has triggered a more tremendous exercise of governmental power in every field of public activity, including health, welfare, education, juvenile problems, and industrial and economic relations? What power has equally and as surely curbed the excesses of legislative action?<sup>127</sup>

The analogy here is multi-faceted. Mr. Justice Clark's statement indicates that the High Court is always willing to right a wrong. Given the right case it will probably halt out of field teacher assignment. Just as in court ordered bussing to stop racial segregation, the court imposed remedy for out of field teacher assignment may hurt local leaders worse than the malady. The final obvious facet of this analogy is that when Justice Clark made his speech containing the boast that the Supreme Court

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<sup>126</sup>Green v. County School Board of New Kent Co., 88 S Ct 1689, VA 1968, p. 1695.

<sup>127</sup>Bolmeier, p. 73.

exercised tremendous governmental power, he was speaking to the National Council for the Social Studies. Teachers in this field suffer more from out of field assignment than any other group of educators. In Chapter III of this study it was pointed out that 59 percent of the cases of misassignment reported in the 1965 National Education Association study involved coaches only certified to teach health and physical education but misassigned to teach social studies classes.<sup>128</sup>

#### The Pupil Benefit Theory

When courts decide cases concerning school matters the pupil benefit theory is always uppermost in the minds of judges or justices. As long as basic constitutional rights and due process are provided, the pupil benefit theory is the most important concept in school law.

Public schools are planned<sup>129</sup> financed<sup>130</sup> and run for the benefit of students and that is as it should be. First priority in any public or private school has to be the students. Everything else in a school has to work toward

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<sup>128</sup>Paul M. Ford, ed., The Assignment & Misassignment of American Teachers (Summary) (Washington DC: National Education Association, 1965), p. 12.

<sup>129</sup>Castaldi, o. 141.

<sup>130</sup>Percy E. Burrup, Financing Education in a Climate of Change 2d (Boston: Allyn & Bacon, Inc., 1974), pp. 17-21.

the educational development of the students involved. This point is clear throughout the case law applicable to the subject of assigning teachers out of field.

The case law cited here demonstrates that out of field teacher assignment is definitely not in keeping with the best interests of pupil benefit.



## Chapter V

### SUMMARY, CONCLUSIONS, AND RECOMMENDATIONS

And the times of this ignorance God winked at;  
but now commandeth all men everywhere to repent:  
Because he hath appointed a day, in which he  
will judge the world. Acts 18:30-31a

This study was designed to identify and analyze legal aspects of employing teachers out of field in North Carolina. An analysis of the research revealed similar patterns of teacher misassignment throughout the United States. A trend toward more centralized control of certification was made evident by the research. A pattern of higher teacher assignment standards in larger school systems and lower standards in smaller systems was apparent throughout the study. Remoteness of a school system from institutions of higher education was found to be the major geographic factor contributing to lower levels of teacher preparation and higher levels of out of field assignment. Attitudes held by administrators and other local decision makers were found to be the major non-geographic factor contributing to teacher assignment or misassignment decisions.

A profile of the most commonly misassigned teacher was developed in this study. The out of field teacher was most often found to be a beginning health and physical education major, working in a small remote high school where the

community had a limited intellectual expectancy. Out of field teachers display an eagerness to obtain local employment coupled with a strong desire on the part of local school boards to hire local. Administrators in small remote school systems who make most misassignment decisions have attempted to provide a diverse academic program which could easily have been maintained if the school were large enough, as well as a full sports program. Misassignments were rarely corrected by local school officials. Out of field problems were only corrected after state or federal agencies threatened to withhold funds.

In order to reach conclusions concerning the legal aspects of out of field teacher assignment, appropriate judicial and statutory materials were identified and examined. The findings reported from such materials were intended to offer a legal and educational framework within which all parties concerned with out of field teacher assignment could operate more efficiently.

#### Summary

The problem of out of field teacher assignment has been found to be a hydra-headed dilemma. Numerous forces affecting teacher misassignment exert pressure on every administrator. Beginning with a survey of education in pre-colonial America, this study has traced the evolution of teacher preparation and assignment to the present. Without exception, the educators and learned laymen quoted in this study have seen

teacher improvement as a preferred method to improve the education received by students. Legal issues dealing with teacher misassignment have been explored through an exposition of court cases argued at various points across the nation. AS centralized control, at the state level, has tightened, out of field teacher assignments have decreased. This improvement has been at the expense of less local discretion in teacher assignment. Large school systems in North Carolina where misassignments were rare, have experienced little or no change in teacher assignment procedures. Small, remote systems with high percentages of out of field teachers have been required to make major adjustments to comply with the new, state mandated, in field policy.

The out of field assignment of teachers has been exacerbated in small school systems in the past by the normal procedure of personnel assignment. In small systems, assignments of personnel have historically been made personally by the superintendent. After a misassignment has been made the same superintendent has been highly unlikely to reverse his or her own personal staffing decision. (In North Carolina no professional educators exercise approval authority over the actions of a local superintendent between local and state level.) Superintendents in large school systems, conversely, delegate teacher assignment decision making authority to principals and/or personnel administrators. Often the superintendent of a large North

Carolina school system is three bureaucratic levels removed from personnel assignment decisions, in such cases misassignments are rare and of short duration.

The research showed that larger school systems did a better job of assigning teachers in field. Larger systems also recruited replacement teachers from outside the limits of their own systems to a greater extent than small systems. Generally, the larger a school system, the further it reached in recruiting and the lower the rate of misassignments. The opposite was found in small systems; especially small remote systems where local hiring was often a more important consideration than teacher qualification. Highly qualified "outsiders" were often rejected by superintendents of small isolated school systems in favor of less qualified local applicants who were eventually misassigned.

The geographic factors affecting teacher misassignment were demonstrated in Chapter III of this study through an exploration of the educational attainment of professional educators in North Carolina. Data published by the North Carolina State Department of Public Instruction illustrated that the school systems most remote from public institutions of higher education had the lowest levels of teacher preparation. Although patterns were found to be affected positively or negatively in a few systems by the policies and decisions of local leaders, geographic location remained constantly as the major factor determining teacher

preparation. Other sources explored in the research confirmed these findings.

Litigation in North Carolina related to teacher certification and out of field assignment has been rare. Access to the teaching profession has not been severely restricted and the state has rarely revoked a teacher's certificate once it has been awarded. North Carolina may experience more litigation concerning certification and misassignment if new policies requiring in field assignment are strictly enforced.

A review of the court cases which have been decided across the nation concerning teacher assignment or misassignment indicated that the courts have held a teaching certificate in high regard. Court cases also have held that teachers should be assigned based on their training and experience. In Alexander v. Board of Trustees and Thompson v. Modesto City High School District, both California cases, the courts held that a teacher being "certified and competent" for a position was more important than vested rights obtained through tenured status, special language skills or athletic coaching ability. The court in Alexander also stated that probationary personnel who were "certified and competent" should be retained even if tenured personnel who lacked appropriate certification had to be terminated from employment. In Moreland Teachers Assn. v. Kurze the court held that a junior employee who possessed the ability to

"serve the needs of a program" should be retained even when a senior teacher lacking required competencies would be terminated.

Cases addressing hidden curriculum issues such as teacher example and personal conduct which were cited in this study included Clarke v. Board of Education (Nebraska), Board of Education v. Swan (California) and Erb v. Iowa and Golden v. Board of Education (West Virginia). In each case the court considered the preparation and ability of the teacher involved to meet student needs as key factors in their decision.

In Gay Law Students Association v. Pacific Telephone and Telegraph Company (California) the court held that qualified applicants for employment could not legally be denied access to jobs arbitrarily. This was especially to be the case when all jobs of a certain type in a given area were controlled by one agency.

In Guthrie v. Taylor (North Carolina) the Supreme Court of North Carolina outlined certain guidelines about where the power to certify teachers lies. Regulation of teacher certification and changes to the process were also decided in this case. The point was made in Adler v. Board of Education (New York) and Keyishian v. Board of Regents (New York) by the Supreme Court of the United States that the state had a compelling interest, a duty, an obligation to treat teachers and schools in a special way. The needs

of students were to be given the highest priority. In Tinker v. Des Moines (Iowa) the United States Supreme Court, while supporting the rights of the individual also focused on the means of educating America's youth and the role played by teachers and other school personnel in that process. The rights of teachers were also explored in the Tinker case.

The pupil benefit theory was directly addressed or alluded to in most of the cases cited in Chapter IV.

#### Questions Answered

Early in Chapter I questions were posed to be answered by this study. Those questions are repeated and addressed here in light of the information gathered.

1. What are the major educational issues regarding the employment of teachers out of field?

a. The educational benefits students derive from a certified and competent teacher are far greater than the benefits they receive from an out of field teacher.

b. Equal educational opportunity is not provided if some students have out of field teachers while other students have certified and competent teachers.

c. Out of field teachers are prevented from putting their own hard earned educational background to the best use.

d. Out of field teachers are required, often at their own expense, to earn additional certification. They are thus prevented from becoming better qualified in original "first

choice" areas. They may in fact become jacks of many trades but master teachers in none.

e. Work-related stress on out of field teachers is most intense on the most caring individuals. As evenings and weekends are consumed in an effort to stay ahead of students in an unfamiliar area, the out of field teacher may never be able to gain composure.

f. Limited educational funds are misapplied if mis-assigned teachers are employed while certified and competent teachers are left unemployed.

g. Teacher preparation institutions can not compile accurate needs projections if teachers are not assigned based on preparation, certification and interest.

h. A lack of depth in subject matter preparation on the part of out of field teachers leads to a lack of depth in their treatment of that same subject matter as it is presented to students. Common indicators of lack of depth on the part of an out of field teacher might be overdependence on a textbook, repeating subject matter from previous grades and excessive use of worksheets. When students begin to notice that World History in high school is a carbon copy of the same subject in elementary school an out of field problem may exist. Superintendents of small remote school systems who have only elementary school teaching and administrative experience; and somewhat limited academic preparation may not even notice this lack of depth. These are the same



superintendents who, according to the 1965 N.E.A. report quoted so often here, are most prone to make out of field assignments in the first place.

i. Certified and competent teachers are deprived of positions for which they have been trained.

j. Tenure and seniority concerns arise when senior or permanent teachers may have to be discharged from employment, while less experienced personnel with required certification are retained. Educational concerns here include demonstrated ability to teach versus the "unknown quantity" factor of new personnel who possess appropriate state certification.

k. The whole issue of the hidden curriculum and the example set for students by out of field assignment is complex and somewhat philosophical. Teaching students, through example, that it is acceptable adult behavior to be ill-prepared for a job; or as a leader, to tolerate such behavior can culturally handicap students.

2. Which of these issues are likely to be included in court cases related to out of field teacher assignment?

Various categories of potential litigants exist with respect to out of field teacher assignment. Rather than addressing issues as in question number one, responses here will be addressed to the categories of potential plaintiffs.

a. Students who have been in classes under out of field teachers could bring legal action against those teachers, their principals, superintendents, local boards of education

and/or state authorities who permitted the situation to exist. The arguments here could be very similar to those presented in Brown v. Board of Education of Topeka, Kansas. The lack of equal educational opportunity might be the most likely issue to win such a case.

b. Parents of the students in category a. above could bring identical actions against the same defendants. An added wrinkle here might be an action to recover the cost of putting a child through a high school where out of field teacher assignment is the rule rather than the exception. The cost of remedial education, lost wages, mental and emotional trauma, psychological services, even suicide might be included in such an action. Parents whose children have been subjected to the tutelage of out of field teachers might also bring legal action against school officials for child abuse.

c. Teachers forced to accept out of field assignments or resign could sue to recover their monetary cost as well as for many of the reasons in a. and b. above. These teachers could also challenge dismissal or low evaluation scores based on being forced to work out of field. The Tyrrell County, North Carolina case discussed in Chapter III, which was settled out of court in favor of the plaintiffs (teachers) is the perfect example of this type of case.

d. Teachers who are certified and competent but not hired because out of field teachers with political pull or

some special activity related skill were employed, could become plaintiffs. This type of case would have similarities to the Gay Law Students case discussed in Chapter IV.

e. Teachers forced to work out of field to make room for other teachers with political pull could become plaintiffs. The case here again would have similarities to the Tyrrell County, North Carolina out of court settlement of 1982.

f. Taxpayers who want to get the most for their education tax dollar could sue a school system, county and state government and officials elected or appointed at any level. Law suits coupled with a massive tax strike, holding out until a hair's breath within foreclosure would bring attention to the problem.

g. Local Board of Education members holding the minority opinion that out of field teacher assignment must stop and dedicated to improvement of the school system, could sue the other members and superintendent to bring a halt to the situation. They would probably never be re-elected but theirs would be a strong voice on the side of educational improvement.

A popular television commercial a few years ago touted a combination of ingredients for "fast-fast-fast relief." A combination of plaintiffs could combine their resources to confront the locally powerful elite to rectify the out of field problem. If all the above individuals combined their

resources in the same legal action they could make a big difference in the quality of education available to their students.

3. Based on recent court cases what issues related to assigning teachers out of field are currently being litigated?

For a variety of reasons discussed in depth in Chapter III and Chapter IV no current litigation in out of field teacher assignment is ongoing. The practice is mostly confined to small remote school systems where the social stigma of "Sueing the school" would drive a plaintiff from the community. In such situations school employees who were hired based on their personal loyalty or family connections rather than professional preparation would close ranks behind the defendant and present a convincing case to a local jury.

As stated in Chapter I out of field teacher assignment is analogous to incest as far as it is perceived. Those who are NOT personally involved in such practices can not comprehend such a thing ever happening. Those who are involved consider it quite natural and fail to see the benefits of an alternate course of action.

4. Can any specific trends be determined from the analysis of the court cases?

In the few cases directly related to out of field assignment the only obvious trend is away from long term out of field assignment for rational, informed administrators.

Aside from the obviously detrimental educational outcome of out of field teacher assignment; the practice borders on criminal conduct. Long term out of field teacher assignment is indefensible regardless of the size of the school system or the degree of isolation involved.

5. Based on the established legal precedents, what are the legally acceptable criteria for in field-out of field employment decisions?

Like any other legal decision, the most acceptable course of action here is to follow not only the letter but the intent of the law as well. States have established laws and policies on out of field teaching. Following these legal guidelines is best for all concerned. Attempting to "crowd the law" to the very edge of acceptability is obviously not following the intent of the law. This tendency to push just short of the point where the state will step in to enforce correction may provide extra personnel for activities but it is highly detrimental to the educational process.

Decisions must be based on pupil benefit and with the contribution potential employees can make to the instructional program foremost in mind. Out of field selections based on race, place of birth (local hiring), activities or sports are immoral and if not presently illegal, they soon will be.

6. Will administrators continue to use past employment practices for future staffing of teaching positions?

The overwhelming majority of administrators are presently well within the spirit of teacher assignment laws. These administrators can continue to use current employment practices well into the future.

The few recalcitrant administrators in small, remote school systems who currently employ out of field teachers as a matter of practice need to re-examine their attitudes. These individuals should re-order their priorities to place their primary focus on quality education for pupil benefit.

#### Conclusions

Based on an analysis of judicial decisions and other research in this study, the following general conclusions can be made concerning the legal aspects of assigning teachers to teach out of field in North Carolina.

1. Out of field teacher assignment has not reached epidemic proportions in the state of North Carolina. Some of the ambivalence exhibited toward the subject may be based in the accurate perception that this is not a major problem.

2. Pockets of poverty may be perpetuated by pockets of illiteracy where the educational expectations of residents are so low that teacher misassignment is openly accepted.

3. The Tables and Figures in Chapter III, and the accompanying discussion, demonstrate the geographic aspects of the teacher preparation problem in North Carolina. This is a state wide tragedy, concentrated in small remote school systems, currently all but ignored by the legislature.

4. The North Carolina State Department of Public Instruction and the State Board of Education have recognized and addressed the out of field teacher assignment problem and initiated policies to force local education officials to assign teachers in field.

5. Decisive, cost effective action can be taken at the local level to alleviate the out of field teaching problem and upgrade teacher degree and certification status. This has recently been illustrated in Tyrrell and Davie Counties, North Carolina.

6. It is clear that out of field teacher assignment and all the associated conditions discussed in this study are detrimental to the educational process.

7. It is equally clear that everyone involved, students, teachers (both in and out of field), administrators, parents, taxpayers, elected officials and the public at large all suffer when educational standards are degraded by out of field teacher assignment.

#### Programmatic Recommendations

1. The state of North Carolina needs a clear, concise, easy to understand and enforce "in field teaching policy" which does not place the entire burden of compliance on the teachers involved. As the research showed, teachers are not responsible for out of field teacher assignment, yet they presently pay most of the price of compliance.

2. Closing the loopholes in the present assignment policies of the State of North Carolina would be a second best solution.

a. Provisional certification should not be automatically approved. Too often State Departments of Public Instruction have made no more than a cursory inspection of applications for provisional certification.

b. Out of field teachers granted provisional certification should not receive credit toward certification because they are teaching out of field.

c. Provisional certification should be renewed on an annual basis with clearly established goals to be met by the first, second and third anniversary of the initial provisional certification. Teachers who fail to meet these goals should be placed back into the field where they hold certification or continue in some capacity other than out of field, paid by local funds.

d. Any teacher employed to work out of field should receive local funds for tuition, books and travel expenses. These out of field teachers should also receive pay at their current rate on the state salary scale for summer school, paid on an hourly basis for travel and class attendance, from local funds.

e. Superintendents should forfeit a portion of their pay based on an established rate and tied to the highest out



of field subject area in their system. For example, a superintendent who hires out of field coaches to teach social studies courses to 80% of his high school students should forfeit 80% of his salary as long as the situation persists. Special provisions for incoming superintendents and grace periods could be built into such a policy.

3. The popular notion, among North Carolina legislators, that superintendents should be "grandfathered" at the masters degree level of professional preparation must be permanently abandoned. The idea that superintendents should be licensed for life is detrimental to the educational process. If teachers can be required to upgrade their certification and or degree level, so can superintendents. The provisions of Guthrie v. Taylor must be applied to administrative personnel as well as teachers. The administrator who thinks he or she has enough education at the masters degree level holds an attitude which will be reflected in the entire school system. Guthrie was required to go back to graduate school for certificate renewal, although he possessed a masters degree; superintendents should not be permitted to stay "grandfathered" at the masters degree level for life.

4. Emphasis for all levels of administrative certificate renewal should be shifted to require more academic credit from institutions of higher education. Such an administrative renewal process, first and foremost would set a positive example to be followed by teachers. This example, coupled with

higher educational expectations on the part of administrators, would aid in upgrading the educational level and lowering the out of field percentage in school systems these administrators served.

Another often overlooked point is that principals undergoing further academic training learn from professors and classmates that the world does not begin and end "back home." New or unfamiliar techniques could be learned without having to suffer through trial and error.

Some of the things an experienced principal can learn from professors and peers to prevent out of field teacher assignment are: different leadership techniques and innovative scheduling such as semester and trimester schedule organization. They can also learn not to feel threatened by teachers educated above the masters degree level.

5. The state of North Carolina has a history of strong local government. The time has come for state level governmental entities to assume some of the power now vested in local governmental agencies. Every local board of education in North Carolina has lost some of its teacher selection and assignment power because some boards chose to ignore applicable laws.

Many authors have argued for increased local control of schools. They have given convincing reasons and met with a reasonable amount of success. Some of their most convincing

arguments for local control have been based on racial, sociological and legal (equal educational opportunity) grounds. All these same arguments apply equally to the point of view expressed here. Equal educational opportunity is perhaps the most pressing argument for stronger state control of the educational process in North Carolina. Local systems presently abiding by current law would, in effect, notice no change in their day to day operation. Small remote systems, where hiring is based on favors and retribution along with support of activities rather than the instructional program, would notice an enormous change in staffing procedures.

6. The state of North Carolina should take positive action to help professional educators working in remote systems. A myriad of techniques are available to deliver educational services to remote localities; the state should fully assess the situation and provide funding.

#### Recommendation for Further Study

More study of this topic is definitely required. Numerous major studies could be undertaken by the state of North Carolina into out of field teacher assignment and associated issues.

Educational leaders at the state level would do well to investigate the detrimental effects of out of field teaching upon the new state basic education program. Methodology for

such a study could include an analysis of factors indicating student achievement after exposure to fully certified teachers compared to student achievement after exposure to out of field teachers.

To help ensure equal educational opportunity in the state of North Carolina the legislature should study educational funding techniques. Some form of educational funding equalization could be established to help bridge the gap between "educationally rich" and "educationally poor" geographical areas in the state. Such a study would have to go far beyond the per pupil expenditure ranking routinely reported in Table 24 of the North Carolina Public Schools Statistical Profile. Value received for each education tax dollar could be measured by comparing pupil success. College freshman grade point average (G.P.A.) might be an accurate indicator of pupil success. Other factors (graduation rates, Scholastic Aptitude Test scores, or dropout rates) might not be so accurate as freshman G.P.A. in comparing educational value received. Many factors internal to a school system can be manipulated upward with no corresponding increase in educational quality.

Finally, and possibly most important, is the matter of leadership. The State of North Carolina should undertake a study of the academic preparation of administrative personnel. A starting point for such a study could be the hypothesis that superintendents and principals tend to hire professional

personnel with preparation similar to their own. This study could also explore the hypothesis that "grandfathered" superintendents tend to condone less rigorous professional development programs. A longitudinal study of teacher preparation levels and other educational factors might indicate that "grandfathering" is not economically sound.

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